



Republic of Bulgaria

United Nations Human Rights Council

**Bulgaria's First Universal Periodic Review
Recommendations**

**Mid-Term Implementation Update
2011-2012**

(June, 2013)

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I. Introduction

Bulgaria attaches utmost importance to the mandate and the role of the UN Human Rights Council as the primary institutional tool of the international community in the field of protection and promotion of human rights and fundamental freedoms.

Bulgaria regards the membership in the UN Human Rights Council as a clear demonstration of the longstanding commitment of the members of the international community to the fundamental principles and international cooperation in the field of human rights.

Bulgaria considers the UPR to be an important mechanism and an ongoing process, bringing forward the work of the Treaty Bodies and the special procedures. The UPR process contributes to a permanent focus on promoting and protecting human rights at the national level and is an effective tool to review the human rights record of the UN Member States.

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

The Mid-term Update covers the period of 2011-2012 and presents the follow-up implementation of the recommendations accepted during the First UPR. It provides the international partners and the Bulgarian Institutions with information on the actions taken in Bulgaria in the area of human rights after 2010 with the horizon 2015.

In the implementation process of the 106 recommendations all relevant ministries and institutions as well as non-governmental representatives have been involved. This collaboration enables the monitoring of the internal human rights situation from governmental and civil society point of view and facilitates the forthcoming inclusive exchange on what remains to be done by 2015. Bulgaria's genuine intention in the implementation process continues to be the enhancing of the national capacity for the promotion and protection of human rights to the benefit of all persons residing in the territory of Bulgaria.

The Mid-term Update is organized in 17 thematic Chapters corresponding to the 17 groups in which the recommendations have been classified on the basis of their subject matter. The numbers of the Recommendations in the present update equate those in the Report of the Working group on the UPR, BG (A/HRC/16/9) and its Addendum (A/HRC/16/9/Add.1).

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III. Bulgaria's Mid-Term Implementation Update 2011-2012

1. CIVIL SOCIETY CONSULTATIONS ON THE IMPLEMENTATION PROCESS

Recommendations

Translation

80.112. Translate, publish and make available to the citizens of the country the assessments and recommendations made by relevant international human rights bodies, including the Human Rights Council's universal periodic review (Norway);

Civil society

80.110. Undertake a transparent and inclusive process with civil society in the implementation of universal periodic review recommendations (Norway);

80.111. Continue consultations with civil society in the follow-up to this review (Austria);

Information on the interactive dialogue with Bulgaria as part of the UPR procedure which took place on the 4th of November 2010 was published on the web-site of the Ministry of Foreign Affairs of the Republic of Bulgaria together with the exhaustive list of the received recommendations and the response to them by the Government.

Recommendations received during the Considerations of the national reports presented to the UN Human rights treaty bodies are being published on the web-site of the ministry in lead of the implementation of the respective international human rights instrument.

Bulgaria has introduced the practice of establishing Working Groups (WGs) on the follow-up process of the recommendations. The Actions Plans prepared by the WGs on the implementation of the recommendations are adopted by the Government. The National HR Institutions are involved in the follow-up process as members of the WGs and when appropriate, they are assigned as responsible institutions or partner institutions for the recommendations' implementation in the Action Plans. The representatives of the NGOs are invited to participate in the meetings of the WGs and to present their views on the implementation of the recommendations.

The NGOs are permanent members in the following national consultative settings:

1. National Council on Equality between Women and Men with the Council of Ministers (NCEWM);
2. National Council for Child Protection (NCCP);
3. National Commission for combating trafficking in human beings (NCCTHB);
4. National Commission on Narcotic Drugs (NCND);
5. National Committee on Prophylactics of AIDS and STD;
6. National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

2. INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Recommendations

80.1. Consider the possibility of expressing its consent to be bound by (Argentina)/ratify (Armenia, Spain, Palestine, Switzerland)/accede to the Optional Protocol to the Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, to permit the enable an independent monitoring of prisons and detention centers by the Subcommittee (Czech Republic);

80.3. Adhere to the principles of the Convention on the Rights of Persons with Disabilities, with a view to its early ratification (Mexico); ratify CRPD (Spain); consider the possibility of expressing its consent to be bound by (Argentina)/consider ratifying CRPD and the Optional Protocol thereto (Chile), which would result in a higher level of cooperation with international human rights mechanisms, ensuring better safeguards for the rights of people with disabilities (Hungary);

80.4. Consider the possibility of expressing its consent to be bound by the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina)/ratify CED (Spain) and accept the competence of the treaty body as provided for in articles 31 and 32 (France);

80.5. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain, Palestine, Switzerland);

80.6. Consider acceding to (Brazil)/accede to the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness (Germany, Bosnia and Herzegovina, Azerbaijan, Slovenia);

80.31. Give positive consideration to the request to carry out a visit to the country by the Special Rapporteur on the question of the trafficking of persons (Belarus);

Bulgaria ratified the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in 2011 (Official Gazette of the Republic of Bulgaria № 34/2011). Following inter-institutional consultations and consultations with the NGO sector, the Ombudsman was appointed as National preventive mechanism. Pursuant to the necessary legislative amendments to the *Law on the Ombudsman* (State Gazette No. 29 of 10 April 2012) a new Directorate of National Preventive Mechanism and Fundamental Human Rights and Freedoms has been established with the Office of the Ombudsman of the Republic of Bulgaria on 1 June 2012.

Bulgaria ratified the *Convention on the Rights of Persons with Disabilities* in 2012 (Official Gazette of the Republic of Bulgaria № 12/2012) and in 2012 the Council of Ministers has adopted an Action Plan (2013-2014) to bring in conformity the Bulgarian legislation with the provisions of the Convention. Information campaigns on the provisions of the Convention in collaboration with the NGOs have been already started in the numerous Bulgarian cities.

Bulgaria ratified both the *Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness* in 2012 (Official Gazette of the Republic of Bulgaria № 11/2012).

Bulgaria confirms its commitment to consider ratifying the *Optional Protocol to the ICESCR* and inter-departmental discussions are under preparation.

The commitment of Bulgaria to ratify the International Convention for the Protection of All Persons from Enforced Disappearance has been confirmed at the high-level meeting on the Rule of Law in September 2012 and the preparation of the ratification is dealt with in a inter-institutional working group.

As to Recommendation № 80.31 Bulgaria would like to recall that it has extended a standing invitation to all Special procedures which could avail themselves of this invitation.

3. NATIONAL HUMAN RIGHTS INSTITUTIONS

Recommendations

80.16. Continue efforts to further improve the already existing solid institutional framework regarding the protection of human rights and fundamental freedoms, and share best practices in this field (Greece);

80.11. Consider establishing (Finland)/establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the promotion and protection of human rights (Algeria, Turkey) in order to raise public awareness and guide the authorities (Finland);

80.12. Establish an independent national human rights institution in accordance with (Indonesia)/in full compliance with the Paris Principles (Azerbaijan);

80.13. Explore the possibility of consolidating existing Ombudsman institutions and mechanisms into a single national human rights institution in line with the Paris Principles, through accreditation by the International Coordinating Committee of National Human Rights Institutions (Malaysia);

80.14. Strengthen the role of bodies and institutions such as the Ombudsman and the National Council for Cooperation on Ethnic and Demographic Issues, in particular the Commission for Protection against Discrimination, by enhancing their human and logistical capacity (Ghana);

80.17. Further strengthen the role of bodies and institutions with competence to combat discrimination, in particular the Commission for Protection against Discrimination (Azerbaijan);

The Information provided on current thematic chapter relates only to the National Human Rights Institutions to which the recommendations have been addressed:

National Council for Cooperation on Ethnic and Integration Issues

Since April 2011, in accordance with Decree № 92/2011 of the Council of Ministers the ethnic issues have been transferred from the Ministry of Labour and Social Policy to the administration of the Council of Ministers where *the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers /NCCEII/* has replaced the former National council on ethnic and demographic issues. The policy related to demographic development has been transferred to the portfolio of the Ministry of Labour and Social Policy.

NCCEII is a coordinating and consultative body, assisting the Government in formulating the policy on the integration of minority groups. In the Council are represented the organizations of Bulgarian citizens belonging to ethnic minorities¹, State institutions, local authorities and representatives of the Academia. The functions of NCCEII have been extended during the reported period:

-NCCEII coordinates and controls the implementation and carries out constant monitoring over the implementation of the National Action Plan for the "Decade of Roma Inclusion 2005 – 2015"; The National Action Plan was adopted in April 2005. Since then

¹ In 2010, in the Council are represented 28 NGOs, in 2011 - 26 NGOs and in 2012 - 44 NGOs, including NGOs of citizens, belonging to the Armenian, Aromanian, Vlach, Jewish, Karakachan, Roma, Turkish communities as well as organizations working on minority issues.

Progress Reports are elaborated annually and submitted to the Council of Ministers. The 2011 the Progress Report was also presented to the National Assembly.

On the National Action Plan and the National Strategy on Roma Integration see Chapter Rights of Persons belonging to Minority Groups

-The Chairman of the NCCEII is assigned as National Coordinator for the international initiative "Decade of Roma Inclusion 2005-2015".

Commission on Protection against Discrimination /CPD/

The Commission is the independent specialized national body in the sphere of equality exercising competencies and authority as provided in the Protection against Discrimination Act. The main competences of the CPD are: 1) prevention of discrimination 2) protection against discrimination by consideration of specific complaints and signals lodged before the Commission and constituted as proceedings, and 3) ensuring equal opportunities for participation in public and social life for all citizens.

In the reported period the CPD opened 4 new Regional Representatives Offices respectively in Blagoevgrad, Stara Zagora, Varna and Pernik. At present the number of the operating offices is 15.

Over the past three years there has been an increase in the number of proceedings brought before the CPD which has demonstrated that the trust in the Commission as an independent specialised body for the protection from discrimination and ensuring equal opportunities has been raised. This however results in higher costs paid from the CPD budget, in view of the fact that proceedings brought before the CPD are exempt from State fees and are free to the complainants. The CPD request for an increase of the budgetary allocations for 2013 remained not accommodated due to constrains of the economic and financial crisis. The reduced budget affects negatively the administrative capacity of the CPD.

In 2011, the CPD regional representatives registered 848 complaints and reports, 638 open-day events were held in constituent municipalities; 1,238 citizens were informed and consulted, 3,754 citizens received only consultations at the offices of Regional Representatives; methodological support was provided to 598 citizens.

In 2012, the CPD regional representatives registered 224 complaints and reports, 846 open-day events were held in constituent municipalities; 1,689 citizens were informed and consulted, 4,462 citizens received only consultation at the offices of Regional Representatives; methodological support was provided to 798 citizens.

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

Ombudsman

The capacity of the Ombudsman has been strengthened in three main directions:

- NPM under the OPCAT /See Chapter International Human Rights Instruments/;
- Extended powers;
- Accreditation under the Paris Principles.

A new paragraph 2 to Article 19 of the Law on the Ombudsman has been introduced to stipulate the designation of the Ombudsman of the Republic of Bulgaria as a national preventive mechanism and a new Chapter Four(a) with Articles 28a – 28e of the Law on the Ombudsman provides for the competence of the Ombudsman of the Republic of Bulgaria as a

National Preventive Mechanism /NPM/. These amendments have been promulgated in State Gazette No.29 of 10 April 2012 and have entered into force on 11 May 2012.

The bill provides for broad powers to the Ombudsman in relation to places for persons deprived of their liberty, or those where persons are detained or placed as a result of an act or in agreement with the public authority (i.e. places that they are not allowed to leave at their own free will). *See also Chapter “Rights of the Persons Deprived of Their Liberty”.*

The budget of the Ombudsman’s institution has been increased accordingly to accommodate the new capacity of the Ombudsman as an NPM and legislative amendments granting the Ombudsman the power to encourage ratification of international human rights instruments have been adopted.

The extended powers of the Ombudsman include: presenting opinions to the Council of Ministers and the National Assembly on draft laws concerning human rights protection and on the ratification of International Human Rights Treaties; referrals to the Constitutional Court and protection of the rights of the child.

Following the amendments to the Ombudsman Act not only citizens but also non-for-profit organizations working in the field of human rights protection can lodge complaints with the Ombudsman.

