



Republic of Bulgaria

United Nations Human Rights Council

Bulgaria's Second Universal Periodic Review  
Recommendations

Mid-Term Implementation Update

2015-2018

December 2018

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## Introduction

The Republic of Bulgaria considers the Universal Periodic Review to be an excellent and unique tool to assess the human rights situation in every country. Keeping the permanent focus on promoting and protecting human rights, the UPR offers an opportunity for inter-state dialogue on the good practices and challenges in the implementation process.

During its Second Universal Periodic Review in 2015, Bulgaria received 182 recommendations and accepted 174 of them. The country has reaffirmed its engagement with the UPR process, with a view of further strengthening the protection of human rights and fundamental freedoms. The recommendations have been distributed to all relevant stakeholders, including National Human Rights Institutions and non-governmental organisations. The National Coordination Mechanism on Human rights holds regular follow-up on the implementation process.

As part of its pledges as candidate for the UN Human Rights Council<sup>1</sup>, Bulgaria has taken the commitment to prepare a Midterm Report and present the progress in the implementation of the recommendations. This voluntary report covers the period of 2015-2018. The focus is set on enhancing the national capacity for the promotion and protection of human rights, implementing the international obligations and creating possibilities for further enhancement of the national system, in law and in practice. The report is organised in 14 thematic chapters corresponding to the 14 groups in which the recommendations have been classified. The numbers of the recommendations correspond to those in the Report of the Working group on the UPR (A/HRC/30/10) and its Addendum (A/HRC/30/10/Add.1).

The Republic of Bulgaria considers this report as an important tool for the upcoming inclusive exchange of views during the Third cycle of the UPR process in 2020.

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<sup>1</sup> Bulgaria was elected as member of the Human Rights Council in October 2018 for the period 2019-2021.

## Bulgaria's Mid-Term Implementation Update 2015-2018

### I. International human rights instruments

#### Recommendations 123.1 – 123.8; 123.11 – 123.14

1. Bulgaria confirms its commitment to ratify the Optional Protocol to the ICESCR and the Optional Protocol to the CRC on a communications procedure. Inter-departmental discussions are ongoing.
2. Concerning the International Convention on the Protection of All Persons from Enforced Disappearance, a political decision has been taken to set up an inter-ministerial working group at the Ministry of Justice to analyse the current legislation and prepare concrete proposals to amend and supplement the Penal Code, as well as other normative acts where necessary.
3. On the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, please consult part IV.
4. As shared in document A/HRC/30/10/Add.1, the Government of the Republic of Bulgaria is currently not planning to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Fundamental human rights are enshrined in the United Nations Civil and Social Rights Covenants and these rights apply directly to all migrants in Bulgaria. The national legislation already guarantees most of the rights contained in the Convention and shares its objectives. The rights of migrant workers are also protected by the existing EU legislation. A final decision on ratification will be reached as a joint decision by all EU Member States.

### II. National human rights institutions

#### Recommendations 123.15 – 123.23

5. The Commission for Protection against Discrimination (CPD) is a quasi-judicial body that independently resolves disputes related to complains for discrimination. In 2017, the CPD completed the implementation of the project “Functional Analysis and Optimization of the structure of the CPD units”. It was aimed at optimizing the administrative structure of the institution and avoiding duplicate functions. The comparative analysis shows three times growth of the efficiency of the CPD's work.
6. The CPD budget for 2014 was 2 million BGN, for 2015 - 2 115 million BGN, for 2016 - 2 297 million BGN, for 2017 - 2 500 million BGN. CPD alone and in partnership implements projects for financing its activities.
7. In 2013, there were 20 CPD's Regional Representatives, in 2014 they grew to 23, accordingly 24 in 2015 and 2016 respectively, while at present they are 25. The newly opened regional representations are adequately funded by the budget of CPD. The Regional Representatives have the functions of inform citizens about their legal rights under the Protection against Discrimination Act, as well as of supporting the activities of the Commission at national and regional level.
8. The Ombudsman, as an independent state organ, has the obligation to protect the rights of the citizens with special attention towards vulnerable groups. He/she considers citizens' complaints

against actions and omissions by government bodies and the private sector on all human rights – including economic, social and cultural rights. Further information on all activities of the Ombudsman is available on the website and in the annual reports

9. In 2017, the Ombudsman began a procedure for accreditation with status “A” under the Paris Principles. Measures are already undertaken to comply with the Committee’s recommendations and some of them required legislative amendments, including in the Ombudsman Act, so that the mandate to the ombudsman can involve both protection and promotion of human rights. Further steps are undertaken in view of strengthening the engagement with the Human Rights system and civil society organizations, as well as increasing transparency of appointment and selection process. The National Parliament adopted these amendments in 2018 and an application for the reaccreditation for statute A has already been submitted.

### III. Equality between women and men

<b>Recommendations 123.36 – 123.46, 123.48 – 123.53</b>
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10. The Ministry of Labour and Social Policy develops, coordinates and implements the government policy in the area of equal opportunities and non-discrimination; it analyses, monitors, supports the equal treatment of men and women. The National Strategy for Promoting Equality between Men and Women 2016-2020 was updated in 2016. The strategic planning of the national policy in the new period will focus on the following priority areas:
  - Improving the participation of women in the labour market and ensuring an equal degree of economic independence;
  - Reducing the sex-based differences in payment and income;
  - Promoting equality between men and women in the decision-making process;
  - Combating gender-based violence, and protection and support for the victims;
  - Changing the stereotypes in different spheres of public life.
11. The results of the performance of the National strategy for promotion of equality between women and men and the National action plans for promotion of equality between women and men are presented annually in a report on the equality between women men
12. A sustainable model of cooperation between the institutions, social partners and civil society was created by including all stakeholders as members of the National Council for Equality between Women and Men within the Council of Ministers. It puts the foundations of national coordination structure at highest level of the executive authorities. It is a permanent coordinating and advising body, supporting the Council of Ministers in the development and implementation of the state policy on equality. It also coordinates the consultation and cooperation between central and regional executive bodies and the structures of the civil society
13. The Equality between Women and Men Act (EWMA) was adopted on 26 April 2016. It is a powerful and sustainable government instrument which provides for a gender perspective in all sectoral policies and for the application of special measures, if necessary. The Act provides for mechanisms and instruments for the effective implementation of the policy for equality:
  - A system for monitoring so that the government authorities can collect, record and process data;
  - Adoption of reports on equality;

- Application of promotion measures in the implementation of the policy for equality;
  - Introduction of a special sign of excellence in the area of equality.
14. The EWMA also establishes a national institutional mechanism ensuring that the government policy on equality between women and men shall rank high in the government programs and on the public agenda.
  15. The effective functioning of the national institutional mechanism guarantees the successful implementation of an integrated approach in the development and implementation of all sectoral, regional and local policies. Gender mainstreaming and the implementation of temporary special measures are mutually reinforcing tools, which lead to the achievement of factual equality between women and men.
  16. The Act regulates the position of the so-called "equality coordinators", which are officers, determined by the central and regional executive bodies. The vision of the legislator is to introduce a positive and encouraging approach towards the imposition of the policy for equality between women and men in the Bulgarian society.
  17. The EWMA provides for the establishment of a label for major accomplishments in the effective implementation of the gender equality policy, which is awarded by the Minister of Labour and Social Policy. According to the accepted Terms and Conditions, it is awarded once per year to organizations in the following 3 categories: state institutions (central and local authorities), commercial and non-commercial organizations and public organizations and institutions. This Label is a moral reward and a stimulus to all institutions and organizations, who work for the improvement of gender equality in various areas of the public life
  18. The Ministry of Labour and Social Policy regularly implements projects aimed at raising the awareness of the society on the importance of equality in decision-making, in the economic sphere and on combatting stereotypes.
  19. In 2017, the World Economic Forum published its 2017 Global Gender Gap Report which ranked Bulgaria 18 among the 144 world countries surveyed (41st in 2016), which represents a closing of 76% of the country's overall gender gap. This is due mostly to notable progress on the Political Empowerment sub index, in particular with regard to gender parity in ministerial and parliamentary positions. The Chairperson of the National Parliament, the Deputy Prime Minister and Minister of Foreign Affairs, the Minister of Regional Development and Public Works, the Minister of Justice, the Minister of Energy, the Minister of Tourism and the Minister for the Bulgarian Presidency of the Council of the EU, as well as the Vice President and the Mayor of the Capital city of Sofia are all women.
  20. The progress in achievement of equality between women and men is closely related to the efforts of elimination of poverty and the performance of the other targets of sustainable development. Taking into consideration the above and the fact, that equality is a measurement of the democratic and sustainable economic and social development of the society, Bulgaria will continue to improve its national legislation, policies and practices in that direction.

