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### Committee on Economic, Social and Cultural Rights

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**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

### **List of issues to be taken up in connection with the consideration of the combined fourth and fifth periodic reports of Bulgaria concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BGR/4-5)**

Addendum

### **Replies by the Government of Bulgaria to the list of issues<sup>\*</sup>**

[27 October 2012]

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<sup>\*</sup> In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## I. General information

### Reply to the issues raised in paragraph 1 of the list of issues

1. Article 5, paragraph 4 of the Constitution of the Republic of Bulgaria stipulates that international treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, are part of the legislation of the State and have primacy over any conflicting provision of the domestic legislation. In this context effective remedies are available for citizens of the Republic of Bulgaria who claim a violation of their rights under the International Covenant on Economic, Social and Cultural Rights.

2. The International Covenant on Economic, Social and Cultural Rights has been invoked in the courts of the Republic of Bulgaria. For instance, the Supreme Administrative Court of the Republic of Bulgaria adopted decision No.8260 dated 26 September 2005 on administrative case No. 2886/2004 (promulgated in the State Gazette issue 79/2005) regarding the revocation of article 14 paragraph 6, article 22 paragraph 4 and article 33 paragraph 6 of the Regulation on the order of exercising the rights of the state in business companies with state share in the capital, adopted by Ordinance No.112/2003 of the Council of Ministers of the Republic of Bulgaria. In particular, the Supreme Administrative Court concluded that the provisions of article 33, paragraph 6 of the regulation related to the order for determining remuneration to members of the executive and supervising bodies of the business companies with state share contradict article 7, paragraph (a), subparagraph (i) of the International Covenant on Economic, Social and Cultural Rights.

3. The Commission for Protection against Discrimination (CPD) is an independent specialized public body vested with significant powers for prevention, protection against discrimination and promotion of equal treatment. The Commission is a national equality body in terms of European Union (EU) antidiscrimination law, established and functioning in accordance with the Paris Principles. The CPD functions by virtue of the Protection against Discrimination Act, whose Article 4 lists explicitly nineteen protected grounds. The Commission is a quasi-judicial body ruling legally binding decisions; furthermore, it carries out preventive activities aimed at eliminating the causes and consequences of discrimination. In its case-law, CPD has referred to the International Covenant on Economic, Social and Cultural Rights on several occasions. As an example, two cases are provided below. The full text of the decisions, as well as more decisions referring to the Covenant may be provided if requested.

(a) **Decision No. 205 of 16 November 2009 on case file No. 235/2008, CPD Fifth Specialized Sitting Panel, discrimination on disability ground**

4. Legal grounds:

- Regulation No. 6/19.08.2002 on the training of children with special educational needs and/or chronic conditions, issued by the Ministry of Education and Science
- Ordinance 4 on pre-school training
- Public Education Act and the Implementing Regulation of that Act
- Integration of Persons with Disabilities Act
- Ordinance on the training of children and pupils with special educational needs and/or chronic conditions, issued by the Minister of Education and Science, (promulgated in State Gazette issue 11 of 11 February 2009)

- Article 13 of the International Covenant on Economic, Social and Cultural Rights (Promulgated in State Gazette, issue 43 of 28 May 1976)
- Article 23 of the Convention on the Rights of the Child (promulgated in State Gazette, issue 55 of 12.07.1991), Article 17 of the European Social Charter (Revised) (promulgated in State Gazette, issue 43 of 4 May 2001)
- Article 51, paragraph 3 of the Constitution of the Republic of Bulgaria
- Article 4 and Article 7 of the Public Education Act
- Implementing Regulation of the Public Education Act, Article 2
- Article 4, item 2, Article 17, item 2, and Article 19, Section II of the Integration of Persons with Disabilities Act (Promulgated in State Gazette, issue 81 of 2004)
- Article 32 of the Protection against Discrimination Act (PaDA) and the positive measures envisioned in Article 7, item 10, item 14 and item 15 (promulgated in State Gazette, issue 69 of 5 August 2008), due by the subjects under Article 10 and Article 11 of that Act
- Decision C-303/06 on case Coleman and Decision of the European Committee of Social Rights (ECSR) to the Council of Europe on complaint 41/2007 by Mental Disability Advocacy Center (MDAC) v Bulgaria

5. Persons with special educational needs fall under the special protection of State and society. Special protection requires application of specific measures aimed at providing equal opportunities for adaptation and social integration of persons in need of such auspices. Some of those specific measures require an analysis of the individual needs of each person with mental or physical disabilities, for application of further effective measures for inclusive or specialized training that should be undertaken with consent and active involvement of parents, guardians or trustees. In that manner, standards and provisions on special state care and assistance to the families or guardians of children with special needs shall be accomplished, in their efforts to effective social integration and individual's fulfilment in society.