4. REFORM OF THE JUDICIAL SYSTEM. FIGHT AGAINST CORRUPTION, ORGANISED CRIMES AND CONFLICT OF INTERESTS

Recommendations

80.62. Continue its judicial reforms in the form of amendments to the Judicial Systems Act, the Penal Code and the Penal Procedure Code, the Ministry of Interior Act and the Criminal Assets Forfeiture Act and the like; give attention to more training and professionalism within the judiciary as well as the enhancement of the appraisal and appointment systems, and strengthen the accountability and efficiency of the Supreme Judicial Council (Netherlands);

80.63. Continue to focus political attention and commitment, as well as the necessary administrative resources in Bulgaria, on the crucial issue of promoting efficiency and consistency throughout the justice system, and not least the accountability of the judiciary (Denmark);

80.65. Promote awareness of the National Legal Office and its services to improve confidence in the justice system and to ensure that Bulgarians have adequate legal standing before the courts (United Kingdom);

80.66. Strictly apply all legal and disciplinary means to sanction corruption, conflict of interest and organized crime, and accelerate the implementation of the action plan to implement the National Anti-Corruption Strategy (Netherlands);

80.64. Enshrine in its Constitution the protection of rights of national and ethnic minorities, create an effective juvenile system, and continue to reform its justice system (Nigeria); NOTE: the recommendation was accepted in its second part.

80.67. Create an effective juvenile justice system in order to defend children's rights (Hungary);

80.113. Assess the recommendation made by the Committee on the Rights of the Child with regard to seeking technical assistance from the United Nations, in order to implement the recommendations of the study on violence against children and the establishment of a juvenile justice system (Chile).

80.108. Fully respect all international obligations by accepting the legally binding United Nations documents and by its membership in the United Nations, especially articles 1, 3, 6 and 15 of the International Covenant on Civil and Political Rights, and by respecting the decisions of the other United Nations bodies and other organizations at the national level, especially, the decisions of the Human Rights Court in Strasbourg, in regard to minority rights (former Yugoslav Republic of Macedonia);

Reform of the Judiciary

In the reported period the reform of the Bulgarian judicial system has continued.

The most important amendments to *the Judicial System Act (JSA)* introduced in 2011 (State Gazette no. 1/2011) have strengthened further the institutional capacity of the Supreme Judicial Council (SJC), the Inspectorate of the Council and the National Institute of Justice.

The successive amendments of the JSA in 2012 (State Gazette №50/2012) address the issues of publicity and transparency in the election of members of the SJC and the establishment of a procedure for assessment of complaints by the SJC Inspectorate against violation of the right to have the case assessed and decided in a reasonable time. All phases of the process for both nomination of elected SJC members and their election are provided for and developed in detail in the law. The process includes public announcement of nominees, public hearing and discussion of the nominations. As to the Judiciary quota, the law offers a mechanism which ensures real participation by magistrates (through a transparent selection of delegates) in the election of SJC members of high professional and moral merits.

Furthermore, the JSA amendments provide for the establishment of a legal tool within the *Inspectorate* for compensation of the damages resulting from the delay of the process (compensatory tool). That specialized unit shall assess and decide the complaints against violations relating to unreasonable delays of completed civil, administrative and criminal procedures, and of discontinued pre-trial procedures. Another important prerequisite for the procedure to be arranged in this way is the constitutional duty of the Inspectorate to undertake inquiries into alerts raised by citizens and legal entities (Art. 132a (7) of the Constitution). The right to lodge complaints is available to all categories of persons which could potentially be affected by delays of the procedure. The envisaged procedure provides a facilitative way of obtaining compensation that would result in a maximum amount of the compensation aligned with the levels of compensation awarded by the ECHR.

Further amendments of the JSA, yet to be adopted by the Parliament aim at maximum transparency of the judicial system are in two directions; guaranteeing normal workload of the magistrates and introducing the electronic judicial services as an additional opportunity.

In 2012 the *The Responsibility of the State and Municipalities for Damages Act* was amended (State Gazette № 98/2012). The amendments ensure the creation of national legislation which would allow the affected persons to receive compensation for the damages caused through violation of a right conferred by the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) committed by the State or its authorities or officials.

In 2012 the work on the new draft *of the Penal Code* has conducted and is further intensified in the first half of 2013.

National Legal Assistance Bureau

In 2012 the staff of the Bureau was increased with three additional posts. Thus resulting in a more balanced workload scheme and allowing the timely and successful finalization of the file cases.

The budget for legal assistance for the year 2013 is increased by BGN 2 million thus providing a total amount of BGN 9 million for the purposes of administering legal assistance services. This comes to substantiate the commitment of the State to ensure access to legal assistance for every Bulgarian citizen.

In 2013 the Legal Assistance Act has been amended to widen the scope of socially disadvantaged groups having effective access to justice. (children in risk, victims of domestic and sexual violence, victims of human trafficking and persons looking for international protection)

Fight against Corruption

Anti-corruption efforts within the public administration are co-ordinated by the Commission for the Prevention and Countering of Corruption (CPCC) established in 2006 within the Council of Ministers. The organisation of the Commission's work and the administrative and technical services are carried out by the Directorate "General Inspectorate" (GI) responsible to the Prime Minister. A concept was elaborated to improve the analytical capacity of the inspectorates as units of internal control which was endorsed by the Prime Minister and submitted to the Council of Administrative Reform in 2012. At regional level, all 28 regions in Bulgaria have anti-corruption Councils, which have been strengthened in recent years to include representatives from local government, territorial structures, the judiciary, various ministries, civil society and the business community.

The newest element in the anti-corruption framework is the BORKOR project implemented by the Centre for prevention and countering of the corruption and organised crime.

According to the information provided by the Supreme Prosecutor's Office of Cassation, a total of 291 prosecutorial statements have been filed at court for 2011 and 240 – for 2012 with comparison with 228 for 2010, 147 were the sentenced persons in 2011, respectively-159 in 2012, compared to 166 in 2010. The analysis of the statistical data leads to the conclusion that there is a decrease for the period 2011-2012 in the number of the cases of corruption and increase in the number of the sentenced persons.

Fight against Organized Crime

The fight against organised crime has been advanced by a number of procedural and institutional reforms.

The institutional reforms included the re-establishment of Chief Directorate "Countering Organised Crime" as an independent police structure, specialised in combating serious and organised crime. As a result in 2011 there was a substantial reduction of cases referred back from the prosecution to the police, the length of investigations has been reduced and overall the quality of collected evidence has improved. In addition, the number of the cases overdue has been substantially reduced.

In the context of the process of specialisation in 2011-2012 specialised prosecutor offices and courts to deal with organised crime have been established.

The resources for police investigations have been increased. The number of the police officers engaged in the investigation has increased from 2000 in 2010 to 6000 in 2011. At present it is 8 000.

In order to improve the fight against organized crimes, trainings for the magistrates have been provided with special focus on organized groups acting in the fields of narcotics dissemination, money laundering, physical injuries, human trafficking and high technology crimes. Some of the trainings were organized in partnership with international (Interpol, Eurojust) and bilateral partners (Spain, Germany, Italy, France, USA) in order good practices to be exchanged.

The changes to the Penal Code have been undertaken to allow a more effective penal response to serious and organised crime.

In May 2012 a new *Act on Forfeiture on the Exchequer of Unlawfully Acquired Assets* has been adopted (State Gazette № 38/2012). This Act provides for confiscation of illegal assets through a procedure in civil courts which can be launched upon the initiation of judicial investigations for a number of serious crimes and upon certain administrative infringements. The Act provides for the establishment of the *Commission for Forfeiture of Unlawfully Acquired Assets*- a specialised body which identifies unlawfully acquired assets with the assistance of local units and local authorities. The Commission has been established in early 2013.

Conflict of interest

Bulgaria has adopted a law on conflicts of interest in 2009 and set up the *Commission for Prevention and Ascertainment of Conflict of Interest* (CPACI) to establish and sanction conflicts of interest. The CPACI is an independent body with five years term of office that consists of five members. Three of them are elected by the National Assembly, including the chairperson, one member is appointed by the President of the Republic and one- by the Council of Ministers.

Juvenile justice system

In 2011 the Government of the Republic of Bulgaria has adopted a Concept for State policy in the field of juvenile justice, which envisages specialization of the judicial system for juvenile justice without creating specialized courts.

At the beginning of 2013 an Action Plan has been developed for the period 2013-2020 in implementation of the Concept. The Action Plan is consistent with the main strategic documents in the field, such as the Vision for Deinstitutionalization of Children in the Republic of Bulgaria and the Strategy for Crime Prevention (2012-2020). The Action Plan includes a clear roadmap of institutions and deadlines for the accomplishment of the measures envisaged in the Concept.

On 17 October 2012 the Minister of Justice signed an agreement with the Swiss Government under the programme “Strengthening the legal and institutional capacity of the judiciary with regard to juvenile justice”. The project implies the training of 130 Bulgarian magistrates, as well as policemen, social workers and psychologists.

Since February 2012, a specialized Department "Combating crimes committed by minors and offenses against minors" operates within the Supreme Prosecutor's Office of Cassation. The Department is supported by a National network of prosecutors for countering crimes committed by minors.

Implementation of the obligations under Art. 1, 3, 6 and 15 of the International Covenant on Civil and Political Rights

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

5. EDUCATION IN HUMAN RIGHTS

Recommendations

80.92. Persist in its national efforts aimed at the systematic inclusion of human rights education in its educational and vocational systems and at all school levels (Morocco);
Also Rec. 80.28, 80.44, 80.62

Education in HR – general school system

Formal civic education in Bulgarian schools is based on the Universal Declaration of Human Rights, the Convention of the Rights of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Reference Framework for Key Competences, etc.

According to the State Education Requirements for civic education the human rights are regarded as a basis for the overall personal development of youth, in view of their social realization.

Non-formal education contributes largely to enriching students' practical experience of the functioning of human rights principles, including the National Programme "The School – Students' Territory".

The importance of forming positive attitudes towards fellow-citizens belonging to any ethnic group, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. Issues pertaining to prevention of racial discrimination are included in senior high school curricula as part of general educational subjects.

Education in HR for the Judiciary and Law Enforcement Officers

Appropriate education and training in HR continued to be provided by the Academy of the Ministry of Interior /MoI/ and the National Institute of Justice (NIJ).

The police officers are acquainted with the decisions of the European Court on Human Rights in the framework of the discipline "Human Rights Protection".

The subject of human rights have been present in all full-time curricula of the National Institute of Justice (NIJ) for initial and continuing training of magistrates since 2003.

The rights of victims of violence and the implementation of the Law for protection from domestic violence have been identified, as problematic fields requiring particular attention.

With regard to pilot rulings of the European Court of Human Rights /ECtHR/ against Bulgaria in 2011 NIJ held two training sessions on ECHR in cooperation with the Council of Europe and with the participation of judges from the Court. These training sessions were designed for the benefit of 55 judges from the Supreme Court of Cassation, the Supreme Administrative Court and the prosecutors of the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office. In addition in 2011 another 6 training sessions were organized with Bulgarian magistrates as trainers. In 2012 the collaboration with CoE has been extended to other core provisions of the ECHR.

Training has also been provided to 2138 prosecutors and 253 investigators. In 2012 the prosecutor's office organized a seminar on ECtHR's decisions in the field of criminal law.

In March 2013 the implementation of the Project "Increasing the capacity of the judiciary and training on the ECHR at the NIJ" has been launched. The project is funded in the framework of the Norwegian financial mechanism 2009-2014.

Education and training in non-discrimination

The education in human rights provided by the NIJ includes a training module on Article 14 of the ECHR (prohibition of discrimination) and the relevant Bulgarian legislation and case law. In addition, the NIJ took part in the compilation of a collection of “Case Law Regarding the Application of the Protection against Discrimination Act,” prepared on the initiative of the CPD including for distribution among all magistrates.

The topic of hate crimes prevention is integrated in the curriculum of the MoI Academy. A new discipline “Protection from Discrimination” has been introduced, for educational and qualification degree “master of arts”.

A manual has been drafted on the topic of hate crimes to be used by the trainers for on-the-job vocational training of officers within the MoI structures.

In accordance with the *National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020)* training of police officers in minority-related issues has been provided. An annual 10-week theoretical and practical training course at national and local level on "Police Work with Ethnic Minorities" is also envisaged. During the reporting period trainings were held for working in a multiethnic environment. In 2011 the number of trainings was 567 and in 2012 it was 949. The total number of trained officers is 50 337.

In March 2011 a Memorandum of Understanding was signed between MoI and the Office for the Democratic Institutions and Human Rights of OCCE, which envisages the organization of training in the field of combating hate crimes.