#### IV. Fight against discrimination and violence against women and girls, domestic violence

<b>Recommendations 123.46 – 123.47, 123.49, 123.50 – 123.54, 123.90 – 123.98, 123.116</b>
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21. Despite the fact that equality between women and men is guaranteed by the law, factual inequalities still exist in some spheres. Active efforts are implemented in combatting prejudices and shifting mind-sets. Addressing gender stereotypes, existing in the various public spheres is a long-term priority. In the currently acting National action plan for 2018, there are 15 actions, related to addressing gender stereotypes. The Plan sets the targets, tasks and actions, responsible institutions, indicators, possible causes for non-performance and financial resources.
22. Equality and the protection of women from discrimination in all areas of social life are priorities of the work of the CPD, particularly in the area of analysis and prevention. In this regard, the CPD issued a report on discrimination in the field of employment in 2018. It aims at assessing the legal framework and its implementation, as well as the positions of women in the labour market and employment, to identify women at risk of discrimination and to identify relevant policies and prevention measures and protection. Detailed analyses of the factors and forms of discrimination against women in the labour market enable the identification and systematization of relevant targeted policies and measures for prevention and protection against discrimination.
23. Prevention and combating violence against women and domestic violence, in all of its forms is important long-term priority for Bulgaria. On 3.01.2018, the Council of Ministers approved a Decision on a motion for ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by the Parliament. Owing to strong public pressure, the draft motion was withdrawn and the Constitutional Court was approached with a petition. On 27.07.2018, the Constitutional Court rendered a decision according to which the Istanbul Convention is inconsistent with the Constitution of the Republic of Bulgaria. Nevertheless, Bulgaria will continue to apply the indisputable principles and requirements of the international instruments in the field of violence against women, including the Council of Europe Istanbul Convention.
24. The government is currently developing a comprehensive package of measures for improving the mechanisms of preventing and combating violence against women and children and domestic violence. They will include criminalization of offenses like psychological harassment within the family, physical violence in all its aspects, and related violence against women and children. The amendments will also seek to improve the system of assistance centres for victims of domestic violence. All changes will undergo consultations with NGOs and international partners.
25. In 2015, article 158 of the Penal Code was abolished.
26. On 30.04.2018, the Prosecutor's Office adopted Methodical Guidelines for working on cases of domestic violence. Under these guidelines, preliminary examination and pre-trial proceedings on all cases of domestic violence, including the threat of violence, will be considered as a priority. The guidelines create a unified mechanism for response in cases of domestic violence and the provision of effective care for the victims. Statistical data is being collected as of 2018, and will be available as of 2019.
27. For the last few years, the issues pertaining to Violence against Women and equality have become a priority for the National Institute of Justice training curriculum. The seminars are

focused on relevant national, European and international context. Two European Social Fund projects are currently being implemented: „*Quality professional training for strengthening the efficiency of judiciary*” and “*Innovative training products and services at the NIJ*”. They entirely fulfil the requirements of Regulation (EU) No 1304/2013 of the European Parliament and the Council of 17.12.2013. Furthermore, the CEDAW and its Optional Protocol are also part of the initial and continuous training of the police forces.

28. The Ministry of Labour and Social Policy participates, as a partner, in the implementation of a Project: "Improvement of the national legal framework in compliance with the standards of the Council of Europe and strengthening of the capacity of the competent institutions, dealing with cases of domestic violence and violence, based on gender". The target groups are magistrates, legal experts, state servants and employees at the state administration, social workers, employees of the police forces, NGOs, domestic violence victims, etc. Numerous trainings have been conducted and a draft Strategy for reduction of domestic violence has been created as a result.
29. Bulgaria also participates in the OSCE project “Effective Criminal Justice Strategies and Practices to Combat Gender-based Domestic Violence in Eastern Europe” since 2018.

## V. Definition of torture, situation in prisons, ill-treatment in detention

### **Recommendations 123.87 – 123.89, 123.115**

30. An in-depth analysis of the compliance of Bulgarian legislation with the provisions of the Convention against Torture has been carried out. Currently, the Ministry of Justice has taken action to develop a new concept of criminal policy. This will require large-scale analysis, including an assessment of the implementation of the current Penal Code in the light of EU law requirements and the recommendations of the UN and other international organisations. Within the framework of the analysis, the need for updating the specific institutes of the Penal Code will be assessed, including the issue of introducing legal measures to include torture as a separate criminal composition in Bulgarian law.
31. The authorities have taken decisive and diverse measures to address the identified problems in prisons. These measures are legislative (amendments to the Penal Code, the Penal Procedure Code and the Penalty Execution and Custody Act), and practical (improving the prison and arrest infrastructure, enhancing staff competencies). The legislative measures focus on the initial distribution of imprisoned persons, the preconditions and the procedure for conditional early release, as well as special compensatory and preventive procedures. These amendments complement the bill adopted in April 2016, which introduced electronic surveillance.
32. On the practical side, the requirement for at least four square meters area of the prisoner has entered into force. A more flexible order for the initial distribution of convicted persons was introduced, as well as rapid measures for the transfer of prisoners in cases of overcrowding, change of conditions and the conditional release procedure.
33. A number of measures have been implemented over the last year to promote positive practices by the police in respect of human rights. Among them are practical-oriented trainings, including on the rights of refugees and migrant children, increasing the number of the so-called "Blue Rooms", maintaining good communication with local authorities, lawyers, redirecting medical examinations to the Emergency Medical Centres instead of the hospitals at the Ministry of

Interior, etc. In the training of police officers, special attention is paid to the protection of the right to life, on the provisions on the prohibition of torture, inhuman or degrading treatment or punishment, and on the prohibition of discrimination. There is strict compliance with the "absolute necessity" standard, as set out in the international treaties and in the Ministry of Interior Act. Training for police officers not only provides specific knowledge in the field of human rights, but above all forms skills for orientation in a specific environment, making the right tactical decisions for preparation and conduct of police operations.

34. As EU Member State the Republic of Bulgaria is applying strictly the EU acquis as well as the national legislation with regard to control of state borders, fundamental rights, access to territory to the persons seeking for protection and the non-refoulement principle defined in Art.33, Para 1 of the UN Geneva Convention relating to the status of refugees of 1951. The checks performed so far on different allegations in this regard based on partial or incomplete information, have not proved cases of exceeding police powers and/or excessive use of physical force against persons trying to cross illegally the state border. In this regard we would like to stress that all received allegations are checked not only by the Border Police, but also by the other competent state authorities – Internal Affairs Directorate of the Ministry of Interior, the prosecution authorities and the judiciary.
35. The General Directorate of Border Police is cooperating actively with UNHCR and the Bulgarian Helsinki Committee on the basis of the signed trilateral Memorandum of Understanding. Pursuant to it, the Border Police is providing full and free access of UNHCR and Bulgarian Helsinki Committee to the persons detained in the border areas, in order to guarantee the access to territory and to international protection of those in real need, to assist the activities of the representatives of the two organisations in the detention facilities and their access to the documentation related to the persons subject to the Memorandum.