6. The case concerns direct discrimination by virtue of PaDA Article 4, paragraph 2 on the ground of disability, protected by Article 4 paragraph 1 of that Act. Discrimination was committed by the Ministry of Education and Science in its capacity of author and endorser of Ordinance 6/2002 on the training of children and pupils with special educational needs and/or chronic conditions, endorsed by the Ministry of Education and Science, and of other regulations, methodologies and instructions, endorsed and enforced by the Minister of education and science.

7. Persons with special educational needs and their parents did not and do not have real chance to choose whether they can study at a general or auxiliary school; persons with special educational needs were not given opportunity for actual integration in the community of other students. In that way, those persons have grown up and developed in the segregated and excluded community of an auxiliary school; they were not placed in supportive environment that accounted for the individual capacity of the person to learn via individual training plan, secured with sufficient time for training, in order to meet the statutory educational requirements (herein: SER), appropriate educational materials, textbooks and programs; they did not obtain education guaranteeing their future inclusion and integration in society. The education and/or training they obtained did not meet the requirements of availability, accessibility and adaptability, it is proven inappropriate for their health state; the age ceiling for obtaining education puts them in unequal situation as compared with students in the mainstream schools, instead of benefiting from positive measures, as foreseen in PaDA Article 7, item 10, item 14 and item 15 (promulgated in

State Gazette issue 69 of 5.08.2008), setting obligations by virtue of Article 10 – Article 11 on the defendant – the Ministry of Education and Science.

**(b) Decision No. 67 of 27 April 2009 on case file 205/2008, First Specialized Permanent Sitting Panel, discrimination on the ground of ethnic origin**

8. Legal grounds:

- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights (promulgated in State Gazette, issue 43 of 28 May 1976)
- The International Covenant on Civil and Political Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly of the United Nations in resolution 2106 (XX) of 21.12.1965, opened for signature in New York 07.03.1966, entered into force on 04.01.1969 in compliance with Article 19 of the Convention (promulgated in State Gazette, issue 56 of 10 July 1992, amended in State Gazette, issue 19 of 24 February 1995)
- Article 6 paragraph 2, Article 32, paragraph 1, Article 39, Article 40 and Article 41 of the Constitution of the Republic of Bulgaria
- Article 4 and Article 5 of PaDA, in conjunction with §1, item 1 and item 6, Article 52, paragraph 1, Article 65, Article 76, paragraph of PaDA
- Code of Ethics of Media

9. The definition of “hate-speech” found in Recommendation No. R(97)20 of 1997 of the Committee of Ministers of the Council of Europe on hate speech, in the Appendix under item “scope,” shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

10. Harassment and racial segregation are two separate forms of discrimination by virtue of Article 4 and Article 5 of PaDA, in conjunction with §1, item 1 of its Supplementary provisions. By virtue of §1, item 1 of PaDA Supplementary provisions “harassment” shall mean unwanted conduct on the grounds of characteristics under Article 4(1) and expressed physically, verbally or in another way targeting at or resulting in offending the dignity of an individual and creating a hostile, offensive or impending environment. Indication of the ethnic origin of perpetrators and the emphasis of the designation of the entire ethnic community in the presentation of information is discrimination, by virtue of Article 5, the second hypothesis of PaDA in conjunction with §1 item 1 and item 6 of PaDA Supplementary provisions, on the basis of ethnic origin. Presentation of information in this way, closely related to ethnic background of the persons to whom it is said to have committed a criminal act and the use of that community name as the author of the offense creates a hostile and offensive environment for every person belonging to the Roma community, because these ways of presenting news cause unfriendly attitude to the ethnic community.