Under the EU programme “Prevention of and Fight against Crime”, the Ministry of Interior developed a specific project on “Police training in the European standards of human rights protection”. The project - "European Police and Respect for Human Rights" under the Programme was launched in partnership with the Belgian Federal Police, the Criminal Police of the German Federal Province of Baden-Württemberg, the Warsaw Police, as well as national partners - the CPD, the Bulgarian Helsinki Committee and the Centre for the Study of Democracy. The project has been executed in the period 2011-2013 and covered 135 police officers.

In 2011, at the request of the Chief Directorate "Criminal Police", CPD organized two training workshops for 250 specialists from the Juvenile Offenders Directorates. A national workshop for the benefit of 130 magistrates, civil servants and NGO sector was held on the topic "Preventing and combating discrimination through the methods of criminal law", whose aim is to enrich and build on the progress made in previous workshops on this topic.

6. NON-DISCRIMINATION

Recommendations

80.8. Adopt legislation to prevent discrimination on the grounds of sexual orientation in the same manner as existing legislation to protect against discrimination on the grounds of ethnicity, gender and religion (United Kingdom);

80.44. Develop effective measures to overcome continuing discriminatory patterns against ethnic minorities and lesbian, gay, bisexual, and transgender persons through education and training (Spain);

80.43. Support more actively the implementation of the rights of sexual minorities as a means to fight social isolation and discrimination (Norway);

80.100. Take all necessary measures to fully ensure the enjoyment of human rights by persons belonging to the Romani minority, including with regard to combating discrimination and violence against such persons (Sweden);

80.103. Continue to give political attention, commitment and concrete action on the issue of combating any discriminatory practices against the Roma minority (Denmark);

80.40. Redouble efforts for the effective implementation of criminal provisions relating to acts of ethnic discrimination so as to prevent discrimination and human rights violations committed against persons belonging to minority groups (Mexico);

The Bulgarian authorities have continued its consistent policies aimed at preventing and eliminating any forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population as well as the LGBT persons.

We consider that implementing in practice the principle that the sexual orientation and gender identity are a matter of free personal choice for any individual all Bulgarian citizens are given the opportunity to freely state their sexual orientation and gender identity. The protection of their rights and freedoms is guaranteed by the Bulgarian Constitution, the national legislation and Bulgaria's international legal obligations in the field of human rights, in strict conformity with the principles of equality and non-discrimination.

We would like to recall that the *Protection against Discrimination Act* (PaDA), provides for a sound legal basis for the protection against discrimination, including in the field of employment and ensures effective protection for the victims of discrimination. The Act protects *inter alia* against discrimination in the exercise of labour rights, the exercise of the right to education and training and provided for balanced participation of men and women, and of persons belonging to ethnic, religious and linguistic minorities in governance and decision-making processes within the State authorities, public bodies and local self-government.

Art. 4 of the PaDA expressly prohibits all direct or indirect discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties, ratified by the Republic of Bulgaria. It should be added that "harassment" (Para. 1, point 1 of the Additional Provisions to PaDA), "incitement to discrimination" (Para. 1, point 5 of APs to PaDA) and victimisation (Para. 1, point 3 of APs to PaDA) are considered as discrimination under Art. 5 of the PaDA.

The PaDA also provides for protection in exercising the right to work and in exercising the right to education and training, as well as in applying the consumers and commercial rules. Similar guarantees are also provided by the Codes on Labour, on Social Insurance as well as the laws on health, radio and television, social assistance and on sports.

The Commission for Protection against Discrimination has established a network of regional representatives to carry out at the local level activities to raise awareness among vulnerable groups and the region's community as a whole on human rights, the methods of their protection, and dissemination of training materials, including to persons belonging to the LGBT group. In all these areas CPD works close with NGOs partners.

In 2011 the CPD has considered 48 claims for discrimination on ethnic ground and 9 claims for discrimination on the ground of sexual orientation, compared to 49 claims on 2012 on ethnic ground and 2 claims on ground of sexual orientation.

Projects for the creation of locally based Prevention Centres in Sofia, Bourgas and Targovishte were developed in collaboration with the Ministry of Interior of the Federal Republic of Germany. The main goals are awareness raising and the promotion of tolerance and respect for diversity in society in areas with predominantly Roma population.

The Bulgarian Ombudsman has extended in 2011 a recommendation to the Legislative and Executive branches to criminalize offences incited by homophobia.

In 2011 the Ombudsman received a number of complaints by citizens related to an event in preparation called “Protest March in defence of the Bulgarian culture and against the gypsy terror”. The complaints were related to the clear discriminatory and anti-ethnic element in message of the event. The Ombudsman sent a signal to the Chief Prosecutor and recommended to the Mayor of Sofia Municipality to ban the event as it violated the rights and freedoms of citizens. As a result of the steps taken, the anti-Roma protest did not take place.

In 2012 the Ombudsman reviewed a complaint alleging ethnic (Roma minority) discrimination. The inspection did not establish any violations. The case concerned a lady, owner of a kiosk for flowers which was removed by the municipality following an urban space project of the municipality. The lady was invited to remove the kiosk in a specific time limit which she refused to do. It was established that all owners of kiosks in the area were treated identically.

7. EQUAL OPPORTUNITIES FOR WOMEN AND MEN

Recommendations

- 80.7.** Adopt a law guaranteeing equal opportunities for women and men (Canada);
- 80.109.** in its first part “Further address the human rights challenges and continue its efforts in strengthening national mechanisms, particularly in the field of gender equality (...) (Serbia);
- 80.32.** Continue to take the necessary measures in order to better promote women's rights in all spheres of society (Greece);
- 80.33.** Continue to take concrete measures in accordance with obligations under the relevant international treaties to protect women's rights and raise their social status (China);
- 80.34.** Consider further affirmative action to accelerate equality for women in practice: in working life and in political decision-making (Norway);
- 80.36.** Take steps to address the gender segregation in the economy and the gender wage gap in the public sector (Ghana);
- 80.37.** Strengthen the concept of equality between the sexes and non-discrimination, and open up possibilities for women to participate in public life and have access to high-level positions in leadership and administrative posts (Iraq);
- 80.38.** Continue its efforts to overcome stereotypical attitudes regarding the roles of men and women and existing gender inequality (Ukraine);

Legal framework

Equality before the law is a constitutional principle in Bulgaria. The principle is further developed in the *Labour Code*, the *Employment Promotion Act*, the *Social Assistance Act*, the *Higher Education Act*, the *Defence and Armed Forces of the Republic of Bulgaria Act* and others, the *Family Code*, the *Social Insurance Code*. In accordance with the Directive 2010/41/EU on the implementation of the principle of the equal treatment of the self-

employed persons amendments were introduced to the Social Insurance Code. They guarantee the implementation of the equal treatment principle as regards the performance of economic activity by self-employed persons and introduce measures of positive discrimination to encourage women to undertake economic initiatives in sectors in which women are underrepresented. At the end of 2012 amendments to the Insurance Code have been submitted by the Government to the National Assembly in order to guarantee the implementation of the equal treatment principle as regards the access to insurance services.

These legal acts are in compliance with the international legal obligations of the State in the field of the equality and non-discrimination, particularly with the objectives and the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Various projects for a specific law in this field have been developed, and in 2008 a draft was submitted to the Parliament. The competent parliamentary bodies established, however, that the draft was redundant as it contained numerous repetitions of the Law on Protection against Discrimination. Currently, the Government focuses on the stricter implementation of the existing Bulgarian legislation in the field of gender equality.

Institutional Mechanism

The Ministry of Labor and Social Policy /MLSP/ is the main institution within the Executive in charge of the overall coordination of the national policy in the field of gender equality. A National Council for Equality of Women and Men is functioning at the Council of Ministers. The implementation of the equality legislation is overseen by the Commission for Protection against Discrimination /CPD/.

For additional information see also Chapters National Human Rights Institutions and Non-Discrimination

Since 14 November 2011, the relevant Sector at the MLSP has been upgraded to Equal Opportunities, Antidiscrimination and Social Assistance Department. The Department is staffed with 8 experts, 6 of whom are women.

These institutional structures are directly responsible for the formulation and the implementation of the uniform national policy on gender equality. They have developed and they coordinate the implementation of the National Strategy for Promotion of Gender Equality 2009-2015 and of the annual National Action Plans /NAP/ for the Promotion of Equality between Women and Men. The Strategy and the NAPs are adopted by the Government and they correspond to the European Strategy for Equality between women and men, 2010-2015. The National Strategy explicitly states that in the Republic of Bulgaria gender equality is a fundamental human rights principle, a matter of social justice and a fundamental value.

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

The Government in the NAPs is actively promoting the elimination of stereotypes on traditional division of roles between women and men in family relations and upbringing of children.

In 2011 the Ministry of Education has introduced in the school programmes special blocks on the gender equality and the social dimensions of both genders over the globe as part of the programs on gender education and human rights education.

The MSLP carries out various awareness raising programmes on issues related to gender equality, including on combating negative stereotypes about women and their societal roles.

The *Council for Electronic Media (CEM)* carries out regular supervision of the programs of media service providers and considers with priority possible sexist

advertisements. Where cases of gender inequality and discriminatory treatment are detected, CEM works in close cooperation with the *Commission for Protection against Discrimination* (CPD). In line with the recommendations of the UN Committee CEDAW in 2013 a focused monitoring was held of the activities of certain media service providers but no evidence was found of any inequality or discriminative attitude to women in the monitored programmes.

During 2010-2011, the CPD has conducted a representative survey on "Stereotypes and Prejudices in textbooks, and programs and curricula in primary and preparatory education." As a result of the survey the CPD recommended to the Ministry of Education textbooks and teaching materials to be refined in accordance with the Protection against Discrimination Act.

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

The Bulgarian Government has been strongly committed to the promotion of gender balance and is mainstreaming the gender-perspective in all its programs and policies at central and local level. Women themselves have also adopted politically and publicly active attitude.

After the last elections for Members of the European Parliament 50% of the Bulgarian Members in the European Parliament are women, while two Bulgarian women serve consecutively as EU commissioners. The Mayor of the capital city of Bulgaria, Sofia, is a woman as well.

Positive changes have occurred in the business sector in areas traditionally perceived to be male-dominated, such as management of trade companies, agriculture, public transportation and telecommunications.

As a result of consistent policies adopted in Bulgaria for promoting gender equality, women currently working in 51 state-managed trade companies account for 43% of the members of their governing bodies.

Unemployed women are offered the opportunity to start their own business by receiving a BGN 20 000 Grant under a scheme of European funding.

Equal Level of Economic Independence

The principle of equal pay for equal work or work of equal value is enshrined in our labour legislation and its observance is strictly monitored by the competent institutions. The existing differences in remuneration between men and women is for the private sector 19.9% and 11.1% for the public sector according to the actual Eurostat data. They are not a result of remuneration discrimination but are rather consequence of other reasons such as the structure of staff. An agreement was signed in 2008 between the Ministry of Labor and Social Policy and the Commission for Protection against Discrimination on joint actions to create conditions for reducing and eliminating the differences in remuneration of women and men.

Better opportunities to develop professional, personal and family life

In 2011-2012 the MLSP has implemented a project aimed at accelerating the process of professional reintegration of mothers of 1-3 years old children and encouraging fathers to take further responsibilities as regards family care. The Project is called "Babysitting-Shortcut from Education to Employment". It offers free of charge babysitting which allows parents to return soon to work and offers a chance to students to receive additional income. By the end of 2012 2 499 families benefitted from the project.

In 2011-2012 amendments were introduced to the Employment Act according to which the employer receives additional funds for remuneration and social security if they have employed mothers of children below the age of 3 years and mothers of children between 3 and 5 years old or if they have employed lonely parents or parents who have adopted

children below the age of 3 years respectively between 3 and 5 years old. These legislative measures have ensured employment of 1791 mothers for the period 2011-2012.

In 2012 under the National programme “Assistants for persons with disabilities” 2849 women have been employed which amounts to 67 % of the total number of the employed persons under this national programme.