## VI. Rights of persons belonging to minority groups

<b>Recommendations 123.56 – 123.60, 123.144, 123.150, 123.153 – 123.161</b>
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36. All Bulgarian citizens, notwithstanding their ethnic or religious background, have equal rights and obligations under the Constitution. Public services do not discriminate among people. Roma communities in Bulgaria face specific social and economic challenges that are being addressed by a series of measures, such as improved access to healthcare, education and employment.
37. The National Strategy of the Republic of Bulgaria for Integration of Roma People (2012-2020) was constructed by an interdepartmental working group with the broad and active participation of representatives of Roma NGOs and organizations working in the field of Roma integration. The National Strategy was adopted with a Resolution of the National Parliament on March 1, 2012. Bulgaria is the only country that adopted the Strategy with a resolution of its supreme legislative body. Financing of all integration measures in the action plan comes from the national budget, EU funds (provided through operational programs) and from donors.
38. The involvement of Roma representatives in the process has been essential for ensuring that Roma themselves have a say in policies and programmes concerning them. The National Council for Cooperation on Ethnic and Integration Issues is a coordinating and consultative body, assisting the Government in formulating the policy on the integration of minority groups,

ethnic and minority issues, and encourages the cooperation between the state bodies and the NGOs.

39. The improvement of living conditions in Roma neighbourhoods is an extremely complex issue that requires political will, long-term planning, consistent effort, systematic monitoring and funding. Preparing emergency measures to resolve the problems in urban areas, where living conditions are unacceptable for an EU Member State, is one of the main priorities. Various numbers of activities associated with the repair, reconstruction, and renovation of objects of educational, social and cultural infrastructure that have benefited tens of thousands of persons, many of whom are Roma.
40. A key success factor is purposeful work with the local community, including information campaigns, to obtain the necessary public support and social tolerance towards projects aimed at improving the living conditions of vulnerable groups, including Roma.
41. Five projects have been implemented to improve the educational infrastructure, amounting to BGN 240 million; three projects for the Social Infrastructure (BGN 23 million) and two projects for the Cultural Infrastructure (BGN 53 million). Repair works, reconstruction of nurseries and kindergartens, and building of unified establishments for children, primary and secondary schools, offices, labour offices, social assistance directorates, buildings, cultural institutions and others have been carried out under these projects.
42. The Ministry of Education and Science has taken measures for equal access to quality education for all children and students, preventing restrictions based on ethnic or social origin, religion and social status, but further work is needed with children and parents to enhance motivation for participation in the educational process and overcoming negative public attitudes. In the past more than 10 years, the access to education for children belonging to disadvantaged groups, including Roma, has been gradually increasing. With changes in the legislative regulations, there is an opportunity for providing free transport for children and students from the settlements where there is no kindergarten or school to the nearest settlement in the municipality. Funds are provided for all-day organization of the school day and for canteens.
43. Conditions have been created for all students, regardless of ethnic origin, to choose Ethnic Folklore – Roma folklore in the hours of elective preparation, introducing students to the history, customs and traditions of the Roma. Teaching aids offer materials for Roma lifestyle and culture, different religions, ancient cultures and civilizations.
44. In pursuance of the objective to reduce the share of students leaving school early, the Strategy for Preventing and Reducing the Share of Dropouts and Early Leavers of the Educational System (2013-2020) is being implemented. It systematizes specific reasons for dropping out of school and provides policies and measures for prevention, intervention and compensation of dropping out of the education system. 28 municipal centres for career guidance have been built with head offices in all regional cities. The career guidance training program included a total of 27 799 students of Roma origin from I to XII class.
45. The Ministry of Health is the institution with a commitment to improving health care for disadvantaged groups including Roma and performs the Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities. The priorities include increasing the health literacy of the target groups, preventing the possibility of the spreading of preventable diseases, favourably influence the development of hygienic habits and behaviour of Roma children.

46. For the period 2005-2017, the infant mortality indicator (number of deaths of children aged up to 1 year per 1 000 live births) marks a steady decline from 10.4 in 2005 to 6.3 in 2017. The achieved level of infant mortality in the past few years is the lowest in the demographic development of the country; however, it continues to be higher than in other European countries.
47. An example of good practice is conducting annual prophylactic examinations in settlements and neighbourhoods populated mainly by uninsured Bulgarian citizens of Roma origin. Examinations are carried out by 23 mobile units. Annual examinations and tests are carried out on uninsured persons of Roma origin in various areas of the country. For the period 2014-2017, mobile units carried out a total of 44 259 examinations. The most successful practice throughout the years is the Health Mediator. Over the years, the profession has evolved from a pilot non-governmental activity to a government policy and health mediators are appointed in municipalities with funds allocated from the state budget. Health mediators assist the population in neighbourhoods with compact Roma population in order to overcome the challenges of irregular health insurance; no family doctor; and low literacy and lack of health education.
48. The Ministry of Labour and Social Policy pursues a consistent policy on social protection, social inclusion and promoting the employment of vulnerable groups, as guided by the principles of non-discrimination, respect for human dignity and ensuring conditions for equal opportunities and equal treatment of all Bulgarian citizens regardless of their ethnicity. Specific actions for the social inclusion of the Roma community are temporary incentives to overcome existing inequalities between Roma and the rest of the population. For the past ten years, more than 120 000 unemployed persons of Roma origin have been registered in the Labour Office Directorates.
49. Problems affecting the employment of Roma are mostly related to motivation and activity of their job search, the absence or insufficient educational and qualification characteristics and the lack of work habits among the majority of unemployed persons who prefer to receive social benefits. For this reason, only 1565 persons took part in training to start and manage their own business. Good practices include Roma labour mediators and specialized labour exchanges. To promote social and civil dialogue supporting the employment of Roma, more than 1700 meetings were held between representatives of Roma NGOs and community leaders to discuss mutual actions and measures.
50. There has been certain progress, but challenges remain. Hardly an overall success story could be reported in any country addressing the Roma inclusion, as the efforts continue in search for lasting solutions. The situation of Roma is not an issue that could be solved in the framework of bilateral or even intra-European relations. It is a matter of enhancing social inclusion and the fair distribution of the burden of responsibilities.
51. Persons belonging to minority groups play an active role in the political and public life of the country. The Movement for Rights and Freedoms, perceived as representing mainly the interests of persons of Turkish origin, has been a well established political entity both at national and local level and its representatives have been successfully participating in elections to the National Assembly and to local government. Recently, a new party “DOST” was registered and took part of the recent Parliamentary elections.
52. At the local level, persons belonging to minority groups, including Roma, have been elected as mayors or municipal councillors. Generally, during the latest parliamentary and local elections,

the mainstream political parties have shown greater interest in issues pertaining to problems of persons belonging to minority groups and have put their representatives as candidates on the respective party lists.

53. All religious denominations are free and equal in rights. For that purpose, the legislator has granted them equal opportunities to participate in the social life. The registration procedure under the Religious Denominations Act is necessary in the interests of public safety, for the protection of public order, health and morals, and for the protection of the rights and freedoms of others. The Act is not restrictive and discriminatory. It is in conformity with UN core instruments on Human Rights, the European Convention on Human Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief etc. In addition, Council of Europe Parliamentary Assembly Resolution 1390 (2004) expressly emphasises that the law represents an important step towards guaranteeing religious rights and freedoms.