**Reply to the issues raised in paragraph 2 of the list of issues**

11. The Bulgarian Government pursues a consistent policy aimed at the improvement of the situation of the Roma ethnic community. It fully acknowledges that there is no and could not be a real solution of these issues that is either quick, or simple. The improvement of the

situation of Roma is a matter of enhancing social inclusion and the fair distribution of the burden of responsibilities.

12. Since April 2011, in accordance with Decree No. 92/2011 of the Council of Ministers on the amendment of previous related regulations of the Council of Ministers (promulgated in the State Gazette, issue 31/2011) responsibility for all activities related to the ethnic and integration issues was transferred from the Ministry of Labour and Social Policy to the Administration of the Council of Ministers. To this end, the consultative and coordinative functions on the ethnic and integration issues were entrusted entirely to the National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers (NCCEII). The Government broadened the scope of the NCCEII functions regarding its representation in international institutions and the coordination of the international initiative “Decade of Roma Inclusion 2005-2015”. The Chairperson of the NCCEII, who is the Deputy Prime Minister, is also the National Coordinator of the initiative. Paragraphs 30-35 below provide information on the measures of the Government to address unemployment among the Roma community and paragraphs 19-22 and 201-204 enlist the measures of the Government to improve the quality of education of the Roma community.

13. Members of the ethnic communities can file complaints with regard to their enjoyment of economic, social and cultural rights in the courts of law or submit complaints to the Commission on Protection against Discrimination and to the Ombudsman of the Republic of Bulgaria. The representatives of the non-governmental organizations of ethnic communities to the NCCEII can also submit complaints to the Secretariat of the Council.

14. Persons belonging to ethnic communities are entitled to study their mother tongue. This basic right is guaranteed by the Constitution of the Republic of Bulgaria (Article 36), the Law on National Education (Article 8) and the relevant regulations. Mother tongue education is provided in municipal schools, and is financed through the municipal budgets. Free of charge text books in mother tongue are provided. It can also be taught in private schools.

15. The Bulgarian Government believes that positive results with respect to the integration of ethnic communities in the Bulgarian society could be achieved through joint efforts and proportional responsibilities between the government, the ethnic communities and their leaders, with the assistance of NGOs. In this regard, the competent Bulgarian authorities, including the NCCEII, continue to enhance the existing mechanisms for social inclusion, focusing on result-oriented actions.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Article 2, paragraph 2 – Non-discrimination**

#### **Reply to the issues raised in paragraph 3 of the list of issues**

16. Since the examination of the third periodic report of the Republic of Bulgaria (E/1994/104/Add.16) by the Committee on Economic, Social and Cultural Rights in 1999, progress has been achieved in improving the situation of the ethnic communities, including Roma and Turkish communities, in the enjoyment of economic, social and cultural rights, particularly in the fields of education, housing, health and employment.

17. The National Education Act contains the following principles of education: all citizens are entitled to education; they can constantly improve their education and

qualification; there shall be no limitations or privileges on grounds of race, nationality, sex, ethnic or social origin, religion and social status.

18. Likewise, the draft proposal on the Pre-school and School Education Act stipulates that education is a national priority and its realization is ensured through the implementation of principles as: the equal access and inclusion of all children and students, equality and prevention of discrimination; preservation of the ethno-cultural diversity. Among the main objectives of the pre-school and school education is the formation of national and civil consciousness, tolerance and respect towards the ethnic, national, cultural, linguistic and religious identity of all citizens. In order for the process of educational integration to be supported, additional measures for training of students, for whom Bulgarian is not a mother tongue, are envisaged. In addition, targeted funding is stipulated for schools with insufficient educational results.

19. The Bulgarian authorities continue their efforts to encourage the integration and socialization of Roma children and school students, preventing early dropouts from the educational system, increasing the quality of education and improving the educational facilities. The table below provides data with regard to the level of education of the Roma in Bulgaria, gathered during official censuses in 2001 and 2011 by the National Statistical Institute. It shows improvement of the educational attainment of the Roma during the past 10 years.