8. RIGHTS OF THE CHILD

Recommendations

Deinstitutionalization process

80.78. Strengthen efforts to implement the "Vision for Deinstitutionalization", specifically in the light of the United Nations Guidelines for the Alternative Care of Children (Austria);

80.20. Adopt a national strategy to continue and intensify the deinstitutionalization process aimed at replacing current shelters with alternative housing and means of care better suited to meeting the needs of orphans and/or persons with mental disabilities (Belgium);

80.71. Rapidly close social institutions for children and find appropriate solutions for children who cannot live with their families (Norway);

80.77. Take urgent steps to end the continuing practice of placing babies and young children under the age of 3 in institutionalized care, and ensure the availability of family-based alternatives (Austria);

80.15. Establish urgently procedures/mechanisms at the central and local levels to ensure the health and safety of all children in institutions, including a child ombudsman at the national or regional level (Norway);

80.58. Bring to justice the persons and social institutions for children responsible for 238 reported unaccounted deaths in the period 2000-2010 (Norway);

Staff training

80.27. Establish training programmes addressed to staff members of shelters for orphans and persons with mental disabilities in order to enable them to respond at best to the specific needs of the residents (Belgium);

80.75. Provide sufficient resources for the effective functioning of the child protection system, including through training of social workers, standards to limit the case load per social worker and their adequate remuneration (Austria);

80.72. Allocate sufficient and, if necessary, additional resources for the recruitment and training of personnel in children's institutions, and intensify efforts to raise the number of foster families and provide them with adequate training for foster care (Netherlands);

80.73. Increase the training and staffing levels of institutions for children, improve oversight, and implement incentives to attract higher-quality candidates to fill positions at these institutions (United States);

Children with disabilities

80.19. Continue pursuing appropriate policies and programmes to accommodate the needs of mentally disabled children (Slovakia);

80.98. Continue its efforts on the issue of inclusion of children with disabilities in the general school system and reducing the number of schools for children with special educational needs (Slovenia);

Adoption

80.79. Introduce legislation prohibiting secrecy in adoption and guaranteeing the right of the child to know his or her origins (Austria);

80.80. Take steps to end the practice of international adoptions where the adoptive applicants are matched with children without having been introduced or had any opportunity to build any relationship with a child prior to the adoption decision (Austria);

Update on the deinstitutionalization process

The Government has set forth its clear policy views on the rights of the vulnerable children in the National Strategy “*Vision for Children Deinstitutionalization in the Republic of Bulgaria*” (National Strategy) adopted in February 2010. In November 2010 an Action Plan for the Strategy implementation has been approved. The Action Plan was elaborated in collaboration with UNICEF, NGO National Network for Children and the National Association of Municipalities in the Republic of Bulgaria and was submitted for comments to the Commission of the European Union.

The National Strategy and the Action Plan entail implementation of 6 projects, financed by the European Structural Funds:

‘Childhood for All’ Project targets around 1800 children with disabilities, aging from over 3 years old to youngsters placed in 24 homes for mentally retarded children (HMRC) and 31 medical and social care homes for children (MSCHC).

Better child care quality and living conditions have been provided to the Project target group; 153 children have been adopted; 34 children have been placed in foster care; 36- have been reintegrated; 15- have been placed in protected homes; 7- have been accommodated in their previous homes, and 31- have been accommodated in Family Type Accommodation Centers (FTAC).

The ‘Direction: Family’ Project in 8 MSCHC focuses on setting up prevention services aimed at restraining the placement of children in specialized institutions.

The Project ‘I have a Family’ runs for the period 30 September 2011-31 October 2013 and covers actions to decentralize and widen the scope of foster care and develops services in support of foster parents. As of January 2013 250 foster family candidates have been approved by the Foster Care Commission and 107 children have been accommodated.

The Project ‘Strengthening Social Assistance Agency /SAA/ capacity to improve social work quality and efficiency’ aims at enhancing professional and administrative capacity and motivation. 400 social workers have been hired in the Social Assistance Directorates under the project.

The Project ‘Development of a social services planning and delivery system at regional level’ aims at improving sustainability of social services planning, management, delivery and quality control processes.

The Project ‘Support’ /May 2012 -15 Jan 2015/ offers a clear mechanism for communication and coordination of all stakeholders, additional expertise on process management, and guarantees participation of all stakeholders in the deinstitutionalization process according to stakeholders’ commitment.

The data from 2009 to 2012 proves a stable tendency to reduction of the number of children in specialized institutions (SI). For comparison, the number of institutionalized children in 2009 was 6730 (137 SI), in 2010 – 5695, in 2011 – 4755, while the total number of children placed in specialized institutions for 2012 was reduced to 4122 children² (122 SI).

In relation to the 238 reported death cases of children in specialized institutions 22 inspections were conducted. In the course of these inspections, inhumane treatment of children by the personnel of the SI was not established. Some inspections concluded that in some of the death cases, children were buried without conducting an autopsy, the latter being

² The National Information System of the State Agency for Child Protection

attributed to loopholes in current legal regulations. Consequently, amendments to the Ordinance on criteria and standards for social services for children have been introduced and a new standard for resident services and services in specialized institutions has been adopted. Under the new standard any specialized institution or resident service shall develop procedure for registration of death cases and shall follow a notification sequence to the competent authorities, to parents/guardians or trustees, and to respective Social Assistance Directorate.

Staff training

In the framework of the “Childhood for everyone” project training for therapists was organized with British ergo therapists as trainers. This increased the capacity of the specialized institutions employees included in the project and positive changes in the development of the children were registered.

Children with disabilities

In the reported period the National Programme on Guaranteeing the Rights of Children with Disabilities (2010-2013) is in implementation. Its objectives are focused on: ensuring equal access of children with special educational needs to high-quality education and training with a view of their adequate social inclusion; early prevention and diagnosis, provision of integrated medical and social rehabilitation; developing social services for children with disabilities and their families and constructing accessible architectural environment; preventing abandonment; changing the attitude of the general public to children with disabilities; developing and maintaining an information system on children with disabilities.

The effective Bulgarian legislation explicitly regulates the right to equal access to quality education, and the obligation of kindergartens and of schools to enroll children and pupils with special educational needs, including children aged under 16 residing in homes for mentally disabled children. The tendency is to mainstream most of the children with disabilities in the general schools, to reduce the number of special schools and to assign new functions to those special schools which will continue to exist focused on children with severe and multiple disabilities.

In 2012 a total of 84 pilot comprehensive schools were approved for inclusion in project “Inclusive Education” and 84 psychologists were trained to use the methodology for assessment of the educational needs of children and students; 84 resource cabinets were furnished and equipped; 140 resource teachers were appointed. Under the National Programme “Creation of Accessible Architectural Environment” 39 schools were reconstructed.

The State provides annually free textbooks for the different subjects and Braille textbooks for students with special educational needs.

Adoption

After the accession of Bulgaria to the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention)*, an amendment in the Family Code introduced the compulsory registration of the child to be adopted and the prospective adoptive parents as an additional condition for permission of full adoption in the Family Code in 2003. The selection of the suitable adoptive parent for a registered child is made by the Adoption Council with the respective regional social assistance directorate and by the Intercountry Adoption Council. No other ways of connecting the child and the prospective adoptive parent is allowed regardless of whether the adoption will take place in the country or abroad. The prospective adoptive parent is obliged to establish a personal contact of no less than 5 days with the child he or she was identified as proper for.

The prior accommodation with a family for the purposes of future adoption provided for in Article 28 of the Hague Convention, is not envisaged in the Bulgarian legislation, respectively the Republic of Bulgaria issued a declaration of non-acceptance.

Regarding Recommendation 80.79, the abrogation of the secrecy of adoption is under consideration in the inter-institutional Working group on the Draft Penal Code.

See also Section Social and Economic rights

9. SOCIAL AND ECONOMIC RIGHTS

Recommendations

80.89. Guarantee to all citizens, without exemptions, equal access to public services and to an adequate standard of living (Finland);

80.90. Identify a set of "universal social services" accessible to all children and families to provide an adequate standard of living (Austria);

80.74. Undertake a comprehensive review of the child protection system, social assistance and family policies to ensure coordinated and efficient services (Austria);

80.25. Ensure continued emphasis on children's rights and welfare in Bulgaria's budget policy and consider increasing budget allocations for the implementation of the CRC, including in the areas of health, education and family support (Malaysia);

80.76. Take steps to ensure the provision of appropriate support for parents and families at risk to prevent the abandonment of children (Austria);

80.88. Take further measures to combat poverty of elderly women, single mothers with children and women with disabilities (Norway);

80.91. Take effective measures to enhance the health-care sector (Algeria);

80.30. Initiate public programmes to increase knowledge and awareness about sexually transferred diseases (STDs) and contraception (Germany);

80.87. Consider adopting cash grant policies to alleviate poverty of vulnerable groups and to link it with health care, such as vaccination and prenatal care (Brazil);

Framework Documents

The *National Programme for Reforms* contains the general goal of reducing the number of people living in poverty by 260 000 persons.

In February 2013 the Council of Ministers has adopted a *National Strategy for Poverty Reduction and Promotion of Social Inclusion*. The *National Development Programme of the Republic of Bulgaria: Bulgaria 2020* also includes the strategic priority "Reducing poverty and promoting social inclusion".

National Action Plan on Employment provides for programmes and specific measures to enhance employment and upgrade qualification among the vulnerable groups.

In 2012 the Government has adopted a National Concept for support of active life for aged people. The document provides for a long term prospective for solidarity among generations and is focused on appropriate employment, healthcare access and social care services for senior citizens.

Active employment promotion policy

The employment policy targets the following groups: unemployed youth up to 29 years, unemployed over 50 years, long-term unemployed, unemployed with disabilities, unemployed Roma, inactive persons etc.

In 2011 the implementation of the following national programmes continued: „*From social assistance to employment*”³; „*The start of your career*”, which provides opportunities for internships to unemployed youth with higher education⁴; „*Assistants for people with disabilities*” and *National programme for employment and training of people with durable disabilities*, which has provided jobs for more than 5 500 persons.

In 2011 the programs and the measures under the National Action Plan on Employment covered 50 105 persons, 57 % of which remained permanently employed.

In 2012 new youth employment promotion initiatives were launched, *such as the National Initiative “Jobs for Young People in Bulgaria” 2012-2013 and “Creating institutional capacity of the labour market, social inclusion and healthcare”*.

Specific regional needs and resources for development are a guiding element in the employment policy in recent years. In 2013 196 regional programmes are implemented, compared to 168- in 2012 and 154- in 2011.

Securing adequate and sustained social assistance

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

The data on the monitoring of income and living conditions (EU-SILC) show that the social protection system generally has a considerable contribution for poverty reduction in the country. According to 2010 data the relative share of poor people after the social transfers has been reduced by 4,8%. The survey concludes that the share of people at risk of poverty under 18 years after the social transfers is 28,9 % (compared to 34,9 % before the social transfers), the share of people at risk of poverty over 65years is 30,9% (compared to 34,8% before the social transfers and 78,6 % before the payment of the pensions).

In 2012 the scope of persons entitled to social assistance was extended by the inclusion of foreigners possessing a long-term residence permit.

Provision of accessible, good quality and effective services

A sustained trend has been registered of increasing number of community-based social services, namely:

At the end of 2011 the number of social services was 893, of which 632 were community-based social services. As of March 2013 the number of community-based social services increased and reached 738 (349 services for children and 389 services for senior citizens), and the number of specialized institutions was 247 (86 for children and 161 for senior citizens) with capacity for 15 283 persons.

In 2012 the capacity of 16 specialised institutions for the elderly and for people with disabilities was reduced by 235 beds and 18 new community-based residential-type social services were launched. In 2012, 3 institutions for elderly people with disabilities with a total capacity of 65 beds were closed.

In 2012 the scheme “Home Assistance” was implemented under OPHRD for the purpose of enlarging the scope of the existing social home patronage. The overall envisaged size of the scheme is BGN 30 000 000.

³ In 2011, 28 943 persons joined the programme and the utilized funds were BGN 19.8 million;

⁴ In 2011, 1 040 persons joined the programme and the utilized funds were 2.6 million.

Early childhood development and equal access to education for all

In 2011 a project for early social inclusion of children started in 60 municipalities, which is financed with a World Bank loan in the amount of EUR 40 million. In 2012 funding agreements were signed with another 10 municipalities.

As a result of the successful execution of measures for equal access to education for all children in the school year 2011/2012, 53% of the children who are 5 years old and 88% of those who are 6 years old were covered by the pre-school training and around 72% of all students at grades I and II were included in the full-day training scheme.

In 2012 a *Strategy on preventing early drop outs from school (2012- 2020.)* has been elaborated, which together with the Acts of Law on Youth and pre-school education create the framework of competitive education towards employment and social inclusion.

Equal opportunities for people with disabilities and social assistance

Legal Framework

The Act on the integration of Persons with Disabilities has been adopted in 2004 and entered into force in 2005.