## VII. Fight against discrimination, racism and related intolerance, hate crimes

### **Recommendations 123.61 – 123.68, 123.71 – 123.76, 123.78 – 123.86, 123.117, 123.129, 123.168**

54. The Constitution of the Bulgaria prohibits racial discrimination in the most categorical manner. This constitutional principle has been embodied in all branches of the domestic legislation. According to the established case-law, racist motivation should be considered as an aggravating circumstance by the court in criminal offences. Amendments to the Penal Code introduce the criminalization of public incitement to violence or hate on religious grounds. All hate crimes are punishable and are being prosecuted with the full capacity of the state.
55. On 29 November 2018, Bulgaria became a Member Country of the International Holocaust Remembrance Alliance (IHRA), the first country to become a full IHRA member since 2011. The decision of the IHRA Plenary in Ferrara, Italy, was a recognition of Bulgaria's commitment and capacity to uphold the shared values and principles of the 2000 Stockholm Declaration, to promote the Holocaust education, remembrance and research, and to fight genocide, ethnic cleansing, racism, antisemitism and xenophobia.
56. Within the process of accession to IHRA, on 18 October 2017, the Bulgarian Government took a decision to adopt and apply the IHRA "Working Definition of Antisemitism" as a guidance tool in education and in the efforts of law-enforcement authorities to identify and prosecute antisemitic manifestations and crimes. The decision tasked the Ministers and Heads of Agencies to take the necessary measures for the operationalization of the working definition in the areas of their responsibility. The Government proposed to the National Assembly to apply the definition in its future work.
57. With the same decision, the Government appointed a Deputy Foreign Minister as national coordinator on combating antisemitism. The national coordinator works with relevant ministries and state authorities, as well as with civil society organizations, to coordinate policies and actions for preventing and countering all manifestations of antisemitism and to assure the application of the IHRA working definition and other relevant international commitments. In order to promote evidence-based policies and measures, the tasks of the national coordinator include the facilitation of surveys on attitudes, research and risk assessment, monitoring, data

collection and reporting of antisemitic manifestations and crimes, as well as working closely with media. His responsibilities include establishing contacts and cooperation with the European Commission Coordinator on Combating Antisemitism and with the equivalents in other EU Member States and Bulgaria's partner countries, as well as with the competent authorities of the United Nations, OSCE/ODIHR, the Council of Europe, UNESCO, and the EU Fundamental Rights Agency.

58. Since the appointment of a national coordinator on combating antisemitism, the Government has taken a consistent and strong line in publicly denouncing manifestations of antisemitism and hate speech. In most cases, the national coordinator has taken immediate measures within his competence or has facilitated action by other public authorities to repair the damage and to investigate the incidents.
  
59. On behalf of the Government, the national coordinator has requested assistance from ODIHR/OSCE to review the Bulgarian Criminal Code, primarily provisions pertaining to anti-discrimination, hate crime and hate speech and their compliance with international commitments and standards. The ODIHR opinion appreciated Bulgaria's efforts to tackle bias-motivated crime through means of criminal legislation. It found that many of the provisions contained the main elements prescribed by international human rights standards. However, there were a number of recommendations on penalty enhancement explicitly referring to bias motivation. These recommendations have been considered by a Contact Group established by the national coordinator under his chairmanship, including high-level officials from the MFA, Ministry of Justice, Ministry of the Interior and the Ministry of Education, as well as the president of the Shalom Organisation of the Jews in Bulgaria. A comprehensive set of draft amendments to the Criminal Code has been considered.
  
60. On 22 November 2018, a Memorandum of Cooperation between the Bulgarian Government, the Organisation of the Jews in Bulgaria Shalom and the World Jewish Congress was signed to establish official channels for consultation, cooperation and coordination between the national authorities and the Jewish community. The memorandum aims at establishing and promoting regular consultations and sustainable cooperation between the parties through the exchange of information, experience and good practices, building of trust and consolidation of the capacities for joint measures and actions in the field of prevention and combating antisemitism and improving the security of the Jewish community. It provides for a comprehensive approach for the prevention and countering of all forms of antisemitism through developing and applying an Action Plan on Combating Antisemitism for the period 2019-2022; educational and cultural programmes and activities, targeting the youth, the public servants and the general public, with a special focus on teaching the Holocaust; improvement of the national legislation in the field of combating antisemitism and hate crime; sharing of information, relevant statistical data, public opinion research results, lessons and good practices; measures for countering hate speech on the internet; as well as measures to support relevant training of the law enforcement authorities.

61. The Programme of Bulgaria for the Presidency of the EU Council (01.01-30.06.2018) highlighted countering antisemitism and enhancing ethnic and religious tolerance among the priorities of the Bulgarian Presidency with several Presidency events taking place, including a round table discussion in Brussels in May 2018 attended by the EC coordinator and national coordinators/special envoys from EU Member States and the candidate countries, members of the EP Working Group on Antisemitism, IHRA and Brussels based Jewish organizations and a training seminar for educators and policy makers on the Holocaust and combating antisemitism and the rise of hate speech and hate crime with the participation of EU member states and candidate countries, as well as several international organizations, incl. IHRA, OSCE/ODIHR, CE/ECRI and EU FRA. A joint meeting of the EU COHOM and FREMP working parties under the Bulgarian Presidency in June 2018 included a focused discussion on combating antisemitic and anti-Muslim hatred.
62. During the period, Bulgaria has been actively involved in ODIHR/OSCE projects related to hate crime. As part of ODIHR's project Building a Comprehensive Criminal Justice Response to Hate Crime, three pilot training courses in Bulgaria for law enforcement personnel and prosecutors in Sofia, Veliko Tarnovo and Plovdiv have taken place in the first half of 2018 allowing participants to identify and overcome differences in their respective understandings of hate crimes and in their approaches to processing hate crime cases. At a workshop on 12 June 2018 in Sofia ODIHR launched a Manual on joint hate crime training for police and prosecutors to address hate crimes. The materials in the manual, based on lessons learned from the three pilot courses, are intended for use in the Bulgarian context. The project also opened the prospect of greater inter-agency co-operation on addressing hate crimes among prosecutors, the Ministry of Interior, the Commission for Protection against Discrimination, the Ombudsman's Office and civil society. The project is seen as instrumental in addressing deficiencies in effectively countering incidents of hate speech and hate crime targeting Roma and other minority groups as well as anti-Roma attitudes which remain a serious concern.
63. On 22 November 2018, ODIHR/OSCE presented its practical guide, translated into Bulgarian and customized to the domestic context of Bulgaria, as part of ODIHR's Words into Action to Address Antisemitism project. The event brought together some 30 government representatives, law-enforcement officials and Jewish community representatives, and included a panel discussion on "Antisemitism and Hate Crime in Bulgaria: Challenges, Opportunities, Recommendations for the Future", as well as a workshop for law-enforcement officials and Jewish community representatives to enhance their understanding of the specific threats and foster cooperation.
64. In December 2018, the Bulgarian Government has sent a formal request to the EU Agency on Fundamental Rights (FRA) and ODIHR/OSCE to jointly conduct a support workshop on ways to improve national approaches to hate crime recording and data collection in Bulgaria, as provided by the offer for targeted assistance to EU MS requesting such assistance in the framework of the EU High Level Group on combating racism, xenophobia and other forms of intolerance and its Subgroup on methodologies on recording and collecting data on hate crime. This activity would be complementary to the other ODIHR/OSCE projects and will cover an area which needs more attention.