Table 1

**Level of education of Roma in Bulgaria**

<i>Education/Years</i>	<i>2001</i>	<i>%</i>	<i>Roma 2011</i>
Tertiary	0.2		0.5
Secondary	6.5		9.0
Basic	41.8		40.8
Elementary	28.3		27.9
Elementary uncompleted and illiterate/never attended school	23.2		21.8

20. Among the measures which have been undertaken to foster the integration of Roma children within the mainstream school system are:

(a) Development of programmes for pupils and students at risk of dropping out from school, in cooperation with the regional inspectorates of education, the municipalities, the school boards and other bodies and organizations. They foresee additional educational options, such as organizing and carrying out individual programmes for psychological influence on the student, additional work with the students during classes and holidays, extra-curricular and out-of-school activities tailored to the individual needs and interests of the students, consultations and vocational guidance;

(b) In accordance with the updated Strategy for Integration in Education of Children and Students from the Ethnic Minorities (2010), each school has to draw up an annual plan which is reported to the Regional Inspectorates of Education and the Ministry of Education, Youth and Science. The Regional Inspectorates of Education have designated experts and tasked them with obligations on the integration of children and students belonging to ethnic minority groups;

(c) The 2010 National Classification of Occupations and Duties includes the position “assistant teacher” developed by the Ministry of Education, Youth and Science in 2003. The assistant teachers facilitate the integration of children and students belonging to

ethnic minority groups, including Roma children, thereby supporting their access to education. The monitoring during 2011 of the projects involving assistant teachers with a view to integrating the children and students from ethnic minorities has shown that this creates notable benefits for the trainees, in particular in an ethnically mixed educational environment. The assistant teacher position was introduced on the proposal of Roma non-governmental organizations and was approved in the Framework Programme for Equal Integration of Roma in the Bulgarian Society.

21. Article 36, paragraph 2, of the Constitution provides that “citizens whose mother tongue is not Bulgarian shall be entitled to learn their own language and to use it alongside the study of Bulgarian.” Mother tongue education is delivered in municipal schools, and is financed through the municipal budgets. Languages taught as a mother tongue in the Bulgarian educational system are Armenian, Arabic, Greek, Hebrew, Romani, and Turkish. Free of charge text books are provided. It can also be taught in private schools. Turkish is being studied as a mother tongue, on the basis of school programmes, text books and dictionaries, approved by the Ministry of Education, Youth and Science for all classes from the first to the eighth grades. Turkish is studied in private secondary Muslim and other schools as well. A number of universities educate teachers in Turkish. Romani as a mother tongue has not been taught and studied systematically. Teaching Romani began in some municipal schools in 1992. Despite the efforts undertaken in the past years by state institutions and universities, there are not many qualified teachers for the primary and secondary levels and also for specialized philological education.

22. According to information from the Ministry of Education, Youth and Science, during the academic year 2011/2012 a total of 11,055 students have studied Armenian, Arabic, Greek, Hebrew, Romani, and Turkish, including 10,659 students who have learnt Turkish as a mother tongue in over 60 schools in 14 administrative regions and 13 students have learnt Romani as a mother tongue in one school in the region of Varna.

23. The Government of the Republic of Bulgaria consistently implements the activities in the area of housing and infrastructure envisaged in the National Programme for Improvement the Housing Conditions of Roma in Bulgaria (2005-2015). The Programme is aimed at improving living conditions by upgrading existing public technical and social infrastructure in Roma neighbourhoods and supporting new housing. It also has a positive impact on health and employment of Roma. The National Programme engages directly local communities and applies the partnership principle between various stakeholders – local and national administration, communities, civic and business organizations etc. The efforts of the Ministry of Regional Development and Public Works are focused on the elaboration of cadastral maps and registers as a basis for creating the development plans and the subsequent investment projection and construction in various regions of the country. Local authorities are encouraged to implement urban regulation of the residential areas with predominant Roma population and to include new zones for housing development. Opportunities for legalizing – where possible – illegally built houses are also considered. Since 2009 direct investments have been allocated with funds from the state budget through the Ministry of Regional Development and Public Works for the improvement of the existing technical infrastructure and for the building up of new technical infrastructure in the Roma neighborhoods.