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

In 2011 a *Long-term strategy for employment of persons with disabilities 2011 – 2020* was elaborated.

For 2012 under National Programme “Assistants to People with Disabilities” funding of 3000 personal assistants was secured in the amount of BGN 9 304 604.

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

During the reporting period specific measures were implemented to create conditions for increased employment of unemployed Roma and promoting entrepreneurship, such as the traditional specialized jobs fairs, inclusion in trainings for professional qualification, how to start and manage own business and employment programmes. With the Employment agency work 12 employees of Roma origin in order to facilitate the provision of services for unemployed Roma.

A contribution to the reduction of the high-level unemployment among the Roma population was made by the “*Activating the non-active persons*” where mediators of Roma origin persuade non-active persons to get registered in the labour bureaus.

In 2012 jobs were provided to 11 478 unemployed persons of Roma origin.

In order to improve the access to healthcare of vulnerable groups specific services were developed: the health mediator’s profession has been institutionalized and currently there are 130 health mediators in 80 municipalities; 23 mobile cabinets for medical check-ups and consultations are operating in Roma neighbourhoods with focus on sexual and reproductive health, child immunization and health education.

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

The Ministry of Health and its 28 regional structures in close cooperation with more than 50 NGOs implements a National Programme for Prevention and Control of HIV and STIs (2008 – 2015 r.) and a Program “Prevention and Control of HIV/AIDS”, financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

With Ministry of Health funding modern diagnostic kits are supplied for HIV, virus hepatitis B and C, syphilis and other sexually transmitted infections testing. Youth-tailored

services are provided, free of charge and anonymous, for HIV and STI testing and consultation. A network of 19 easily accessible Voluntary Counseling and Testing /VCT/ Centers is established for providing medical consultations for HIV and STI are available in the 15 cities with the largest population, where there is a concentration of young people at risk, unemployed, people of low socio-economic status. The geographical scope of provision of such services was expanded with additional 17 mobile medical cabinets. A network of 18 youth non-governmental organizations and more than 1000 trainers has been built on the principle “peer-to-peer training” for provision of free services through outreach activities among the young people in the largest municipalities in the country.

10. RIGHTS OF PERSONS BELONGING TO MINORITIES GROUPS

Recommendations

Roma

80.18. Continue and strengthen, when necessary, the implementation of policies and programmes focused on the inclusion of its Roma community (Slovakia);

80.102. Strengthen agreed efforts and the consolidation of existing acquis on the integration of Roma People, particularly relating to budget and coordination of the various programmes established by the authorities (Morocco);

80.22. Adopt and implement firmly all necessary measures to improve and ensure respect of the rights of people belonging to minorities (Switzerland);

80.26. Ensure necessary resources to facilitate the implementation of programs aimed at improving the situation of Roma people (Canada);

80.29. Pay special emphasis on informing members of especially the Roma community, the elderly, women and the disadvantaged of their constitutional rights as citizens (Finland); 80.86. Use more actively existing or new platforms for involving the Roma community in policy formulation and implementation at both the local and central levels, and actively pursue an increase in the number of Roma in all public institutions (Netherlands);

80.104. Promote the economic and social integration of Roma individuals and respect for their rights by ensuring that due consideration is given in all policy-making processes to the impact on Roma of proposed legislation (United Kingdom);

See also 80.100, 80.103

80.101. Continue to improve the living conditions of Roma people (Italy);

80.105. Pursue its integration policy for the Roma population, guaranteeing access to basic health and social services, education, housing and employment (Spain);

Roma Children

80.70. Set up a policy specifically aimed at reducing the number of Roma children placed without valid reasons in establishments for children with disabilities or in rehabilitation centres (Canada);

80.93. Ensure that Roma children are not sent to special schools for the disabled, but instead are schooled together with other Bulgarian children (Finland);

80.94. Evaluate the need for tuition in a special school on the basis of the child's personal characteristics, not on his or her ethnicity (Finland);

80.95. Avoid the practice of the school segregation of Roma children, for example with primary school teachers, who are speaking their mother tongue, with the objective of achieving an effective learning of the Bulgarian language and other subjects taught (Spain);

80.96. Communicate more efficiently to Roma parents the importance of literacy and the positive effect of education on the children's future, and, in this task, use the help of school assistants with a Romani background (Finland);

- 80.97. Guarantee that the implementation of the law on compulsory pre-school education for all children, adopted by Parliament on 23 September, covers the Roma as well as other minorities (Finland);
- 80.106. Promote the identity of the Armenian minority by further addressing its educational, religious and cultural needs (Armenia);
- 80.82. Take necessary measures to ensure that local authorities respect the religious freedom of minority religious groups and treat all religious groups equally (United States);

Policies and programmes

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

In 2011 in accordance with the European Commission's Communication of 5 April 2011 concerning the "*EU Framework for National Strategies for Roma Inclusion until 2020*", the process of actualization of the Framework Programme for Roma Integration in the Bulgarian Society (2010-2020) has been taken up by an inter-institutional working group of experts from the relevant governmental institutions and civil society organizations under the coordination of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII). The NCCEII is the main State Institution for the coordination of the Roma integration policies supported by Regional Councils for Ethnic and Integration Issues operating within the regional administrations.

See also Chapter Human Rights Institutions on NCCEII.

As a result, the *National Roma Integration Strategy of the Republic of Bulgaria (2012-2020)* has been developed. The Strategy corresponds to the *National Reform Programme of the Republic of Bulgaria (2011-2015)*, the *National Plan of Action to the "Decade of Roma Inclusion 2005-2015" Initiative* and on the basis of the *Framework Programme for Integration of Roma into the Bulgarian Society (2012-2020)* adopted in 2010. The Strategy incorporates the objectives and principles of the *Strategy for Educational Integration of Children and Students from Ethnic Minorities; the Health Strategy for Disadvantaged Persons belonging to Ethnic Minorities, 2005-2015* and the *National Programme for Improvement of the Housing Conditions of Roma in the Republic of Bulgaria for the period 2005-2015*.

The Strategy covers six priority areas of the integration policy, namely: education, health, housing, employment, rule of law and non-discrimination, culture and Media. The priorities of rule of law and non-discrimination, culture and Media are specific for Bulgaria.

The Strategy's Action Plan is structured to be implemented in two phases: 2012 - 2014 and 2014 - 2020. The first period is fully covered by the National Action Plan for the initiative "Decade of Roma Inclusion 2005-2015".

The Action Plan has been developed as an open document subject to updating based on periodic statutory reviews. Two working groups has been established – an inter-institutional working group which has been tasked to submit proposals for changes in the legal and methodological framework in the priority sectors of the National Strategy of the Republic of Bulgaria for Roma integration 2012-2020, and a second inter-institutional working group for resource support of Roma integration by Structural Funds.

A Communication plan with the aim of changing the negative attitudes towards members of the Roma community has also been developed.

Several forums with national and international participation contributed to the preparatory process and the work, as follows: workshop for consultations on the national

operating framework for Roma integration, the preparation for and the actual conduct of a high-level event of the European Commission, dedicated to Roma, held in June 2011, an event, organized jointly by the NCCEII and the World Bank in May 2011 in Sofia on the topic of "Successful increase in the scope of the activities for Roma Inclusion: Challenges and Good Practices".

The draft Strategy and Action Plan were also consulted with the regional Councils for Cooperation on Ethnic and Integration Issues - consultative and coordinative structures to the regional administrations. In this context, in 2012 regional and local strategies for the integration of Roma and Plans of Actions to them were also elaborated.

The National Roma Integration Strategy of the Republic of Bulgaria (2012-2020) and the Action Plan were adopted by the Council of Ministers on 5 January 2012 and approved by the National Assembly on 1 March 2012⁵ - Bulgaria is the only EU Member State in which the strategic document for Roma integration has been adopted by the Legislative not only by the Executive.

The resource coverage for the National Strategy for Roma Integration through European funds and the planning of the integration policy at municipal and regional level has been discussed at the Conference "National Strategy of the Republic of Bulgaria for Roma integration (2012-2020)- a look at the next program period". By the end of 2012 and early 2013 each district has prepared a district strategy and almost all municipalities - municipal plans for 2013-2014.

Health

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

Health and social centers have been established with the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria since 2004 under the Programme "Prevention and Control of HIV/AIDS". They have been managed by local Roma organizations working with the Roma communities and have been developed in the Roma residential areas in Plovdiv, Sliven, Sofia, Bourgas, Varna, Vidin, Pazardjik and Stara Zagora. Health and social services are offered by specially trained Roma teams- health mediators and mobile medical cabinets. The important role of the health mediators for increasing the health culture and awareness within vulnerable groups has to be particularly underlined. The profession of the health mediators is institutionalized and is included in the National Register of Professions.

For further information on the health mediators and mobile medical cabinets please see the Chapter on Social and Economic rights.

The work of the health mediators is concentrated in fields as maternity and child health care, drug prevention, inclusion of parents in the process of adaptation of children to the requirements of the educational system, services for career guidance. In 2011 the health mediators contributed to the provision of 10 000 vaccinations and 12 706 prophylactic examinations and participated in the resolving of 7 874 individual situations related to the social care system. In 2012 the health mediators conducted 23 preventive and awareness raising campaigns and together with the mobile medical cabinets provided vaccinations to 2964 persons.

⁵ State Gazette No. 21 of 13 March 2012

Employment

Please see the information provided under Chapter Social and Economic rights.

Education

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

The free choice of a school is explicitly provided for by the Law on Public Education. In this framework the educational authorities undertake consistent efforts to prevent the formation of classes on “ethnic” grounds, and not to allow enrolment in “special schools” for roma pupils with no special needs.

The Ministry of Education, and Science (MES) is the leading institution responsible for the implementation of the objectives within the "Education" priority of *the National Strategy for Integration of Roma in Bulgaria (2012-2020)* and all measures in this direction are discussed in close cooperation with the NGOs. Measures for supporting the integration process through the organization and realization of sport and youth activities are also supported under the program "Youth in Action 2007-2013".

A Centre for Educational Integration of Children and Pupils from Ethnic Minorities was established by a Decree of the Council of Ministers in 2005, supporting the implementation of the Educational Integration Strategy. The Center develops finances⁶ and supports projects, focusing on equal access to quality education for children and pupils from ethnic minority groups. Since 2011 under the programme “Educational Integration of Children and Pupils from Ethnic Minorities” 118 projects have been adopted with the aim by the end of 2013 to cover 6700 children and pupils and 1600 parents.

In recent years, more than 4,000 Roma children of compulsory school age have been moved from schools in separate all-Roma neighborhoods within some regional and municipal centres and have been successfully integrated into mainstream schools and classes outside such areas. The process of integration of Roma pupils into mainstream schools and classes is supported by special assistant teachers. Over 4 500 teachers have passed short training courses and acquired the skills to work in a culturally diverse educational environment. The Law on Protection against Discrimination stipulates that the prevention of all forms of discrimination is an obligation for each teacher.

During 2012/2013 school year the “Amalipe” Center for inter-ethnic dialogue and tolerance together with more than 240 schools offered to over 5 400 pupils the opportunity to study Roma folklore.

For children who are not fluent in Bulgarian, an additional teaching to advance in the language is provided in addition to the mandatory training. Curriculum includes a mandatory module for the preparatory group for training children whose family language is other than Bulgarian. Individual plans to study their mother tongue are also envisaged.

Measures to prevent drop-outs from school

In the National Reform Programme for implementation of the „Europe 2020“ Strategy, among the National Objectives is the objective for the “relative share of early leavers of the educational system to drop to 11% by 2020 and the relative share of persons in the age group 30-34 with higher level of education to rise to 36% by 2020” (Objective 4).

⁶ During the 2012/2013 school year the Center has supported 23 projects for educational integration of pupils from ethnic minority groups

Due to the measures taken to prevent children from dropping out and leaving early the education system the number of drop-outs from school decreased from 6 680 in the 2009/2010 school year to 5 615 in 2010/2011.

Regarding access to kindergartens for all Roma children and the guarantees that “the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups”, it should be pointed out that children of Roma origin usually do not enroll *en masse* in kindergartens, and this problem affects negatively their learning abilities in the first and following school grades. The Draft Law on Pre-school and School education provides for compulsory attendance of kindergartens also for 4-year old children. It is expected that by 2020 at least 95% of the children of age group of 4 years and over shall be included in education in their early childhood. For the last year the school coverage of 5-year-olds has been increased to 20% (66% of municipalities were covered by the measure). For the 6-year olds the coverage is already over 97%. The number of Roma children covered by the mandatory two-year school-preparation training has also increased. The percentage of children enrolled in kindergartens in the school year 2011/2012 is 81.5%.