65. A public campaign “Sofia – City of Tolerance and Wisdom” under the auspices of Sofia Mayor was launched on 11 September 2018 with the launching of a Manifesto “Together Against Hate Speech”, signed initially by Sofia Mayor, the national coordinator for combating antisemitism and the president of the Organization of the Jews in Bulgaria “Shalom”. The manifesto committing the signatories to combat intolerance and hate speech is open for signatures by high-profile personalities and the wider community. The public campaign is intended as a long-term project to unite institutions and civic organisations in opposition to hate speech and negative discrimination and will build upon a number of initiatives, events and educational activities until July 2019. Other Bulgarian municipalities have been approached to join and to follow the model of the campaign in the capital.
66. Together with ODIHR/OSCE Bulgaria is actively participating in projects related to hate crime. Under the project “Building a Comprehensive Criminal Justice Response to Hate Crime”, a Manual on joint training for police and prosecutors to address hate crime was developed on the basis of the project work in Bulgaria. It will become a toolkit with training packages, methodologies and guidelines to be used by public institutions and civil society organisations involved in addressing hate crime. Bulgarian version of the OSCE/ODIHR’s Practical Guide on “Understanding antisemitic Hate Crimes and Addressing the Security Needs of Jewish Communities” was customized to the domestic context in Bulgaria within the project “Turning Words into Action to Address Antisemitism”. It will be used by the law-enforcement authorities
67. According to the National Study on Equality and Discrimination, conducted by the Commission for Protection against Discrimination, less than 6 % of the cases of different or negative attitude are based on religion. Recently, the Penal Code has been amended in order to criminalize the incitement to discrimination and violence on religious grounds. Under the new provision (article 164, par. 1), a person who propagates or incites to discrimination, violence or hatred on religious grounds through speech, press or other media, through electronic information systems or in another manner shall be punished by deprivation of liberty of up to four years or by probation, and a fine.
68. The competent authorities react immediately, enforcing the relevant legislation, in any cases of violence on ethnic or religious grounds. The attacks over religious shrines are rather occasional in the Republic of Bulgaria. Isolated cases of a private nature cannot serve as a basis for generalizations concerning the overall situation in the country. However, such acts should not be underestimated and they are closely followed by the competent authorities. Furthermore many of the alleged perpetrators are faced counts for hooliganism on the grounds of hatred.
69. No country is immune to hate crimes. However, in performing its supervisory activities, the Prosecutor’s Office has confirmed that in Bulgaria such incidents remain isolated cases. Furthermore, the Prosecutor’s Office always conducts investigations, including all racially motivated incidents, taking into consideration cumulatively the social danger of the act itself, of the perpetrators and their motives, causes and modus operandi. Inquiries are conducted also in all cases involving alleged violations of the law by police officers. Where such violations are proved, their perpetrators and, where necessary, their immediate superiors, too, are sanctioned.
70. The theme of “Hate Crimes and Crimes with Discriminatory Element” is a priority in the training program of the Prosecutor’s Office. In this regard, trainings of prosecutors,

investigators and investigative police officers are regularly conducted in order to increase their capacity to effectively counteract and investigate these types of crimes. The teaching materials on the legal and specialized modules taught in the Academy of the Ministry of Interior are in line with the principles enshrined in the universal instruments in the area of civil rights and freedoms and law enforcement standards. Specific attention is given to the issue of hate crimes; hence, a TAHCLE training is being conducted in cooperation with OSCE and the FRA. It is designed to improve police skills in recognizing, understanding and investigating hate crimes. A handbook has been designed to serve as a reference on Hate Crimes Training for the Executive Power.

## VIII. Hate speech, freedom of the media, freedom of assembly

### **Recommendations 123.68 – 123.71, 123.75, 123.77, 123.130 – 123.134, 123.135**

71. In November 2016, the Intergovernmental Working Group on the prevention of hate speech online and offline concluded that a legal amendment to the Protection against Discrimination Act is needed, in order to introduce a definition of “hate speech”. These amendments are currently being drafted by the Ministry of Interior and will shortly be transferred to the Ministry of Justice.
72. Very good communication is being established between the Cyber Crime Sector Ministry of Interior and the Commission for Protection against Discrimination, including regarding hate speech on the Internet. In connection with the EU policy on racial and religious hatred, anti-Semitism and all other manifestations of hate speech, an agreement was created in 2016 bringing together the efforts of all EU MS and four of the world's largest internet platforms (Facebook, Microsoft, Google, and Twitter). Thanks to this agreement, the Government can, when is addressed by a citizen or organization that has noticed harmful content on the Internet, report this publication or even remove it. This opportunity was explained in detail during a series of meetings with Internet providers and NGOs, including Jewish organizations such as Shalom and B'nai B'rith.
73. The fight against hate speech is a priority for the Council for Electronic Media (CEM) in its work. In addition to the constant monitoring of the content of broadcasted programs, thematic observations are also carried out with specific focus on hate speech. For instance, monitoring of media coverage of ethnic, religious and cultural differences and hate speech has shown that programmes with high rating generally have a fair attitude to the programmes of different social groups. At the same time, the monitoring also found cases of stereotypical thinking and use of hostile speech against Roma and refugees. As a result, more than 20 punitive decrees were issued in the period 2015-2017, and six are the administrative penalties filed with a warning. The violations for the most part are in the hypothesis of ethnic and religious intolerance.
74. The Council has repeatedly stressed that the right to freedom of expression is not absolute, and ends where the rights of other social and public groups are beginning to emerge, and it is necessary to strike a balance between the exercise of fundamental rights guaranteed by international and national law.
75. Cases of hate speech by politicians, however seldom, are usually frowned upon by the general public. The Bulgarian institutions have undertaken consistent public diplomacy measures to promote tolerance and informational awareness and to tackle any manifestation of hate speech and incitement to racial or ethnic violence in political discourse, including in the media. They

aim at identifying appropriate measures in combating these negative tendencies. Declarations against inciting hatred, xenophobia, violence and discrimination are regularly expressed by politicians, the academic community, non-governmental organizations and the media.

76. The Political Parties Act follows the constitutional provision and considers cases hate incitement and propaganda when the establishment, registration, activity, control, financing and termination of political parties is concerned. The Constitutional Court is charged with the enforcement of these anti-hate provisions related to political parties.
77. Significant efforts have been made to ensure additional guarantees for media freedom. The national legislation ensures protection and conditions for promotion of competition and free economic initiative in the media market. Several bodies monitor the situation on the market. The Commission on Protection of Competition is empowered to enforce the law. Its activities cover all requests on ascertaining infringements of free market competition.
78. Periodic printed media have the obligation to deposit declarations proving the ownership of the media in the Ministry of Culture. Amendments focussing on increasing the transparency of media ownership were adopted in 2018. The CEM monitors that legal entities and individuals, applying for broadcasting license comply with the non-discrimination principle within the public procedure. CEM maintains a public register, which oversees the management of media operators. The council also maintains another ownership register, available on its website, designed to track ownership down to individuals. Amendments of the Economic and Financial Relations with Companies Registered in Preferential Tax Treatment Jurisdictions, the Persons Controlled Thereby and Their Beneficial Owners Act in July 2016 introduced limitations regarding the establishment or acquisition of an individual, which applies or has already received a radio- and television broadcasting license, following the procedure in Radio and Television Act.
79. There have been some incidents of breach of the principles of freedom of speech, even linked to physical attacks against journalists and/or their property. We acknowledge the need for adopting additional concrete measures for the protection of the rights of journalists. To this end, Bulgaria is part of the Group of Friends on Safety of Journalists at the UN in New York and is actively participating in the exchange of good practices and all efforts to end impunity for crimes against journalists.
80. The development of an active civil society is a key feature of the constitutional rule of law. Amendments to the Registration of Non-Governmental Legal Entities Act have been proposed, aiming to improve the legal framework guaranteeing the exercise of constitutional freedom of association and creating favourable conditions for the functioning of non-profit legal entities. The Act implements specific measures laid down in strategic documents adopted by the Council of Ministers, including the Strategy for Development of the Public Administration 2015-2020. The registration of non-profit legal entities has been transferred to the Registry Agency, thus reducing the administrative burden and increasing the transparency and accountability. The framework is in compliance with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