24. As a result of the implemented reconstruction and renovation of the water supply and sewerage networks, sanitation has been greatly improved, with all the resulting positive outcomes for the health of the residents in and around the neighborhoods with compact Roma population. The reconstruction and rehabilitation of roads provides improved access to the integrated transport network to and within the neighborhoods, and moreover facilitates several public services as medical emergency, fire brigade, waste management, etc. as well as the access of the law enforcement authorities to the neighborhoods. To this



end, it is noteworthy that evident results with tangible social impacts have been accomplished.

25. The Ministry of Regional Development and Public Works is the Managing Authority of Operational Programme “Regional Development 2007-2013”, under which are implemented a number of projects that include Roma as a disadvantaged group. The projects are focused on the renovation, reconstruction, provision of equipment, energy surveys and audits, incorporation of energy efficiency measures and installations based on renewable energies as well as on the improvement of the access of vulnerable groups, including Roma. As a result of the contracts realized under the Operational Programme “Regional Development 2007 – 2013”, direct and indirect improvements have been achieved. The total amount of funding provided under all projects of the programme is BGN 740 million and some 125 214 Roma benefited from the renewed urban environment.

26. New initiatives and further measures in the field of healthcare of the ethnic communities, including the Roma and Turkish communities, have delivered positive results and have become good practices of the integration policy.

27. The important role of the health mediators for increasing the health awareness within the vulnerable ethnic groups has to be particularly emphasised. The National Council for Cooperation on Ethnic and Integration Issues to the Council of Ministers and the Ministry of Health have played a major role for the institutionalization of the profession of the health mediator, funded by the state budget. In 2007 92 mediators were employed with funds granted from the budget for activities delegated to municipalities. In 2008 their number increased to 111 persons. For 2009, 2010 and 2011 funding was allocated for the appointment of 105 mediators in total. In 2012 budget funding was provided for the employment of 109 health mediators. Health mediators are also experienced in the work with families at risk of leaving children to foster homes. In 2011 the health mediators contributed to the provision of 10 000 vaccinations, 12 706 prophylactic examinations, participated in the resolving of 7 874 individual situations of a social nature, etc. In 2011, the NCCEI coordinated two training sessions for health mediators within the framework of the European training programme for Roma mediators – ROMED – of the Council of Europe. The objective of the programme was to improve the quality and the efficiency of the work of the health/labour mediators, with the aim to facilitate the communication and cooperation between Roma and the state institutions (schools/healthcare/employment services). Bulgaria was among the first 15 countries participating in the initiative. The country’s participation in the programme continues in 2012, when two new training sessions are taking place.

28. The Ministry of Health was provided by the European Commission, under the PHARE Programme, through the National Council for Cooperation on Ethnic and Demographic/Integration Issues, with 23 mobile units, of which 5 cabinets for general examination, 2 fluorographic cabinets, 2 mammographic units, 3 ultrasound units, 3 mobile laboratories, 4 pediatric and 4 gynecologic cabinets. In recent years a growing number of Bulgarian citizens belonging to ethnic communities, namely to Roma and Turkish communities, and persons living in remote areas have access to prophylactic and screening examinations carried out by mobile medical units. In 2010 a total of 9 576 prophylactic and screening examinations were carried out by the mobile units in eight districts of the country. In 2011, a total of 11 465 examinations with the mobile units were carried out in nine districts. More than 2 353 people were diagnosed with diseases or health deviations in the laboratory tests. All diagnosed participants are directed for further diagnostic examinations and treatment in hospitals. The prophylactic medical examinations and tests with the mobile medical units were preceded by lectures and awareness campaigns. They were carried out by experts from the Regional Health Inspections and the respective regional medical centres. The awareness includes the distribution of information materials,

brochures and leaflets, in which the respective health problems are explained in an accessible way.