In 2011 two new schemes were launched, envisaged to finance projects of municipalities, schools, kindergartens, universities and non-profit organizations, namely: 1. "Educational Integration of Children and Students from Ethnic Minorities" and 2. "Reintegration of dropped-out students in the educational system”.

Housing

The Government has adopted a *National Programme for Improving the Housing Conditions of Roma (2005 – 2015)* complemented by Action plans.

In the period 2009 – 2012, the activities within the National Programme were focused on the compilation of cadastre maps and registers as a basis for urban development plans. Opportunities for legalizing – where possible – of illegally built houses are also being seriously considered. Funds from the State budget are used for improving the existing and developing new technical infrastructure in Roma residential areas.

In 2011 16 759 Roma benefitted from the implemented projects amounting to BGN 740 million and enjoy currently better educational, social, cultural and physical infrastructure.

In 2012 the number of the Roma covered by 50 infrastructural projects is 30 930 with BGN 89 288 871 funding.

In 2012, the cadastral map and the cadastral registers (CMCR) for the land of the village of Bratsigovo, Bratsigovo Municipality, Pazardzhik District were approved for an area of 2,909 ha, including 224 ha of urbanized areas to the total amount of 59,999 BGN.

The “Support of modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups” project under Priority “Sustainable and Integrated Urban Development” (Housing Policy) within Operational Programme “Regional Development 2007 - 2013” aims at addressing social inclusion of disadvantaged and vulnerable groups in the municipalities. The project is implemented with the financial assistance of the European Union through the European Regional Development Fund.

Armenian minority

Promoting the identity of the minority groups, including the Armenian community, by addressing their educational, religious and cultural needs is a standing commitment of the Bulgarian authorities.

The authorities provide financial assistance for various events organized by representatives of ethnic minority groups such as cultural events, educational projects, extra-curricular education programmes.

Community cultural clubs maintained by the Armenian, Roma, Turkish and Hebrew communities received State subsidies.

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

In the period 31 August - 5 September 2012 Days of Armenian Culture were held in Bulgaria, featuring concerts, films and an exhibition at the National Library St. St. Cyril and Methodius titled "500 Years of Armenian Book Publishing" dedicated to Yerevan as the World Book Capital 2012 nominated by UNESCO.

Armenian is studied as mother tongue in Bulgarian schools in Sofia, Plovdiv, Burgas. There are two municipal schools in Sofia where about 750 pupils of Armenian origin study Armenian four hours per week. In Plovdiv, there are about 350 pupils of Armenian origin studying Armenian. Armenian is also taught in other cities to groups of pupils attending Saturday and Sunday schools.

The Armenian School Association (ASA) "Stepanos Hovagimyan" of Sofia, member of the NCCEII, is the organizer of many events dedicated to the preservation of the mother tongue, culture and traditions of the Armenian community. In 2011 the association chaired the Coordination Council of Armenian Organisations in Sofia. Its activities are well known to the Armenian community across the country from the association website on the Internet, from the pages of the "Yerevan" newspaper, and from other information sources. Armenian language training courses are taught in the format of "Saturday School" for 16 years now. Traditional and interactive teaching methods are being combined. In 2011 the project of a "Saturday kindergarten" was also started. The Association works closely with school No.76 "William Saroyan" conducting open lessons for school children studying the Armenian language. ASA also organizes celebrations of historic and calendar holidays of Armenians. One of the most popular community events organized by the Association is the masked ball, held on Shrove Sunday (the day for forgiveness), which is also a charity event.

Religious Freedoms

Freedom of religion is enshrined in the *Bulgarian Constitution* (Article 13, Para 1). There shall be no privileges or restriction of rights on the grounds of religion (Art 6, Para.2). The State shall ensure the necessary conditions for free and unhindered exercise of the right to freedom of religion, including through press and speech (Art.40, Art.39), establishment of religious communities and associations (Art. 12, Art. 44) and participation in public activities.

The *Penal Code* criminalizes acts against freedom of religion and beliefs (Art. 164 and 165). Regarding hate speech, the amendments introduced to the Penal Code (promulgated in the State Gazette No. 33 of 26 April 2011, in force since 27 May 2011) have expanded the scope of Art. 162 of the Penal Code by criminalizing public incitement to violence or hate on religious grounds.

According to the *Religious Denominations Act* adopted in 2002 the competence for registering religious communities is conferred on a judicial body, the Sofia City Court. The Religious Denominations Act is in conformity with UN core instruments on Human Rights: the Universal Declaration of Human Rights (art. 18), the International Convent on Civil and Political Rights (ICCPR, Art. 18), the European Convention on Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief etc.

There is no discriminatory treatment in connection with the construction of places of worship of religious denominations in the Republic of Bulgaria. Places of worship are constructed according to the standard procedure, provided for in the Spatial Development Act, and are not subject to any special requirements.

11. FIGHT AGAINST RACISM, XENOPHOBIA, HATE SPEECH AND HATE CRIMES

Recommendations

80.39. Continue, as a main priority of the Bulgarian legislative and administrative policies, the fight against all forms of religious hatred, discrimination, racism, extremism and xenophobia (Algeria);

80.42. Continue in its efforts to tackle manifestation of racism and xenophobia including a review of the respective law to ensure that full and equal rights are guaranteed to all (Czech Republic);

80.9. Study the possibility of introducing a criminal aggravating factor for racial and religious hatred or hatred against persons with a minority sexual orientation (Spain);

80.84. Strengthen public awareness-raising campaigns relating to racism and intolerance, and adopt measures aimed at fighting racism in the media (Canada);

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

Legal framework

Offences against national and racial equality are expressly criminalised under Chapter Three, Section I of the Special Part of the *Penal Code*. The principal characteristic of these offences, which are regulated in Article 162 and Article 163 of the Penal Code, is the racist or nationalistic motivation of the perpetrators. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty and public reproach. Only in one case the law envisages probation as an alternative to the deprivation of liberty.

In 2011 amendments have been introduced to the Penal Code of the Republic of Bulgaria (State Gazette No. 33/ 2011) expanding the scope of Art. 162 of the Penal Code by adding new grounds of discrimination and specifically criminalizing public incitement to violence or hate on ethnic grounds. The incitement to hostilities and hatred on the grounds of sexual orientation is considered by the Working Group on the Draft Penal Code.

The provisions of the General Part of the Penal Code expressly state that in determining the penal sanction, the court takes into consideration, *inter alia*, the motives for the commitment of the act (Article 54, para1), including possible sexual orientation/gender identity motives. If it is established that the motivation for the commitment of a particular offence is sexual orientation/gender identity, this in all cases is considered as an aggravating circumstance.

In 2012 a total of 7 new file cases and pre-trial proceeding have been reported for offences under art. 162 and art. 163 of the Penal Code, in comparison with 25 new file cases reported for 2011 and 4 for 2010. A total of 2 prosecutorial statements have been filed at court for 2012 and 2 – for 2011 compared to 1- for 2010. The sentenced persons in 2012 are 3 in

number compared to 1- in 2011 and in 2010. The analysis of the statistical data clearly proves that there is a decrease in the number of the cases of hate speech in 2012 compared to the two previous years and increase in the number of the sentenced persons.

Hate speech in media

The *Radio and Television Act* (RTA) of 2002 stipulates the “inadmissibility of broadcasts which incite to hatred on grounds of race, sex, religion or nationality”.

The Council for Electronic Media (CEM) in its capacity as an independent regulator has been given the task of supervising the activities of radio and television broadcasters for compliance with this Act and has the power to impose fines against the broadcasters in breach of the law and to revoke the broadcasting licenses.

In the reported period CEM has examined several cases of RTA violations and in 4 of them has issued acts with punitive measures to the providers of media services.

The National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) includes a special section «Media» which provides for the creation of conditions for equitable representation of the Roma community, changing the negative image of Roma and counter "hate speech" in the print and electronic media. Numerous institutions are engaged with the implementation of this Part of the Strategy, namely the NCCEII, the Committee on Culture, the National Assembly, the CEM, the CPD, the Ombudsman, and public media - Bulgarian National Television, Bulgarian National Radio and the Bulgarian News Agency and the National Council for Journalistic Ethics.

The CPD also monitors and renders decisions on complaints and warnings of citizens, legal entities or organizations representing persons belonging to minority groups against media articles and reports containing ethnic intolerance and creating negative perceptions of minority groups.

In deciding whether a form of expression and dissemination of information violate the prohibition of discrimination, CPD applies in its practice appropriate analytical standards: words are not assessed and analyzed in isolation, but their meaning and implications are evaluated based on the entire content of the statement, publication or broadcast programme, the socio-political context in which it was made, the public attitudes and perceptions, the purpose, intent and impact in the public domain.

In cases of generalization, whether the statements are true or not is irrelevant for qualifying them as discrimination because general opinions, qualifications and suggestions with regard to a whole group constitute discrimination prohibited by law.

12. FIGHT AGAINST ALL FORMS OF VIOLENCE

Recommendations

Use of force by the police

80.28. Develop and strengthen its human rights training programmes for police forces and the judiciary, addressing among others the appropriate use of force as well as issues relating to discrimination and profiling based on race (Canada);

80.60. Take concrete measures to remedy the excessive use of force by security forces (Switzerland);

80.45. Continue strengthening the legal safeguards against ill treatment, and pursue efforts to reduce incidents of ill treatment by law enforcement personnel (Slovakia);

80.46. Step up its efforts aimed at strengthening its effective implementation of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Argentina);

Gender-based violence

80.49. Take concrete measures aimed at effectively fighting against gender-based violence, including social awareness-raising campaigns and training programmes targeting law enforcement officials (Canada);

80.35. Continue developing policies for effective gender equality and to combat gender violence, conducting special monitoring of cases involving gender-based violence and studying the reasons why such cases are rarely reported to the authorities (Spain);

80.68. Take measures to guarantee effective access to justice, reparation and protection for women victims of gender-based violence (Brazil);

Domestic violence

80.21. Draw up concrete and effective strategies to fight against domestic violence (Switzerland);

80.48. Make further efforts for combating domestic violence, as the problem of domestic violence is still present (Bosnia and Herzegovina);

Violence against children

80.50. Put in place sound policies to ensure a safer environment for children, and implement a more effective system for addressing cases of violence against children (Indonesia);

80.51. Implement policies to prevent and detect cases of child abuse, as well as to ensure accountability and the rehabilitation of child victims (Brazil);

80.52. Further enhance measures to prevent the exploitation of children for the purposes of prostitution and pornography, as well as to prosecute persons who are guilty of the exploitation or ill treatment of children (Belarus);

Appropriate use of force by the police

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

The Ministry of Interior Act expressly and exhaustively regulates the cases in which physical force and auxiliary means may lawfully be used (Articles 72 and 73), as well as the lawful use of firearms as a last resort (Article 74). On 30 May 2012 the National Assembly of Bulgaria adopted the amendments to the Ministry of Interior Act which introduced the standard “absolute necessity” in the use of weapons, physical force and auxiliary devices by the police authorities.

All training programs at the Police Academy have been updated accordingly and in the period January 2012- February 2013 training was provided to 350 officers of the Ministry of Interior /MoI/.

Timely control and investigation of the signals and preventive sanctions for the offenders have been assured. The administrative mechanism for control includes the Inspectorate and the Human Resources Directorates and the Permanent Commission on Human Rights and Police Ethics.

In 2012 a total of 33 new file cases and pre-trial proceeding have been reported for police violence compared to 37 new file cases reported for 2011 and 43- for 2010. A total of 8 prosecutorial statements have been filed at court for 2012 and 5 – for 2011 compared to 23- for 2010.

The investigations have been conducted in compliance with the procedural deadlines and time limits can be qualified as fast, efficient and independent.

For the period October 2011 – June 2012, no criminal proceedings were initiated for committing criminal offense under Article 287 of the Penal Code /forceful extortion of a confession, testimony or conclusion or information/.

A mechanism exists in Bulgaria, which allows the citizens to seek compensation if they have suffered damages from the irregular activities of the State authorities.

A more effective implementation of the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment is guaranteed by the establishment of the NPM in accordance with the OPCAT. *See Chapter Human Rights Institutions*

Gender-based violence

In the reporting period the Bulgarian Government has taken numerous measures for the elaboration of an adequate and effective policy aiming at combating this negative phenomenon, including legislative amendments.