## IX. Trafficking in human beings

<b>Recommendations 123.101 – 123.108</b>
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81. Bulgaria is one of the countries in Europe with the most comprehensive institutional framework to combat trafficking in human beings. Although, according to the latest statistics, the country continues to be an origin country and to lesser extend a transit country of trafficking victims, the continuous improvement of the legal and policy framework in the field is a political priority. Trafficking in human being is addressed from a cross-dimensional perspective, with human rights-centred and gender-based approaches, given the multifaceted nature of the crime and the diversity of profiles of the victims. Prevention, victim protection, improving the effectiveness of investigations and prosecutions of perpetrators are in the focus of the Bulgarian anti-trafficking policy.
82. Notwithstanding the crucial importance of an effective national system, durable solutions and effective results in countering trafficking in human beings could be achieved only if enhanced by a coordinated and consistent international response. Based on this understanding, Bulgaria continues to work, even more closely, with IOM, UNHCR, Interpol, and other international organizations and non-governmental bodies involved in the fight against human trafficking and people smuggling. Bulgaria highly values the regional and bilateral cooperation, which has contributed not only for exchange of best practices and information with other states but also to the mutual understanding of the country-specific dimension of that crime. The bilateral collaboration with Sweden, France, Netherlands, Belgium and also within the Bulgarian-Swiss cooperation programme has achieved very good results. Some of the joint activities were concentrated on a specific form of trafficking, while others – on the multidimensional national and regional approach. Bulgaria is an active member of two regional networks for combating THB: the EU member states' network of National Rapporteurs and Equivalent Mechanisms under the EU Anti-Trafficking Coordinator and the informal Network of Anti-Trafficking Coordinators of South Eastern Europe.
83. Bulgaria's national legislation on trafficking in human beings is fully harmonized with international legal standards. However, considering the dynamics and new dimensions of the crime, further improvements have been undertaken. In November 2017, the Penal Procedure Code has been amended in order to introduce the requirements of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime. The amendments focus on the rights and legitimate interests of persons involved in legal proceedings such as witnesses and victims, and above all, minors.
84. In July 2017, the Council of Ministers adopted a *National Strategy on Prevention and Combating Trafficking in Human Beings and Protection of its Victims (2017-2021)* which is a general strategic document for the long-term policy of the state in this field. Annual national programmes are foreseen to operationalise the Strategy and elaborate further on state and non-state actors' commitments.
85. As part of the overall process of strengthening the state legislative, administrative and operational response in the field of countering trafficking in human beings, measures to improve the capacity of the *National Commission for Combating Trafficking in Human Beings* have been undertaken. The aim was to strengthen the local administrative units to work closely with people from different parts of the country, in order to make the prevention and protection of trafficking more effective. By the end of 2018, there are 10 Local Anti-Trafficking Commissions throughout the country. In partnership with local authorities, academic institutions and NGOs, various prevention information campaigns have been launched to raise

public awareness and to generate intolerance to the phenomenon within the risk groups of the population, including Roma communities.

86. Widening the information base, raising awareness and improving the understanding of this complex crime remain a priority. The National Commission organizes on annual basis three main national campaigns to prevent trafficking in human beings. They focus on the prevention of trafficking for the purpose of labour exploitation, the prevention of trafficking for the purpose of sexual exploitation and the National Campaign on 18 October, the EU anti-trafficking day.
87. In the field of protecting victims of trafficking, in 2016 a *National Referral Mechanism for Support of Trafficked Person (NRM)* was updated and formally adopted by the Government as a binding document. The main objective of the Mechanism is to guarantee respect for the human rights of victims of trafficking, including unconditional support, security and safety, confidentiality and protection of personal information and non-discriminatory approach. The NRM defines standard operating procedures in identification, referral, protection, assistance and social inclusion of the victims. A National Council for Assistance and Compensation to Victims of Crime, including trafficking, was also established.
88. In addition and in order to improve the quality of services provided to victims of trafficking in human beings, in 2016 a Minimum standards of work Document was adopted, designated especially for the temporary accommodation shelters and centres for protection and assistance to victims of trafficking. The document is binding and guarantees the observance of certain procedures in the provision of social services, aimed at achieving uniform high standards and quality of assistance and support. Furthermore, in close cooperation with the State Agency for Child Protection, Methodological guidelines have been elaborated for the crisis centres and the Child Protection Departments for working on cases of children victims of trafficking and exploitation. Both documents are applied on daily basis in respect to the provision of shelters' services and are part of the procedure for targeting and accommodation of victims of trafficking in human beings (children and adults).
89. In 2017, the country registered the largest number of specialized services for victims of trafficking compared to previous years. They are funded by the National Commission and are run by NGOs. The services include shelters for temporary accommodation and support centres, shelters for temporary accommodation and subsequent reintegration, shelters for temporary accommodation and a crisis centre for children - profiled only for victims of this crime, as well as for persons with the highest risk of falling into a trafficking situation (especially in the case of minors). The National Commission to Combat Trafficking in Human Beings provides specialized assistance to women, victims of trafficking in the government-funded shelters.
90. In 2017, three new services for victims of trafficking opened in Bulgaria, thus increasing the capacity of the state to provide specialised assistance to victims. One of the services is the first of its kind specialised shelter for children victims of trafficking in Bulgaria. Thus, Bulgaria has the highest capacity to assist the victims of the crime (34 people - 24 persons and 10 children) since the creation of the Anti-Trafficking Act and the National Commission itself.

## X. Judicial reform, juvenile justice

**Recommendations 123.109 – 123.114, 123.118 – 123.120**

91. The judicial reform in recent years is in line with international standards in the area of judicial independence and efficiency. In fulfilment of the strategic goals of the judicial reform, on 16 December 2015 the National Assembly adopted a Law amending and supplementing the Constitution. The constitutional changes were followed by the adoption of amendments to the Judicial System Act (JSA). The amendments to the JSA, adopted respectively in 2016, 2017 and 2018, are in the following main areas:
- Separation of the Supreme Judicial Council (SJC) to judiciary and prosecutors' colleges, which solve independently the issues related to the personnel development and the disciplinary responsibility of the respective categories of magistrates;
  - Strengthening the self-governance of the courts;
  - Creating additional safeguards for the individual independence of prosecutors and investigators in the exercise of their powers;
  - Conducting checks on the integrity and conflict of interest of judges, prosecutors and investigators and on the identification of acts prejudicial to the reputation of the judiciary and relating to the violation of the independence of judges, prosecutors and investigators;
  - Objective attestation of magistrates to ensure fair and transparent career development, limiting the formalistic approach to attestation;
  - Verification of the property declarations of judges, prosecutors and investigators, which they shall file before the Inspectorate to the SJC – the amendments allow for disclosure of bank secrecy and envision administrative sanctions for not declaring property and interests within the legal deadline; etc.
92. In October 2015, the software system of *Random allocation of cases* was introduced in all courts. It measures the judges' workload and secures equal allocation of various types of cases in the courts to the judges based on their profiling.
93. In the latest report of the European Commission within the Cooperation and Verification Mechanism (November 2018), these legal and organisational reforms have been assessed as a serious step towards a more independent and responsible judicial system. The SJC is assessed to have “settled into its managerial role in a spirit of professionalism and good cooperation”.
94. The government continues improving the Bulgarian legislation on guaranteeing the rights of minors involved in legal proceedings as witnesses, victims, suspects, accused or sentenced persons in full compliance with the international standards. The main objective of the reform in criminal proceedings is to strengthen the legal status of the child considered as a system of rights provided for in international treaties and agreements to which Bulgaria is a party. Besides conducting systematic and targeted actions in the field of the criminal juvenile justice, developing a policy aimed at prevention and counteraction of the behaviour of children in conflict with the law will be crucial. An Educational Support for Minors Office is envisaged to be set up which will replace the existing Local Commission for Combating Juvenile Delinquency.
95. At present, a working group at the Ministry of Justice is in the process of developing a package of bills to amend and supplement the Penal Code, the Penal Procedure Code and the Ministry of the Interior Act as well as a draft special Diversion of Minors Away from Criminal Proceedings Act. The amendments to the Penal Code envisage that protection measures will be implemented with respect to a minor who has committed an act which poses danger to society and which has

the characteristics of a crime. In accordance with the amendments proposed, punishment will be imposed on minors primarily to provide them with support for upbringing, education and social integration.

96. The amendments to the Penal Procedure Code are in line with the draft Directive on procedural safeguards for children suspected or accused in criminal proceedings. The draft Directive aims to establish common minimum standards throughout the European Union with respect to the rights of children who are suspect or accused in criminal proceedings as well as of children against whom a European Arrest Warrant has been issued. The draft recognises the capacity of children who are suspect or accused as such and stipulates that, in their interaction with the competent authorities in criminal proceedings, they shall be always treated with respect, dignity and professionalism; in addition, personal and non-discriminatory attitude shall be displayed towards them. This, in turn, aims to facilitate children's reintegration in society after they have faced the criminal justice system.

