

**Council of Europe contribution for the 22nd UPR session
regarding Bulgaria**

Prevention of torture

2010 periodic visit

On 15 March 2012, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its visit to Bulgaria from 18 to 29 October 2010, together with the response of the Bulgarian authorities (both documents are attached below).

The majority of the persons interviewed by the CPT's delegation said that they had been correctly treated by the police. Nevertheless, a considerable number of persons alleged physical ill-treatment at the time of their apprehension. In a few isolated cases, the delegation heard allegations of the infliction of electric shocks.

The CPT welcomed an instruction aiming at setting up special police rooms equipped for making full electronic recording of questioning. However, the Committee also recommended that police officers are trained in acceptable interviewing techniques and that a code of conduct of police interviews be drawn up. It also reiterated the need to improve the screening for injuries and their reporting to the competent authorities.

The Committee's delegation received no allegations of recent physical ill-treatment of detained foreign nationals by police staff working at the Special Home for Temporary Placement of Foreign Nationals in Busmantsi, which is an improvement compared to the situation in 2008. However, there were no signs of improvement as to material conditions.

The CPT noted an increase in the number of persons held in investigation detention facilities since 2008. Further, the positive trend observed in 2006 and 2008 of a reduction in the proportion of persons held in them for long periods of time had not been maintained.

At Plovdiv Prison, the CPT's delegation received a number of allegations of physical ill-treatment of prisoners by staff, and at Varna Prison some allegations of staff assaulting prisoners who were disruptive or disobeyed orders. Interprisoner violence was rife at both prisons; the CPT considered this to be the result of the combination of overcrowding with reduced prison staffing, and recommended vigorous action to combat this phenomenon.

The Committee heard no allegations of deliberate physical ill-treatment of patients by staff at Karvuna State Psychiatric Hospital. However, at the forensic ward of Lovech State Psychiatric Hospital there were several allegations of physical ill-treatment of patients, and of rude behaviour and the use of insulting language by certain orderlies.

Inter-patient violence also occasionally occurred at the hospitals visited. The CPT noted that this stemmed from an insufficient staff presence, as well as a lack of alternative therapeutic approaches. The CPT recommended measures to ensure an adequate staff presence and supervision, as well as proper training of staff in handling challenging situations.

Despite certain improvements since the previous visit, the Committee concluded that at the Home for men with psychiatric disorders in Pastra, living conditions for half of its residents, namely those in Building 3, remained unacceptable.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.¹

¹ pp. 83-103.



Bulgaria 2010
report.pdf



Bulgaria 2010
response.pdf

2012 ad hoc visit

On 4 December 2012, the CPT published the report on its *ad hoc* visit to Bulgaria from 4 to 10 May 2012, together with the Bulgarian authorities' response (both documents are attached below).

Overcrowding remains a major problem in the Bulgarian penitentiary system, and disturbing levels of overcrowding were observed in both prisons visited. The report urges the authorities to redouble their efforts to counter this problem and to be guided in this respect by the relevant Recommendations of the Committee of Ministers of the Council of Europe. More generally, the material conditions at Burgas and Varna Prisons were not acceptable.

At Burgas Prison, the delegation heard many allegations of frequent physical ill-treatment by staff and, in several cases, recent bruises and abrasions consistent with allegations of ill-treatment were observed. In one case, CCTV footage viewed by the delegation confirmed allegations of assault of an inmate by a prison officer.

At both prisons visited, the delegation received a very large number of allegations of corrupt practices by prison staff. In its report, the CPT calls for decisive action to combat the phenomenon of corruption in the prison system and recommends that an inquiry be conducted into the allegations received at Burgas and Varna Prisons.

The provision of health-care was very problematic at Burgas and Varna Prisons, due to an extreme shortage of staff and resources. The poor staffing levels in the two establishments rendered virtually impossible the provision of health care worthy of the name. The CPT has called for a considerable reinforcement of the health-care teams at both prisons. The Committee also recommends that the Ministry of Health become more involved in supervising the standard of care in places of deprivation of liberty (including as regards recruitment of health-care staff, their in-service training, evaluation of clinical practice, certification and inspection).