29. In 2010 – 2011 four national meetings under the project “Initiative for Health and Vaccination” were held. The NCCEH, jointly with the Healthcare Commission of the 41st National Assembly of Bulgaria, carried out the projects in partnership with the Ministry of Health, the National Network of Health Mediators in Bulgaria, the Bulgarian Association for Prophylactic Vaccination and the pharmaceutical company GlaxoSmithKline. The project enhanced the good cooperation between the key partners in the organization of the campaigns for improving the health care within the vulnerable ethnic communities. The contribution of the campaign to the containment of the measles epidemic spread in Bulgaria in the spring of 2010 is beyond doubt. As a direct result of the emergency prophylactic immunization of around 200,000 children against measles, mumps and rubella, the country has reached a particularly high health status for the next five to six years, which is to be considered as a major accomplishment, considering the complex situation in other European countries. Positive results were achieved in the emergency immunization campaign against polio in 2011, which covered 40 000 children, 35 000 of them from the Roma community.

30. The National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) and an Action Plan implementing the National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) have been adopted by the Council of Ministers on 5 January 2012. The operational objective of the section on “Employment” of the National Strategy is to improve the access of Roma to the labour market and increase their employment rate.

31. Enhancing labour market competitiveness and job provision for 15 600 unemployed Roma people registered in Employment Office Directorates (EOD) was planned in 2011. The achievement of benchmarks as from the beginning of 2011 has been attained at 108.42 %, i.e. 16 914 individuals have increased their labour skills and thus access to the labour market and have been integrated in employment programmes, as follows:

(a) The number of unemployed Roma persons covered by initiatives referred to above is established on the basis of the principle of ethnic self-determination. The respective benchmarks are provided in the Employment Agency’s Action Plan; achievement thereof involves Employment Agency budgetary resources earmarked for active policy on the labour market in 2011 and Human Resources Development Operational Programme funds;

(b) The implementation of the National Programme “Activate the Non-active” was launched in 2008. The objective of the initiative is activating and including non-active and discouraged people in the labour market. 125 unemployed members of the Roma community have undergone training for employment agents and have been employed as Roma mediators in public employment offices in 2008 and 2009. Mediation activities involve motivating non-active and discouraged people to register in public employment offices and benefit from employment mediation and training services. To achieve programmed objectives mediators organize awareness campaigns, individual and group meetings with non-active persons. Meetings with social partners and NGOs are arranged to recommend beneficiaries under the programme. According to figures as at the end of 2011, 67 mediators have been employed at 58 Employment Office Directorates. As a result of the programme implementation 8 248 non-active discouraged persons were registered in the Employment Office Directorates until the end of 2011. Out of that number, 1 384 received educational or labour realization – 86 were included in adult classes and 1 298 found employment. In 2011 the Programme cost BGN 302 127 as provided for in the National Employment Action Plan.

32. The National Employment Agency organizes and conducts specialized labour exchanges for the Roma community for a sixth consecutive year. The objective of the initiative is supporting labour realization of unemployed Roma by facilitating access to information on employment possibilities and ensuring direct communication and negotiation between employers and people seeking employment. In 2011 six exchanges were held in the towns of Straldzha, Lom, Loukovit, Knezha, Chirpan and Plovdiv's Stolipinovo Quarter. 778 people seeking employment and 47 employers visited the event; 325 job vacancies were announced and 309 job vacancies were filled.

33. In 2011, two training courses for Roma labour mediators were carried out under the European Programme for Roma mediators of the Council of Europe ROMED. Within the training, the mediators have developed action plans and have implemented them during the subsequent six months of practical work. The representatives of the Roma communities are actively involved in a programme funded by the European Agricultural Fund for Rural Development, which is targeting rural areas.

34. The Plan of the National Employment Agency for 2012, elaborated in relation to the Decade of Roma Inclusion initiative, provides for the inclusion of 15 600 persons of Roma origin in various labour activities.

35. On 23 September 2011 a criminal case whereby a 19-year-old young man died in a road accident in the village of Katunitsa, near the city of Plovdiv, triggered social tensions amongst the local residents. The events were mainly a consequence of the feeling of impunity of a certain person of Roma origin and his family members who had apparently been in a years-long dispute with the family of the victim. The perpetrator and several other persons involved in the incident were detained, specific charges were brought against them and later they were convicted by the criminal court. Protests and demonstrations followed almost immediately after the incident, at first in Katunitsa and afterwards in other cities. There were also regrettable, though isolated, attempts to exploit the tragedy in Katunitsa for political purposes. All such attempts were unequivocally condemned by the President, the Prime Minister and the Bulgarian society at large. Political, religious and community leaders across the country and across the political divide reacted. A special session of the Consultative Council on National Security was called by the President and specific steps were adopted aiming at preventing similar events in future, including through further firm sanctions under the law imposed on persons for ethnic or religious intolerance.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