## XI. Countering corruption and organised crime

### **Recommendations 123.112, 123.121 – 123.124**

97. The most significant achievement in combating corruption is the adoption of the new Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act in 2018. The legislation established a new independent, specialised and permanent anti-corruption body (Commission), which combined corruption prevention and counterwork, forfeiture of unlawfully acquired assets, and public scrutiny on high ranking officials. The scope of persons, who have the obligation to declare property and interests, has been broadened to include municipal councillors, chief architects in the municipal administration, rectors of tertiary education institutions, directors of medical establishments, as well as persons, managing EU funds. The amount of declared assets has been increased, and third-party assets, used for more than three months, is taken into consideration as well. The legislation enables anybody in possession of corruption practices information to submit a signal, while also incorporating whistle blowers protection. The discrepancies in the assets declarations can lead to quick initiation of proceedings to inspect the assets and forfeit the unlawfully acquired ones.
98. Amendments to the Penal Code, which deal with the expansion of the elements of the crime, have been drafted and are being discussed in the Parliament, following the recommendations of the independent technical analysis of the Prosecution in Bulgaria, conducted by prosecutors from EU MS, with support from the European Commission Structural Reform Support Service.
99. Amendments to Criminal Procedure Code from 2017 have introduced measures, ensuring the high quality of the work on cases, related to high-level corruption and organised crime. These cases referred to the Specialised Criminal Court, which has special jurisdiction to decide on complicated cases. In 2016 the prosecutor's office carried out a review of a sample of completed corruption cases to identify issues hampering a successful prosecution of such cases. As a result, for the period 2016-2018, for 7000 corruption cases there have been 1500 convicted persons.
100. In 2017, the National Anti-corruption Policy Council launched a review of the sectorial anti-corruption plans for the main high-risk sectors throughout the State administration. Following this review, the Council adopted horizontal guidance for the further development of the plans. This work aims to spread good practices, based in part on the experience within the Ministry of

Interior, which has developed a comprehensive programme of targeted anti-corruption measures since 2015.

101. Legal amendments for the period under review were aiming to impose a higher level of discipline on both prosecution and defence, so as to ensure that formal errors were cleared up early on in the procedure so that the later stages of the trial could focus on issues of substance. The other major element of the reform was the transfer of jurisdiction to the specialised court for organised crime. A consequence of this was also to give the specialised prosecutor's office for organised crime the lead in the supervision of investigations and in the prosecution of such crimes. The specialised prosecution works closely with the general directorate for organised crime in the Ministry of Interior, which is also increasingly involved in the investigation of corruption crimes.

## XII. Rights of the child

### **Recommendations 123.99 – 123.100, 123.125 – 123.128, 123.137 – 123.140**

102. The Republic of Bulgaria considers that upbringing children in specialized institutions, isolated from the community and from educational, health and social services is not only a violation of their right to live in a family, but a violation of children's rights in general. Deinstitutionalization does not end with children leaving the institutions. It starts there and the most important is that the children are provided with constant support in order to develop as confident and independent young people. Continuing the deinstitutionalization process, providing the most effective child care and child protection are among the highest priorities of Bulgaria.

103. The assessment of the implementation of the deinstitutionalization of childcare reform shows a reduction of the number of children in specialized institutions by more than 90% - from 7 587 children in 2010 to 731 in the end of June 2018. There is prevail of the care in home environment and a reduction of the number of specialized institutions for children by 77% - from 137 in 2010 to 32 in June 2018. 105 specialised institutions for children were closed, including all specialised institutions for children with disabilities and for children from 4 to 7 years.

104. 615 community-based social services for children, including services of residential type, were established and their sustainability is guaranteed by state budget funding. Significant investments were made in strengthening of the capacity of the system and the specialists. Undoubtedly, the biggest success is the improved quality of the life of children who are placed out of the specialised institutions. Particularly important are also the measures for prevention of abandonment, reintegration in family environment and foster care, as well as the elaboration of integrated services for early childhood development.

105. On 13 October 2016, the Council of Ministers adopted an Updated Action Plan for the implementation of the National Strategy "Vision for Deinstitutionalisation of Children in the Republic of Bulgaria", which outlines the follow-up steps and measures to continue and finalise this process by 2025. The Action Plan was elaborated with the active participation of UNICEF. The principle that the family is the best environment for every child to be raised up in and to develop, continues to be the main driving force behind the reform. The plan is to suspend the placement of children under the age of 3 in residential care, whereas this service will be provided only for children in need of specialised support such as children with disabilities, who

need constant medical care. The Updated Plan foresees financing of the development of 149 new services by 2025 for 7,092 users, including community and family support services, transitional homes, day-care centres and centres for social rehabilitation. Bulgarian experience shows that the De-I process requires commitment of different stakeholders - government, local communities, NGOs etc.

106. We pay special attention to the protection and promotion of the rights of the most vulnerable refugees – the children, especially unaccompanied refugee children. Bulgarian institutions, in co-operation with UNHCR, UNICEF and NGOs, are working hard to find appropriate opportunities for their inclusion in social, educational and health programs, to protect them from violence and discrimination, to provide them with expert and psychological assistance and to encourage their development and integration. Providing full access to the education system to all minors and underage children who have been granted international protection is carried out under the same conditions as for the Bulgarian citizens. In view of the initial adaptation of foreign minor asylum seekers, the State Agency for Refugees is working in partnership with a wide range of non-governmental organizations to provide Bulgarian language courses at its registration and reception centres.
107. A Mechanism for interaction between institutions and organisations, in cases of unaccompanied children or children separated from their families on the territory of the Republic of Bulgaria, including children seeking and / or receiving international protection, has been established in March 2017. This Mechanism aims to ensure the rights of unaccompanied minors and juveniles and the observance of their best interests, by creating conditions for their protection against physical and psychological violence, ensuring their right to life and development, avoidance of harm and discrimination
108. The Supreme Prosecutor's Office of Cassation provides information to the State Agency for Child Protection on a regular basis about the instituted criminal proceedings related to so-called early marriages or co-habitation with minors. Based on this information, the number of cases is decreasing from around 200 in 2014 to 130 in 2017.
109. As mentioned in part VI, the Strategy for Reducing Early Drop-outs from the Education System (2013-2020) is currently into force. The Plan for implementation of the Strategy supports the key measures in the policies on prevention of premature dropping out and leaving of school. It focuses on implementing the main elements of the Strategy, as follows:
- Priority design of measures for prevention of school dropout;
  - Enhanced information activities among stakeholders on the role of education and training in the development of individuals and the society;
  - Design and approval of an early warning system.
110. Shared good practices at school, municipal and regional levels involve the application of an integrated approach and demonstrate consistent efforts of stakeholders in addressing school dropout. The importance of early child development is recognized as vital for successful continuation and development of the strengths of infants and students. The Strategy and the Plan for its implementation are focused on all children on equal basis.