As regards life-sentenced prisoners, the CPT welcomes the efforts made at both of the prisons visited to integrate some of the lifers into the mainstream inmate population. However, it regrets that no progress had been made as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution" (i.e. without possibility of parole). The Committee expresses the view that it is inhuman to imprison a person for life without any realistic hope of release.

A complete list of the CPT's recommendations, comments and requests for information is contained in the Appendix to the report.²



Bulgaria 2012
report.pdf



Bulgaria 2012
response.pdf

2014 periodic visit

A delegation of the CPT carried out a visit to Bulgaria from 24 March to 3 April 2014. The Bulgarian authorities have not yet authorised publication of the CPT's report on this visit.

² pp. 31-38.

Council of Europe Commissioner for Human Rights

On 22 February 2012, the Commissioner for Human Rights, Thomas Hammarberg, published his letter addressed to the Minister of Foreign Affairs of Bulgaria, Mr Nickolay Mladenov. The Commissioner said that "the conditions of children in institutions and the protection of the rights of minorities remain issues of concern in Bulgaria. While the authorities have now adopted strategies and action plans to address these problems, it is crucial that these are implemented with strong determination".

In spite of some progress, the situation of children living in some institutions remains seriously substandard. "There have been allegations of cases in which children with disabilities were subjected to practices of malnourishment, violence, physical restraint and incapacitating drugs in the institutions where they lived. Medical assistance and basic needs were sometimes denied or provided too late". The plans to phase out the system of institutional care of children should be pursued as a matter of priority.

The Commissioner expressed the hope that the new education law would ensure access to quality education also to those children with moderate, severe and profound intellectual disabilities living in "Homes for Mentally Disabled Children". He stressed also that the discussion on a draft Child Protection Act was an opportunity to ensure a rights-based policy for the protection of all children in the country.

Roma in Bulgaria remain socially excluded and marginalised, with limited access to adequate housing, education and healthcare. "The new 2012-2020 National Strategy for Roma Integration should be given full implementation, including by achieving short-term goals, such as the improvement of housing and health conditions of many Roma living in settlements without a regular water supply, electricity, gas and heating".

The Commissioner was also concerned that many Roma families continue to live in substandard conditions or are homeless as a result of forced evictions. "Forced evictions should be avoided" said the Commissioner, also recalling that "when this is not possible, international standards require the provision of adequate alternative accommodation, legal remedies, compensation and protection from homelessness."

Commissioner Hammarberg further stressed the need to ensure that racist attacks against members of Roma communities are effectively investigated. He reiterated its recommendation to establish an independent police complaints mechanism for the impartial investigation of alleged police misconduct.

Finally, as regards the outstanding issues relating to the past practice of forced assimilation of Bulgarian citizens of Turkish origin, the Commissioner welcomed the declaration adopted by the Bulgarian Parliament on 11 January 2012 condemning the assimilation process against the Muslim minority. The Commissioner recommended that a just solution for the victims of this practice be found, including on the issue of the pension rights of those ethnic Turks who had to leave for Turkey and whose premiums paid and time spent in Bulgaria are still not being accounted for.

The Commissioner's letter to the Bulgarian Foreign Minister and the comments from the Bulgarian authorities are attached below.



Letter 2012.pdf



Comments 2012.pdf

Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2013, there were 357 cases against Bulgaria pending before the Committee of Ministers for supervision of their execution. 99 of these cases were a “leading case”, i.e. raising a new structural/general problem and requiring the adoption of general measures, the other cases being “repetitive cases” concerning issues already raised before the European Court of Human Rights. The main cases or groups of cases revealing such structural problems is listed below:

- ❖ Shortcomings of judicial control of expulsion and deportation of foreign nationals based on national security grounds – *C.G. and others, and other similar cases, No. 1365/07, Judgment final on 24/07/2008*
- ❖ Excessively lengthy civil and criminal proceedings; absence of effective remedies - *Kitov and other similar cases; Djangozov and other similar cases; Dimitrov and Hamanov (pilot judgment); Finger and other similar cases (pilot judgment); Nos. 37104/97, 45950/99, 48059/06 and 37346/05, Judgments final on 03/07/2003, 08/10/2004, 10/08/2011 and 10/08/2011*
- ❖ Insufficient guarantees against abuse of secret surveillance means; absence of an effective remedy - *Association for European Integration and Human Rights and Ekimdzhiev and other similar cases, No. 62540/00, Judgment final on 30/04/2008*
- ❖ Poor detention conditions in prisons and remand centres; absence of an effective remedy – *Kehayov and other similar cases, No. 41035/98, Judgment final on 18/04/2005*
- ❖ Unjustified or disproportionate use of fire-arms or force by police officers during arrests; ineffective investigations - *Nachova and other similar cases; Hristova / Velikova and other similar cases, No. 43577/98, Judgment final on Judgment final on 04/10/2000*
- ❖ Placement in social care homes of people with mental disorders: lawfulness, judicial review, conditions of detention, *Stanev and other similar cases, No. 36760/06, Judgment final on 17/01/2012*
- ❖ Eviction of persons of Roma origin, on the basis of a legislation not requiring an adequate examination of the proportionality of the measure - *Yordanova and others, No.25446/06, Judgment final on 24/07/2012*
- ❖ Failure to take appropriate measures to protect lives of children with severe mental illness placed under the State’s responsibility in Children’s Home, and to conduct effective investigation into deaths caused by conditions there - *Nencheva and Others, No. 48609/06, Judgment final on 18/09/2013*

The document attached presents a brief description of the violations and the latest detailed decisions taken by the Committee of Ministers and the responses given thereto by the respondent state.



Status execution
judgments Bulgaria.p

Fighting corruption

On 8 January 2013, the Group of States against Corruption (GRECO) published its Third Round Compliance Report on Bulgaria. In its report GRECO concluded that Bulgaria has implemented satisfactorily eleven of the twenty recommendations contained in the Third Round Evaluation Report.

In so far as incriminations are concerned, Bulgaria has invested considerable resources into the training and raising awareness of a large number of judges, prosecutors and law enforcement officers on issues pertaining to the active bribery in the public sector and trading in influence where the advantage is intended for a third party and the criminalisation of non-material advantages. However, as regards the former, no tangible steps have been made to ensure that the Penal Code covers in explicit and unambiguous terms instances where the advantage is intended for the third party. Other problematic areas not covered by the Code include the application of the provision on “effective regret”, which in GRECO’s view, represents an automatic and total exemption from punishment and which is not being subject to judicial review, and the bribery of foreign public arbitrators when these perform their duties under the national law on arbitration of any other State. GRECO has been reassured, however, that pertinent revisions of the Penal Code as regards arbitrators are under way and will be completed in due course.

As regards the transparency of political financing, important efforts have been deployed in order to comply with the recommendations. The new Electoral Code (EC) was adopted in 2011, replacing several previously existing legal acts. To provide for conformity and coherence with the Code, the 2005 Political Party Act (PPA) was amended the same year, borrowing many provisions from the Code. The two legal acts have created a clearer and more robust legal framework as far as transparency and supervision of political financing is concerned. They enumerate the sources of permissible and prohibited funding and ban anonymous donations under any form, as well as donations by legal persons, be it within the framework of regular activities of political parties or in the course of an election campaign. In order to monitor revenues and expenditures, the PPA has placed an obligation on parties to set up on-line public registers, containing all relevant details on donors, donations, whereas the EC has also established an electronic Single Public Register under the auspices of the National Audit Office to supervise the financing of election campaigns and has considerably expanded the Office’s scope of duties, notably as regards the verification of election campaigns’ finances. As concerns the weaknesses of the two legal acts, their provisions on sanctions have remained virtually unchanged and are still lacking the requisite effective, proportionate and dissuasive effect.

In light of what has been stated above, GRECO commended Bulgaria particularly for the substantial reforms carried out with regard to the Theme ‘Transparency of political financing’. It encouraged Bulgaria to pursue its efforts in order to implement the pending recommendations with the same vigour within the next 18 months.

The conclusions of the Compliance Report from 2012³, which is attached below, should be read in conjunction with GRECO’s two evaluation reports from 2010. They have also been attached below.