The Bulgarian authorities together with the national human rights institutions, relevant non-governmental organizations, many of them members of the Alliance for Protection against Domestic Violence, which has been existing in Bulgaria for more than ten years, and media, carry out regular public campaigns and initiatives aimed at raising the general awareness of the phenomenon of domestic violence as a crime and increase the knowledge about the existing protection procedures. Such activities are regularly included in the annual *National Programmes for Prevention and Protection against Domestic Violence* funded by the State budget.

The criminal sexual intercourse against the will of the victim is criminalized under Article 152.1 of the *Penal Code*. According to the present law provisions, the successive marriage between the perpetrator and the victim prevents the punishment of the perpetrator. This the Draft Penal Code this provision is envisaged to be repealed.

The Working group on the Draft Penal Code is also considering introducing the *ex officio* prosecution for all forms of domestic violence.

In 2012 a total of 847 new file cases and pre-trial proceeding have been reported for criminal offences under Chapter Two “Offences against the Person”, Section VIII “Sexual Offences”, Articles 149 through 159 of the Penal Code, compared to 873 new file cases reported for 2011. A total of 349 prosecutorial statements have been filed at court for 2011 and 358 – for 2012, 257 were the accused persons, of whom 249 were sentenced in 2011 respectively - 184 accused and 177 sentenced for 2012.

On supporting victims of domestic violence

There is a national 24-hour hotline for victims of domestic violence. In 2011, it was used by 2 791 persons. 2 293 of the consultations were on issues directly linked to cases of domestic violence; 55 – on issues linked to trafficking of human beings, 55 – to sexual violence, and 21 – to other types of trauma. 367 of the consultations were focused on completely different issues. In 2011, 266 children have benefitted from the services provided by crisis centers in the country. As of April 2012, 75 children are placed there. They include children – victims of violence, victims of trafficking in human beings, and run away children.

Support to the victims of domestic violence has been also provided through the service called "Crisis Centre" (CC) (*see also Chapter Human Trafficking*) When the person who is victim of domestic violence is a pregnant woman or a person accompanied by children under 3 years of age, such person can also benefit from the social service of the Mother and Infant Unit. A total of 15 CCs for children and adults operate around the country. In case of imminent danger to persons and children accommodated in CCs or a Mother and Infant Units, the social service provider informs the local department of the Ministry of the Interior.

Support services are also provided in 66 Social Rehabilitation and Integration Centres /SRICs/ through activities of rehabilitation, social and legal consulting, development and implementation of individual programmes for social inclusion etc. SRICs work in cooperation with crisis centres.

In 2012 the NIJ has organized a distance-education course on “The proceedings of imposing measures for protection against domestic violence”. 21 magistrates took part in the training.

Violence against children

In May 2012, Council of Ministers approved the *National Plan for the Prevention of Violence against Children for the period to 2014*. The plan includes three objectives - improving the effectiveness of measures for the protection of children from violence; extending the access and the types of services to work with children in cases of abuse and rehabilitation of children and families; improving the professional capacity of specialists working with children.

In the reporting period successfully operates a national helpline for children 116 111. In September 2012 a uniform pan-European number 116 000 for missing children was introduced.

On the National helpline for the period 01.01.2012 - 31.12.2012 19 541 consultations were conducted, 17 241 of them are with children, 868 - with parents. During the examination of 61 signals and the subsequent work on the cases has been applied a coordinating mechanism for interaction at work in the case of children who are victims of violence or at risk of violence and interaction in crisis intervention.

The national program "Police works in Schools" which objective is the general prevention for school-age children is in the course of implementation.

The "Cybercrime, Intellectual Property and Gambling" Unit with the MoI (CIPG) actively works to combat paedophilia, child pornography and the online distribution of pornographic content. The CIPG maintains an official website to combat cybercrime at www.cybercrime.bg providing useful information to combat the sexual exploitation of children in all its forms.

For the period of one year, 48 investigations were conducted into the distribution of child pornography content, with CIPG actively supporting all international operations carried out in conjunction with international investigations of such crimes.

13. RIGHTS OF THE PERSONS DEPRIVED OF THEIR LIBERTY

Recommendations

80.69. Increase the budget for prisons to add new bed space and staff, provide training for prison personnel and explore other types of detention for non-violent offenders to reduce the burden on prison facilities and staff (United States);

80.47. Take all necessary measures to ensure that detention conditions fully meet international human rights standards, in accordance with Bulgaria's international obligations (Sweden);

With the amendments to the Execution of Penalties and Detention Law (Article 43(3) EPDL) it is regulated that the minimum living area of a prisoner should be 4 square meters and should be achieved three years after the adoption of the Programme. Due to the economic and financial crisis the Programme for improving the living conditions in prisons has not been financially secured and therefore the implementation of Article 43(3) LEPD has been scheduled to commence in January 2019.

The Law on Execution of Penalties and Detention provides for full protection to persons serving jail sentences from torture, inhuman or degrading treatment (Art. 3 of the Law). With the amendments to the Act criterion for such a treatment has been introduced.

Budgetary issues

The capital expenditure allocated to the General Directorate Execution of Penalties in the State Budget Laws 2011 and 2012 did not allow the undertaking of comprehensive actions for improvement of the living conditions in the prisons. Despite of the reduced budgetary funds in 2011 substantial refurbishments were made in the prisons in Sofia, Plovdiv, Vratsa, Stara Zagora and at the places of detention in Sofia and Bourgas. The prison in Vratsa and the detention place in Plovdiv for instance correspond to all European requirements. In 2012 the living conditions were improved and urgent refurbishment was made in the prisons in Lovech, Pazardzhik, Varna, Sliven, Stara Zagora, Smolyan and in the places of detentions in these towns.

Norwegian financial mechanism

The overall amount of the projects is EUR 10 million for the period 2013-2016. Project beneficiary is General Directorate Execution of Penalties. In the framework of this mechanism three projects will be implemented, among them „Improving the standards in prisons and detention places through refurbishment of the infrastructure in order to guarantee the respect of human rights” with a total budget of EUR 5 620 780.

Building a new prison

Currently the expert consultations on the location of a new prison and the opportunities for financing its construction are ongoing. A working group has been formed with representatives of MoI and of legal entities to conduct the necessary research and geodesic tests of potentially proper terrains.

Staff training

Under the *Execution of Penalties and Detention Act*, a Council on Serving Jail Sentences has been set with the Ministry of Justice. It is charged with organizing and conducting research, providing methodological instructions, preparing normative acts in connection with serving jail sentences and organizing courses for improving professional qualifications of officers (art. 31 of the Act). During the training the newly appointed officers get acquainted with the relevant international legal acts and the European legislation and with the reports and recommendations of the Committee against Torture.

The on-the-job vocational training includes the topic of human rights with a focus on vulnerable groups and persons among the convicts, i.e. minors and foreigners.

In 2011 a total of 269 officers in the system of GDEP has been trained and in 2012 their number is 501 officers.

The Commission on Protection against Discrimination also carries out seminars, trainings programmes and workshops for Police, judiciary and prison officials.

National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment / CTCIDTP/

According to the newly amended *Ombudsman Act* the Ombudsman has been designated the NPM under the OP to the CTCIDTP. *See the information Chapter Human rights institutions.*

In the period June-December 2012 the Ombudsman visited 162 places all around the country, of which 116 prisons and detention facilities and 46 State psychiatric hospitals, psychiatric wards, homes for children deprived of parental care, homes for mentally retarded children and homes for the elderly people with mental disorders, dementia and mental retardation.

The majority of the conclusions of the representatives of the NPM refer to the living conditions in the prisons and to the overcrowding in most of them. Some conclusions also relate to the legal status of the persons in prison and the detention. In the opinion of the NPM

new prison and detention facilities must be built as a matter of urgency. The NPM is of the opinion that it is necessary to determine a competent authority to investigate the cases of the use of force. Another major concern regarding persons deprived of liberty according to the findings of the NPM is medical care. On the positive side legislative amendments that were enacted in December 2012 now guarantee that all detainees are health insured.

The management of the general directorate and the administrations of the prison facilities respond to the recommendations and proposals within their competencies in a timely manner.

Legal assistance

In relation to the access to a lawyer in the first 24 hours of police detention, the National Legal Assistance Bureau, in cooperation with the Open Society Institute has launched a project entitled Mechanism for the Provision of Legal Assistance by Lawyers on Duty in the first 24 hours of police detention.

The project is aimed at establishing and implementing a number of administrative decisions that would practically enable the availability of expedient and competent legal assistance to detainees. In cooperation with the Open Society Institute, the National Legal Assistance Bureau published a brochure on Detainee's Rights which is available in the regional police stations. This publication explains the basic rights of the detainees and aims at assisting the police officers in their first contact with the detainees. With the support of the Ministry of Interior, the National Legal Assistance Bureau drafted guidelines to be followed by the pre-trial authorities.

14. TRAFFICKING IN PERSONS

Recommendations

80.23. Develop and assess its strategies to combat human trafficking (Switzerland);

80.53. Continue to ensure effective implementation of the national and transnational referral mechanism for victims of trafficking, and improve public awareness about the human trafficking issue (Indonesia);

80.54. Step up its effort to combat trafficking in persons, inter alia, through the development of international cooperation with interested Governments, international organizations and non-governmental organizations (Belarus);

80.109. Further address the human rights challenges and continue its efforts in strengthening national mechanisms, particularly in the field of gender equality and non-discrimination and in the area of preventing and combating human trafficking and protecting the victims thereof (Serbia);

80.55. Strengthen its efforts relating to the fight against human trafficking, ensuring that all aspects of the issue, from prevention to the suppression of crimes and the protection of victims, are taken into consideration (Belgium);

80.56. Strengthen awareness-raising campaigns aimed at preventing human trafficking, and increase the protection provided to victims, notably children and newborns, including those of Roma origin, in line with the recommendations of the Committee on the Rights of the Child (Mexico);

80.57. Further develop preventive measures to combat trafficking in human beings, with a special emphasis on children, newborn and pregnant women, as well as strengthen the national referral system and increase the number of centres for victims of trafficking (Republic of Moldova);

80.61. Continue its efforts to investigate prosecute and convict trafficking offenders (Ukraine);

Legal and Institutional Framework

The Law on Countering Trafficking in Human Beings is enforced and the National Commission for Combating Human Trafficking (NCCHT)- a collective body with the Council of Ministers is fully operational. In the reported period, the strengthening of the capacity of the NCCHT has continued by the establishment of 3 new local commissions in the cities of Russe, Plovdiv and Blagoevgrad. Shelters for temporary housing of victims of human trafficking and specialized centres for protection and support of victims of human trafficking /HT/ have been build and equipped. Additional financial resources have been mobilized and a better system for the identification and support of victims has been introduced. As a result there is an increase of the number of the identified trafficking victims, namely 684 Bulgarian citizens have been identified as victims in 2012 compared to 542- in 2011.

Annual National Programmes for prevention and counteraction of trafficking in human beings and protection of victims for 2011 and for 2012 have been adopted by the Council of Ministers and in the course of their implementation a number of special trainings have been conducted in the field of victim's identification methodology, new tendency in the human trafficking in Bulgaria, coordination between the authorities in the HT investigation, victims protection and reintegration and exchange of best practices.

In 2011 a network of volunteers to help victims of HT (including Roma leader's volunteers) has also been established with the National and Local Commissions and a special Academy for volunteers' trainings is annually organised. In July 2012 the NCCHT organised and conducted Summer Academy for Volunteers 2012 in Burgas: 68 young people between the age of 14 and 18 from Varna, Burgas, Sliven, Montana, Pazardjik, Plovdiv and Ruse were trained in the Summer Academy for Anti-trafficking volunteers. In March and May 2013 NCCHT organized two Academies for Volunteers in the cities of Plovdiv and Varna. 168 volunteers form the newly established Local Commissions for Combating Human Trafficking in the towns of Blagoevgrad and Veliko Tarnovo joined both Academies in 2013.

Within the MoI the competent administrative structure to combat human trafficking is the Chief Directorate "Combating Organized Crime" (CDCOC), which is a national specialized investigative structure for the prevention, investigation and detection of organised criminal activity of local and transnational criminal groups, linked with human trafficking and the General Directorate "Border Police" (DGBP).

The following best practices on borders' control have been established during the reporting period: general profiles of victims and traffickers, identification of victims and participants in human trafficking; questionnaires and specially trained teams to interview; temporary period of reflection and schemes for the protection of witnesses; developing a toolkit to combat trafficking; procedures for return and accommodation.