### XIII. Rights of persons with disabilities

**Recommendations 123.142 – 123.149**

111. The state policy for protection of the rights and integration of persons with disabilities in the Republic of Bulgaria is an essential part of the overall policy for the protection and promotion of human rights and fundamental freedoms. Persons with disabilities enjoy the special care of the state and society. In order to improve the quality of life of persons with disabilities, to prevent discrimination on the grounds of disability, to ensure full and active participation in all spheres of public life and to promote the respect of their rights in all policies, a National Strategy for Persons with Disabilities 2016 – 2020 has been adopted and is being implemented. The strategy has been developed to meet the national commitments under the UN Convention on the Rights of Persons with Disabilities.
112. In 2018, a draft Persons with Disabilities Act has been prepared, outlining the development of a reform of the system for social inclusion of persons with disabilities. The Act proposes a new comprehensive legal framework to regulate public relations related to the promotion, protection and safeguarding of the rights of persons with disabilities and support for their social inclusion. The rights of persons with disabilities shall be guaranteed in a way that respects their human dignity, by applying an individual approach and assessing their needs. The act is currently being discussed in the Parliament.
113. In the period 2017-2018, Bulgaria was President of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and played a key role in the preparation, organisation and conduct of the 10th and 11th sessions of the Conference. Persons with disabilities and their representative organisations, on the initiative of Bulgaria and with the support of the other countries in the Bureau, were actively involved in all stages of the preparation and realisation of the Conference.
114. A Bill on Natural Persons and Support Measures has been drafted. The objective of the bill is to empower and provide autonomy to people with disabilities who have difficulty in exercising their rights according to their own wishes and preferences. It marks the commitment of the surrounding environment, the institutions and third parties, which have obligations to ensure the effective and actual exercise of the rights of persons with disabilities. The bill was approved by the Council of Ministers in August 2016 and submitted to the 43rd National Assembly for adoption. The Committee on Legal Affairs made a proposal to the National Assembly to adopt the bill at first reading but on 27 January 2017 the 43rd National Assembly was dissolved. A preparation of the bill for its submission to the new 44th National Assembly is forthcoming, after a comprehensive ex ante impact assessment.
115. The National Long-Term Care Strategy provides for the creation of conditions for the independent and dignified life of older people and persons with disabilities, through the provision of quality, accessible and sustainable long-term care services, according to their individual needs, in order to achieve a better balance between quality of services and their effective and efficient provision. A strong focus in the Strategy is also put on the deinstitutionalization of care for the disabled and the elderly, the development of services in the home environment and the support of families, with increased responsibility for the care of dependent family members. Promoting synergies between social and health services, including the development of innovative cross-sectoral services, as well as the implementation of an integrated approach are also among the priorities of the Strategy. With the adoption in January 2018 of the Action Plan (2018-2021) by the Government, for the implementation of the National Long-term Care Strategy, the process of deinstitutionalisation of persons with disabilities and the elderly started. The plan covers the measures only for the first four-year

phase of the deinstitutionalisation of the care for the elderly and the disabled, which should be finalised by 2034.

116. As stated in part XII, all specialised institutions for children with disabilities have been closed. At this stage, we will further develop the network of supportive social and integrated services for prevention, early intervention, support and prevention of the need for residential care. By the end of June 2018, 1143 social community services are provided with funding from the state budget with the possibility of supporting more than 23 640 children and adults. Over 700 of them are specifically targeted at children and adults with disabilities. For 2018, the funds have been increased by BGN 19.5 million compared to 2017, with their total amount already exceeding BGN 230.9 million. Given the importance of the assistance services for people with disabilities and their families (personal assistant, social assistant and home assistant) their provision continues in 2018 with funding from the state budget, with financial resources amounting to BGN 68 million.
117. During the 39<sup>th</sup> Session of the UN Human Rights Council Bulgaria presented on behalf of a cross-regional core group of countries a Joint Statement entitled “Empowering children with disabilities through inclusive education”, ahead of the presentation of the resolution on the rights of the child in March 2019 on the same topic. Bulgaria shares the view that inclusive education is key to empowering all children regardless of their physical, intellectual, social, emotional, linguistic or other characteristics.

#### XIV. Rights of refugees and migrants

<b>Recommendations 123.166 – 123.167, 123.169 – 123.182</b>
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118. Migration is a common concern and long-term working solutions can only be found through common efforts in the spirit of understanding among all affected or endangered countries. The efforts of the entire international community should be focused on ending hostilities in conflict zones, supporting institution building, the rule of law and respect for human rights.
119. According to the Constitution and to the Foreigners in the Republic of Bulgaria Act (FRBA) the legally residing foreigners shall enjoy all rights, except those that require Bulgarian citizenship. The national legal framework on refugees and migrants has been harmonized with the EU legislation and is in line with the 1951 Convention on the Status of Refugees and the OP thereto. Amendments to the FRBA have extended its scope to cover foreigners in need of international protection. Bulgaria pays particular attention on the fundamental principles of the 1951 Convention - non-discrimination, no punishment on account of illegal entry or stay, prohibition of expulsion or return.
120. On 10 June 2015, the Bulgarian Government adopted a National Strategy on Migration, Asylum and Integration for the period 2015-2020. It is aimed at creating a comprehensive and stable legal and institutional framework for the proper governance of legal migration and for the prevention of illegal migration, for integration of and care for the persons seeking international protection, and those who have been granted asylum or refugee status in Bulgaria. In July 2017, an Ordinance on the conditions and procedure for concluding, implementing and terminating the agreement on the integration of foreigners with granted asylum or international protection was adopted.

121. The best interests of the child is a guiding principle in defining the priority of protection needs and determining the measures to be applied to unaccompanied and separated children. An adequate and complete initial assessment of the need to protect the child is conducted, including to identify and take into account the special needs of admitting vulnerable children.
122. In order to respect the best interest of the child, the competent national authority, the State Agency for Refugees, gives priority to: (1) screening of the arrivals, so that unaccompanied and separated children can be identified quickly by applying a presumption of underage until the outcome of the age determination procedure; (2) separation of those who appear to be minors from adults they are not related to, in order to reduce the risk of future human trafficking and/or other possible forms of abuse, exploitation and violence; (3) guaranteed referral to a place for temporary accommodation, for the purpose of providing basic medical, social and psychological care and support; (4) provision of basic information and advice in a child-friendly manner and in a language that the child can understand, about the international protection procedure and/or, where appropriate, procedures for victims of trafficking in human beings, as well as other opportunities, including voluntary return; (5) ensuring guidance for institutions responsible for child protection as well as specialized services, including psychosocial consultations, if necessary; and (6) ensuring access to education as soon as possible
123. In addition to the information provided in part XII, it should be noted that unaccompanied minors and other minor foreigners are placed until their majority with family and relatives, foster families, specialized institutions and other places designated for minors. In the Reception and Registration Centre in Sofia, there is a protected zone for unaccompanied minors with a separate entrance and security. The Reception centre in Banya has been designated exclusively for unaccompanied children and women with children. In order to respect the best interest of the child, the State Agency for Refugees gives priority to screening of the arrivals, so that unaccompanied and separated children can be identified quickly by applying a presumption of underage until the outcome of the age determination procedure.
124. Under the Asylum and the Refugees Act, a guardian or a trustee is appointed for an unaccompanied minor or underage foreigner, seeking or having received protection, who is on the territory of the Republic of Bulgaria, under the conditions and by the order of the Family Code. For unaccompanied minors, basic information and advice is provided in a child-friendly manner and in a language that the child can understand, about the international protection procedure and/or, where appropriate, procedures for victims of trafficking in human beings, as well as other opportunities, including voluntary return.
125. There is a mechanism for family reunification, which is applied upon request by the person who receives protection. The Chairman of the State Agency for Refugees takes decisions on applications for family reunification when all legal requirements have been met. The State Agency for Refugees facilitates the reunification by aiding the access to the country and issuing of visas and travel documents. When the location of family members is unknown, the Agency, in cooperation with the UNHCR, the Bulgarian Red Cross and other bodies, undertakes steps for their search.
126. Providing full access to the education system to all minors and underage migrant children is carried out under the same conditions as for the Bulgarian citizens. A commission at the school also offers vocational training, as well as the opportunity to choose between part-time, individual or evening form of study. A Bulgarian language curriculum has also been developed

for teaching of migrant pupils at the primary and secondary education stage. Assistance has been provided for the legalization of documents, preparation for examination before the regional inspectorates of education, selection and enrolment for children over 6 years of age, etc. The national program identifies the need for an additional intensive language training in Bulgarian language and providing of ongoing training in additional preparation in school subjects according to the needs of each child.