GrecoRC3(2012)14_GrecoEval3(2009)7_GrecoEval3(2009)7_Bulgaria_EN.pdf Bulgaria_One_EN.pdfBulgaria_Two_EN.pdf

Fight against racism and intolerance

On 16 September 2014, the European Commission against Racism and Intolerance (ECRI) published its fifth report on Bulgaria.⁴ ECRI’s Chair, Mr Christian Ahlund, noted steps forward, but

³ Section III of the report, paras. 91-95.

also a number of outstanding issues, such as low achievement in education and disproportionately high drop-out rates among Roma pupils, and the climate of intolerance and xenophobia against refugees.

On the positive side, amendments to the Criminal Code introduced enhanced penalties for murder and causing bodily harm committed with hooligan, racist or xenophobic motives. A National Roma Integration Strategy, requiring every region to develop a strategy and action plan for the integration of Roma, and a National Strategy on Migration, Asylum and Integration were adopted. A change in the law now allows illegally built houses to be legalised and no longer subject to demolition leaving Roma families homeless. Obligatory pre-schooling for two years has been introduced in order to ensure an equal start for every child and early socialisation.

However, hate speech or violence targeting sexual orientation or gender identity is not recognised as an offence in the Criminal Code. Racist and intolerant hate speech in political discourse is escalating, the main target now being refugees. A growing number of ultra-nationalist/fascist groups and political parties operate in Bulgaria; one such party is represented in Parliament. Racist violence continues to be perpetrated against Roma, Muslims, Jews and non-traditional religious groups and their property. It is seldom prosecuted under the criminal law provisions specifically enacted for this purpose.

The report contains findings and recommendations regarding the following topics:

Common topics

- Legislation against racism and racial discrimination⁵
- Hate speech⁶
- Racist and homo/transphobic violence⁷
- Integration policies⁸

Topics specific to Bulgaria

- Interim follow-up recommendations of the fourth cycle⁹
- Refugees and asylum seekers¹⁰
- Policies to combat discrimination and intolerance against LGBT persons¹¹

The following two recommendations were selected for priority implementation to be revisited two years later:

- an awareness-raising campaign should be urgently organised promoting a positive image of and tolerance for asylum seekers and refugees and ensuring that the public understands the need for international protection;
- the Commission for Protection against Discrimination should produce and publish information about discrimination, explaining the procedures for discrimination complaints, in a variety of languages used in the country and disseminate it widely.

ECRI's report on Bulgaria, which includes Government observations, is attached below.



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⁴ A summary of the report can be found on pp. 9-10.

⁵ paras. 1-30.

⁶ paras. 31-49.

⁷ paras. 50-62.

⁸ paras. 63-82.

⁹ paras. 83-101.

¹⁰ paras. 102-104.

¹¹ paras. 105-123.

Protection of minorities

Framework Convention for the Protection of National Minorities

On 30 July 2014, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities published its third Opinion on Bulgaria¹², together with the Government's comments. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I¹³ and II¹⁴ of the Opinion, the Advisory Committee identified the following issues:

Issues for immediate action¹⁵

- Make specific budgetary provision for the implementation of the current national, regional and municipal strategies and action plans for the integration of Roma, and regularly evaluate and review the implementation of the various strategies and action plans, in close consultation with representatives of the Roma;
- Systematically condemn hate crimes and hate speech and step up efforts to ensure that all racially motivated offences are effectively identified, investigated, prosecuted and sanctioned;
- adopt active measures to affirm and protect the right of persons belonging to national minorities to learn their minority language and undertake a detailed examination of existing demands for such teaching, including an analysis of any factors currently discouraging minority parents and children from requesting it;
- ensure that persons belonging to national minorities are able to participate effectively in decision-making, inter alia through clarifying the powers and strengthening the role of the National Council for Cooperation on Ethnic and Integration Issues;
- pursue and intensify efforts to address the socio-economic problems confronting persons belonging to minorities, particularly Roma, in fields such as housing, employment and health care.