In the reported period the strengthening of the National referral mechanism (includes State institutions and NGOs) for victims of trafficking has been based on the needs of the victims: identification, immediate needs assessment, initial referral to relevant services, safe return and re-integration process.

A National Council for assistance and compensation to victims of crime, including human trafficking is established and victims are entitled to free legal aid and compensation can be sought in criminal and civil proceedings.

Prevention activities

In partnership with local authorities, academic institutions and NGOs, various information campaigns have been launched to raise public awareness on the problem, to develop mechanisms for its confinement and to create public intolerance to the phenomenon

within the risk groups of the population- women, children, ethnic minorities, unemployed and people on social aid. Special trainings for 180 teachers on conducting interactive discussions on HT were carried out within the campaign “Human trafficking – time for action” (October 2011). Seminars for students in Sofia were also organised.

The specific vulnerability of the Roma is covered by the *National program for prevention and counteraction to human trafficking and protection of victims*.

In 2011 the Local Commission in Pazardjik organised prevention campaigns among the Roma community in the town.

Campaign on HT for sexual exploitation took place in 2012 in the biggest cities with special focus on the provision of Art.159 of the Penal Code - the sexual exploitation in the case of HT.

A campaign aimed at parents for raising their awareness on the risks and consequences of human trafficking on their children was also held.

With the involvement of the business sector a Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism has been developed. The project is implemented as a common effort by the State Agency for Child Protection, the OSCE and NGOs.

Rehabilitation and social integration - Centres for victims

It the reported period the shelters for temporary accommodation of victims of trafficking and the crisis centres have continued to deliver appropriate assistance to the victims.

In 2014 it is expected to be opened the third shelter for adults victims of trafficking in Sofia.

The social service provided to the victims of violence and human traffic is called “Crisis centre”. *See also Chapter Fight against all forms of violence* .There are currently 15 State funded crisis centres for children and adults located in 13 regions. Children between 6 and 18 years of age, victims of trafficking and/ or other violence are eligible for accommodation for up to 6 months.

The State Agency for Child Protection is implementing the Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied children – victims of trafficking, returning from abroad (signed on 09.11.2005). Under this mechanism in 2011 the State Agency for Child Protection (SACP) worked on 47 cases compared to 66 in 2012. In 2011, 36 girls and 11 boys have become victims of human trafficking for sexual or labour exploitation compared to 48 girls and 18 boys in 2012. 12 children were repatriated in Bulgaria from other countries in 2011 and 24 – in 2012.

In the period 2011-2012 were registered 21 cases of Bulgarian children abandoned immediately after birth in Member States of the European Union and parents and relatives showed no interest in these children.

International cooperation in the field of combating trafficking

The bilateral and multilateral cooperation with the countries of destination (Germany, the Netherlands, Belgium, Greece, United Kingdom) has been approved and the cooperation within Europol, Eurojust and the Bureau SIRENE has been further strengthened. Bulgaria took part in 9 join teams for investigation among which the most successful were Montana – Vienna investigation (31 Bulgarian victims of HT and six traffickers were identified) and a joint operation with Poland and Germany in France (a network for HT acting on the territory of the four States has been dismantled).

The NCCHT is the coordinator for a joint biannual project with France “Prevention of HT of persons belonging to ethnic minorities with focus on Roma in Bulgaria” for the

territory of the Varna District. Guidelines on prevention of HT of persons belonging to Roma community have been published. NCCHT together with the Romanian Agency against Trafficking in Persons were partners in a project “Reducing the Number of Romanian and Bulgarian Victims Trafficked into Spain and Italy” and are currently working on the project “Integrated approach for prevention of labour exploitation in origin and destination countries”. Other partners of the project are European Public Law Organisation from Greece, Ministry of Interior from Hungary, Organisation for Equality, Support and Anti-racism (KISA) from Cyprus, Ministry of Interior of FYROM. NCCHT is a partner of the French Ministry of Foreign and European Affairs in the project “Development of Common Guidelines and Procedures for the identification of Victims of Trafficking”

Bulgaria is among the leading countries in the implementation of EMPACT project of Europol, rated as one of the most successful to date.

During the 20th Session of the UN HRC Bulgaria and Greece have organized a joint event on HT. Experience of the two countries on prevention, protection, work on cases of human trafficking and other good practices were shared.

In June 2011 Bulgaria hosted the Regional Conference on HT for labour exploitation in which representatives of nine European countries took part.

In December 2012 the Council of Europe, in partnership with the NCCHT organized in Sofia International Conference on expert level "Making prevention work: Addressing the root causes of Human Trafficking in Europe". The conference has been recognized as a useful forum to share experience and to encourage the discussion for the different aspects of human trafficking with emphasis on the human rights and the international co-operation.

Investigation, prosecution and conviction of trafficking offenders

In 2012 a total of 141 new file cases and pre-trial proceeding have been reported for human trafficking, compared to 138 new file cases reported for 2011 and 134- for 2010. A total of 86 prosecutorial statements have been filed at court for 2012 and 83- for 2011 compared to 72 for 2010, 107 were the sentenced persons in 2012 and 119- in 2011 and 97- in 2010.

15. RIGHTS OF THE REFUGEES AND MIGRANTS

Recommendations

80.10. Adopt domestic legislation in accordance with the 1951 Convention on the Status of Refugees and the Optional Protocol thereto, guaranteeing efficient access to procedures for determining refugee status to persons requiring international protection (Argentina);

80.99. Step up all efforts to protect the rights of migrants and also foster their economic and cultural life and improve their standard of living, particularly for large families, and provide them with Government financial support (Iraq);

80.41. Take more resolute action to prevent, and punish perpetrators, of racially motivated acts and propaganda that targeted ethnic minorities and foreigners (Malaysia);

Legal framework

The status of migrants in Bulgaria is regulated by the *Foreigners Act /FA/* adopted in 1998 which stipulates the requirements for obtaining residence permit. According to the *Constitution* (Art. 26, paragraph 2) and to the *Foreigners Act* the legally residing foreigners enjoy all rights, provided by the *Constitution*, except those that require Bulgarian citizenship. The national legal framework on refugees and migrants is harmonized with the EU legislation

and is in line with the 1951 Convention on the Status of Refugees and the Optional Protocol thereto and guarantees efficient access to procedures for determining refugee status to persons requiring international protection.

In 2012 and in early 2013 the scope of the Foreigners Act has been extended to cover foreigners in need of international protection.

In 2011 a new *National Strategy on Migration, Asylum and Integration (2011-2020)* has been adopted in order to improve the efficiency of the inter-departmental coordination on prevention and counteracting against illegal migration and human trafficking. The Strategy has been implemented through the adoption of annual action plans. The establishment of a National Council on Migration Policy including experts from the line institutions is in progress.

The National Programme for Refugee Integration (NPRI) for the period 2011-2013 foresees special measures for ensuring equal integration of persons with disabilities and of single parents of children under 3 years.

The State Agency for Refugees /SAR/ at the Council of Ministers participates actively in the integration of refugees in the Bulgarian society by promoting a positive image of the refugees through inclusion, organization of media events, scientific conferences and educational lectures.

In 2011 a media campaign was held, financed by the European Refugee Fund and targeted at the creation of a favourable environment, supportive of the integration of refugees in the Bulgarian society.

Improving the integration and standards of living of migrants and refugees

In March 2011 the implementation of the National Programme for Integration of Refugees (2011-2013) has commenced. The Programme foresees one year integration period during which the refugees shall acquire knowledge in Bulgarian language, in Bulgarian political system, in culture and professional training. The documents for the enrolment in the Programme are available in English, Arabic, Persian and Dari. During the integration period the refugees enjoy a social protection package.

Foreigners on the verge of adulthood /17-18 years/ receive a refugee status and can join the integration programme. In 2012 started the process of drafting rules for appointment of a mentor or a guardian of unaccompanied minors and underage foreigners.

Employment

Having received a refugee status, asylum-seekers acquire equal rights with those of the Bulgarian citizens in the *field of employment*.

In 2012 the Labour Bureau regional directorates registered 860 foreigners. Of all the registered persons 673 were women. The total number of foreigners who found employment, registered with the labour bureaus was 198 and 142 of them were women.

The Law on Crafts provides for the opportunity foreigners, persons with refugee or humanitarian status who had practiced some craft abroad but cannot present documents to be allowed to stand an exam.

On 27 September 2012 the Employment Agency together with the State Agency for Refugees organized a specialized job fair for refugees where 50 unemployed refugees established direct contacts with 6 employers for some 30 vacancies.

Accommodation

The accommodation of refugees in municipal apartments is regulated in *the Municipal Property Law* and its by-laws. The refugees enjoy financial support to cover the rent and partially the monthly utilities.

Education

The Asylum and Refugees Act and the Public Education Act guarantee an opportunity for the children of refugees and migrant workers to attend Bulgarian schools under the same conditions as the Bulgarian children. A Bulgarian language curriculum has also been developed for teaching of migrant pupils at the primary education stage, taking account of the different degree to which the migrant pupils have command of standard Bulgarian. Teaching in Bulgarian language as a subsidiary subject and as an extra-curricular activity is financed by the Ministry of Education and Science.

Under the National Programme for Integration of Refugees (2011-2013) in 2011-83 refugees with recently granted status and in 2012- 54 refugees with recently granted status have attended Bulgarian language courses.

Social Support

In 2011 assistance was provided for filling in and submitting documents to the Social Assistance Directorates to 20 families with children from Iraq, Iran, Somalia and Pakistan and in 2012- to more than 15 families from Syria, Iraq, Iran etc. In 2012, a monthly average of 45 families received assistance under *the Law on Family Child Allowances*; a monthly average of 9 persons with disabilities- under the Law on the Integration of Persons with Disabilities and a total of 16 persons and families- under the Ordinance on the terms and conditions for energy allowances.

In order to overcome the language barrier intermediary services are provided at the social services by the Integration Centre and by social mediators.

Health care

Foreigners who have been granted permanent residence in the Republic of Bulgaria receive medical care on an equal footing with Bulgarian citizens.

Furthermore, children who have not attained the age of 18 years and older, if attending school as full-time students, until completion of secondary or higher education are health-insured by the State Budget and entitled to free medical and social care.

16. FREEDOM OF MEDIA

Recommendation

80.83. Work for more diversified ownership of the media, and thoroughly investigate cases of intimidation/harassment against journalists, in order to fully ensure freedom of the press (Norway);

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

Amendments to *the Law on the Mandatory Deposit of Copies of Printed and Other Works* in 2010 introduced the requirement for all publishers of periodical printed media to submit a declaration in a standard form to the Ministry of Culture identifying the actual owner of the media. This amendment to the law sets in place a mechanism guaranteeing transparency of the ownership of the printed media, with a view to ensuring effective protection of fundamental rights of citizens.

In its licensing activity under the *Law on Radio and Television*, the Council on Electronic Media monitors compliance with the requirements regarding the transparency of the capital and property of the natural and legal persons applying for a radio and television broadcasting licence. CEM maintains a public register of legal entities controlling the management of media operators.

A licence for radio and television broadcasting activities is granted according to a public procedure, setting non-discriminatory requirements to the applicants.

The Penal Code does not specify crimes against journalists, however it provides for the possibility the court to consider as aggravating circumstance the graver social risk arising from maleficent violations of freedom of speech.

Disaggregated data on crimes committed on the grounds of the exercise of a profession is not maintained. In the period 2011-2013 there is no information on lawsuits brought against perpetrators accused of murder or attempted murder of journalists in Bulgaria.

17. FREEDOM OF ASSOCIATION AND FREEDOM OF EXPRESSION

<p>80.85. Guarantee, without any discrimination, the rights to freedom of expression, association and peaceful assembly and the right to participate in public and political life (former Yugoslav Republic of Macedonia);</p>

The right of free expression and dissemination of opinion and the right to seek, receive and disseminate information are proclaimed in the Constitution of the Republic of Bulgaria, the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, to which Bulgaria is a State Party.

The great importance of these rights has been persistently emphasized in the practice of the Constitutional Court of the Republic of Bulgaria.

The right of peaceful assembly and association is fully guaranteed by the Constitution and the relevant legislation in Bulgaria to every person without discrimination in full conformity with Bulgaria's international legal obligations.

There are no obstacles for the registration of political parties, provided that all the formal requirements of *the Political Parties Act* are met. These requirements are clear and applicable to everyone without exception and/or discrimination.