Further recommendations¹⁶

- Engage in direct and constructive dialogue with persons belonging to groups interested in the protection offered by the Framework Convention and pursue an inclusive approach in respect of the personal scope of application of the Framework Convention, in consultation with those concerned and in accordance with the provisions of the Convention;
- Ensure that the Commission for Protection against Discrimination and the Ombudsman have adequate resources to take effectively into account the concerns and rights of persons belonging to national minorities;
- Step up efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities and work closely with representatives of national minorities in drawing up a national cultural strategy;
- Remove all remaining legal obstacles preventing interested groups from exercising the freedom of association guaranteed by the Framework Convention, and review anew the conditions applicable to the registration of political parties;
- Increase the financial support provided to ensure access of persons belonging to national minorities, including numerically smaller minorities, to radio and television programmes in minority languages; ensure that programming in minority languages is adequate to cover the needs of persons belonging to national minorities and that programmes in minority languages are broadcast at times when they can be followed by the greatest possible audience;
- Assess, in close consultation with representatives of national minorities, the extent to

¹² A summary of the report can be found on pp. 1-2.

¹³ paras. 6-21.

¹⁴ paras. 22-157.

¹⁵ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

¹⁶ *Idem*.

- which there exists a need and demand for the use of minority languages in dealings with the administrative authorities and for topographical and similar signs to be displayed in minority languages, in the geographical areas where the relevant conditions of the Framework Convention are met; establish by law clear criteria and transparent procedures on how and when these rights may be exercised; identify and eliminate any remaining impediments to the full official recognition and use in daily life of names in minority languages;
- Pursue and intensify efforts to eliminate segregation in schooling and to promote the full integration of Roma children in mainstream schools and classes, including through measures targeted specifically at improving the access of Roma children to kindergarten, at encouraging them to remain in school until they complete their secondary education and at helping parents to support their children in this respect;
 - Actively promote the development of adequate textbooks for minority language teaching as well as the continuation and, where necessary, reintroduction of university courses for the training of teachers qualified to teach minority languages.

The Advisory Committee's Opinion on Bulgaria and the Government's comments are attached below. However, these documents have not yet been examined by the Committee of Ministers who, after having examined the documents, will adopt a resolution on the protection of national minorities in Bulgaria. The Committee of Ministers' resolution will be based on the concluding remarks, contained in Section III¹⁷ of the Advisory Committee's Opinion.



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European Charter for Regional or Minority Languages

Bulgaria has not yet signed or ratified the European Charter for Regional or Minority Languages. Thus, the country is not yet covered by the monitoring carried out by the Committee of Independent Experts under the Charter.

Action against trafficking in human beings

On 14 December 2011, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published its first evaluation report on Bulgaria¹⁸, together with the final comments of the Bulgarian Government. Both documents are contained in the attachment below.

In its concluding remarks¹⁹ GRETA welcomed the policy statements that trafficking in human beings (THB) is considered a human rights violation in Bulgaria and the steps taken to translate these statements into practice, most recently by setting up a National Mechanism for Referral and Support of Trafficked Persons.

That said, GRETA considered that the Bulgarian authorities should take further steps to ensure that the human rights-based and victim-centred approach underpinning the Convention is fully reflected and applied in the national policy to combat THB, from prevention to protection, prosecution and redress. This included taking measures to strengthen the aspect of prevention amongst groups vulnerable to THB and changing negative social attitudes towards trafficking victims. The training of law enforcement officials, prosecutors, judges, social workers and other relevant professionals should stress the need to apply a human rights-based approach to action against THB on the basis of the Council of Europe Anti-Trafficking Convention and the case-law of the European Court of Human Rights.

¹⁷ paras. 158-176.

¹⁸ A summary of the report can be found on pp. 7-8.

¹⁹ paras. 230 - 235.

The human rights-based approach to THB also requires taking further steps to secure that all victims of THB are properly identified. GRETA noted with concern that hardly any foreign national victims of THB have been identified in Bulgaria. This raises questions about the effectiveness of the existing identification procedures.

More should be done to empower victims of THB by enhancing their access to assistance and protection, including by ensuring adequate financing to service providers. As the official statistics show only “the tip of the iceberg”, there may be an urgent need for enhanced capacity for assistance to trafficking victims. Increased provision should also be made in the national policy against THB for measures to assist the reintegration of victims of THB and prevent re-trafficking.

In the field of prosecution of traffickers, while the Bulgarian authorities have achieved some positive results as concerns the rate of convictions, more efforts should be made to protect and assist victims before, during and after the criminal proceedings in order to guarantee a human-rights based approach. Effective access to legal redress and compensation for victims of trafficking should also be a priority for the Bulgarian authorities.

In its report, GRETA provides a complete list of proposals to the Bulgarian authorities.²⁰ On 30 January 2012 the Committee of the Parties to this Convention adopted a recommendation on the implementation of the Convention by Bulgaria which has also been attached. It is based on GRETA's report and the comments submitted by the Bulgarian authorities.



GRETA_2011_19_FGCP_2012_2_BGR_en
R_BGR_en.pdf



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Preventing and combating violence against women and domestic violence

Bulgaria has not yet signed or ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. For this reason, it is not yet concerned by the monitoring procedure under this Convention.

European Commission for Democracy through Law (Venice Commission)

The Venice Commission has adopted a number of opinions on draft laws and on the constitutional situation in Bulgaria. A list of adopted opinions, with hyperlinks to the texts, appears in the attachment below.



Bulgaria UN
september 2014.pdf

Social and economic rights

Bulgaria ratified the Revised European Social Charter on 07/06/2000, accepting 62 of its 98 paragraphs.

Bulgaria agreed to be bound by the Additional Protocol providing for a system of Collective Complaints when it accepted Article D of the Revised Charter at the time of the ratification. It has not yet made a declaration enabling national NGOs to submit collective complaints.

²⁰Appendix I.

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

► Article 1§1 - Right to work - Policy of full employment

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

(Conclusions 2012, p. 6)

► Article 1§2- Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects

1 .Swiss nationals and nationals of States Parties to the European Social Charter which are not members of the European Union or of the European Economic Area may not be employed in public service posts, which constitutes discrimination on grounds of nationality;

2 The upper limit on the amount of compensation that may be awarded in discrimination cases may preclude damages from making good the loss suffered and from being sufficiently dissuasive
(Conclusions 2012, p. 10)

► Article 1§4 – Right to work - Vocational guidance, training and rehabilitation

Nationals of other States Parties lawfully resident or working regularly in Bulgaria are subject to an excessive length of residence requirement for entitlement to vocational guidance, training or rehabilitation.

(Conclusions 2012, p. 13)

► Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination

There is a predetermined upper limit on compensation for employees who are dismissed as a result of sex discrimination which may preclude damages from making good the loss suffered and from being sufficiently dissuasive

(Conclusions 2012, p. 17)

► Article 24 – Right to protection in case of dismissal

employees undergoing a probationary period of 6 months are not protected against dismissal;

- the termination of employment at the initiative of the employer for some categories of employees, on the sole ground that they have the pensionable age, which is permitted by law, is not justified.

- the maximum amount of compensation for unlawful dismissal is not adequate.

(Conclusions 2012, p. 19)

Thematic Group 2 "Health, social security and social protection"

► Article 3§3 – Right to safe and healthy working conditions - Enforcement of safety and health regulations

Measures to reduce the excessive rate of fatal accidents are inadequate.

(Conclusions 2013, p. 16)

► Article 11§3 – Right to protection of health - Prevention of diseases and accidents

It has not been established that there are adequate measures in force for the prevention of road and domestic accidents

(Conclusions 2013, p. 24)

► Article 12§1 – Right to social security - Existence of a social security system

- The minimum level of pension benefit is manifestly inadequate;

- The minimum level of unemployment benefit is inadequate.

(Conclusions 2013, p. 26)

▶ Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need
- People registered with the Employment Office Directorates are not entitled to social assistance before a minimum period of six months;
- The level of social assistance is manifestly inadequate.
(Conclusions 2013, p. 31)

Thematic Group 3 “Labour rights”

▶ Article 2§5 – Right to just conditions of work - Weekly rest period
It has not been established that the right to weekly rest period is guaranteed.
(Conclusions 2010, p. 6)

▶ Article 4§2 – Right to a fair remuneration - Increased remuneration for overtime work
The Labour Code does not guarantee workers under an “open-ended working hours scheme” the right to an increased remuneration or a sufficiently long rest period in compensation for overtime work.
(Conclusions 2010, p. 8)

▶ Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment
Fifteen days’ notice is not a reasonable period of notice for employees with six or more months’ service under contract for work in addition to their principal occupation.
(Conclusions 2010, p. 9)

▶ Article 5 – Right to organise
Legislation does not provide for adequate compensation proportionate to the harm suffered by the victims of discriminatory dismissal based on involvement in trade union activities.
Foreign workers’ right to form or participate in the formation of trade unions is subject to prior authorisation.
(Conclusions 2010, p. 10)

▶ Article 6§1 – Right to bargain collectively – Joint consultation
It has not been established that joint consultation takes place in practice.
It has not been established that joint consultative bodies exist in the public service.
(Conclusions 2010, p. 14)

▶ Article 6§2 – Right to bargain collectively – Negotiation procedures
It has not been established that sufficient measures to promote collective negotiations are taken.
(Conclusions 2010, p. 15)

▶ Article 6§3 – Right to bargain collectively - Conciliation and arbitration
There is no conciliation or arbitration procedure in the public service.
(Conclusions 2010, p. 15)

▶ Article 6§4 – Right to bargain collectively – Collective action
Civilian personnel of the Ministry of Defense and any establishments responsible to the Ministry are denied the right to strike.
The restriction on the right to strike in the railway sector pursuant to Section 51 of the Railway Transport Act goes beyond that permitted by Article G.
Civil servants are only permitted to engage in symbolic action and are prohibited from strike (Section 47 of the Civil Service Act).
(Conclusions 2010, p. 16)

▶ Article 22 – Right of workers to take part in the determination and improvement of working conditions and working environment

It is not established whether workers' representatives participate in the organisation of social and socio-cultural services set up within an undertaking.
(Conclusions 2010, p. 20)

► Article 28 – Right of workers' representatives to protection in the undertaking and facilities to be accorded to them
Legislation does not provide for adequate protection in the event of an unlawful dismissal based on the employee's status as a trade union representative or activities linked to this status.
(Conclusions 2010, p. 24)

Thematic Group 4 "Children, families, migrants"

► Article 7§5 – Right of children and young persons to protection - Fair pay
The right of young workers and apprentices to a fair wage and other appropriate allowances is not guaranteed due to non effective enforcement of the legislation.
(Conclusions 2011, p. 9)

► Article 7§9 – Right of children and young persons to protection - Regular medical examination
The right of young workers to regular medical examination is not guaranteed due to non effective enforcement of the legislation.
(Conclusions 2011, p. 11)

► Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers
It has not been established that all children under 18 are effectively protected from all forms of child pornography and child prostitution.
(Conclusions 2011, p. 13)

► Article 8§2 – Right of employed women to protection - Prohibition of dismissal during maternity leave.
Dismissal of pregnant employees (who are not on maternity leave) is not prohibited.
(Conclusions 2011, p. 15)

► Article 8§5 – Right of employed women to protection - Prohibition of dangerous, unhealthy or arduous work.
Women having recently given birth, who are not breastfeeding, do not benefit from the possibility of adjustments of their working conditions or temporary reassignment to an adequate post.
(Conclusions 2011, p. 17)

► Article 16 – Right of the family to social, legal and economic protection
1. It cannot be assessed whether Roma families receive adequate protection with regard to housing.
2. It cannot be assessed whether Roma families are guaranteed equal access to family benefits.
(Conclusions 2011, p. 21)

► Article 17§2 – Right of children and young persons to social, legal and economic protection - Free primary and secondary education – regular attendance at school
1. It has not been established that measures taken to increase enrolment rates in secondary education are sufficient.
2. Children with disabilities are not guaranteed an effective right to education.
(Conclusions 2011, pp. 24-24)

► Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment – Illegality of dismissal on the ground of family responsibilities
Legislation does not sufficiently protect workers with family responsibilities against dismissal.
(Conclusions 2011, p. 27)

Please find attached below the Conclusions regarding Bulgaria from 2010, 2011, 2012 and 2013, as well as the country fact sheet.



Bulgaria2010_en.pdf Bulgaria2011_en.pdf Bulgaria2012_en.pdf Bulgaria2013_en.pdf Bulgaria_en.pdf