36. The policy of the Government of the Republic of Bulgaria regarding persons with disabilities is aimed at improving the quality of their life, preventing discrimination on the ground of disability, ensuring equal opportunities, as well as full and active participation in community life. The policy for integration of people with disabilities is in compliance with the Integration of Disabled People Act and the Strategy for Equal Opportunities for People with Disabilities 2008 – 2015, adopted by the Council of Ministers in 2007. The Integration of Disabled Persons Act contains a mechanism for implementation and control of medical equipment, provides for specialized help and assistance to disabled persons (under the Social Assistance Act), a monthly financial assistance for mentally handicapped children as part of the family assistance, more active participation of civil society in helping and assisting mentally handicapped and disabled persons. The Strategy for Equal Opportunities for People with Disabilities 2008 – 2015 outlines all necessary directions aimed at removing obstacles (psychological, educational, social, cultural, professional, financial and architectural) hindering the social inclusion of people with disabilities. The Strategy was adopted in implementation of the relevant Council of Europe recommendations and the good practices of the EU member states.

37. One of the priorities of the process of integration of people with disabilities is the employment promotion through the creation of integrated and specialized working environment. In April 2010 a two-year plan on equal opportunities of disabled people was adopted by the Government, envisaging measures aimed at ensuring accessible environment for disabled persons. The Ministry of Labour and Social Policy implements the National Programme for Employment and Vocational Training of People with Permanent Disabilities. The Government's policies and attention continue to be focused on improving the situation of people with disabilities in all spheres of public life on the basis of the respective legislation, policies and measures.

38. A wide range of employment and training measures are being undertaken under the National Programme for Employment and Vocational Training of People with Permanent Disabilities. They include encouraging unemployed persons to start up their own business on a business plan approved by the labour offices and offering employers incentives to hire permanently disabled unemployed, including payment of the minimum wages to the disabled persons by the labour offices within budget resources for periods ranging from six to twelve months.

39. The Law on Civil Servants has been amended to include the establishment of a quota for recruitment of people with disabilities as civil servants in the administration. Recruitment of people with disabilities as civil servants is realized via a centralized contest for people with disabilities at least once a year or via contests, organized at least once every 4 months when vacant positions are available. Responsibilities for the appointing bodies were established in order to ensure an adapted working environment for people with disabilities.

40. The Health Act regulates the health protection of vulnerable groups of individuals, including persons with physical disabilities and mental disorders. The Act provides for minimal limitation of personal freedom and respect for patients setting up a wide-scale of specialized institutions for outpatient mental health cases, helping families and society, observing humanitarian principles and norms in the process of treatment and social adaptation, specialized education and training, professional preparation and re-qualification of mentally retarded persons. The Health Act assigns responsibilities to the Ministry of Health, municipalities and NGOs to organize activities for the protection of mental health in order to provide persons with mental disorders with accessible and good quality medical care and support needed for their life both in family and community environment; protect mental health at risk groups: children, school-children/students, elderly residents in care facilities, etc; provide active prevention of mental disorders and support of public initiatives in the field of mental health care.

41. The National Health Strategy 2008-2013 and Action Plan thereto (promulgated in State Gazette, issue 107 of 16 December 2008) views the improvement of the quality of life of persons with chronic diseases, with disabilities and in disadvantaged position according to the European requirements as one of the major challenges facing the national health system.

42. The Council of Ministers has adopted a Mental Health Policy 2004–2012 and a National Action Plan to implement this policy. The Minister of Health issued a number of instructions in 2004, 2005 and 2007 aimed at setting up a “Psychiatry” medical standard, the procedures in treatment of mentally handicapped persons.

43. The latest amendments to the Integration of People with Disabilities Act of 26 March 2010 include a mechanism for implementation and control of medical equipment to such persons, providing them with specialized help and assistance (under the Social Assistance Act), a monthly financial assistance for disabled children as part of the family

assistance, more active participation of civil society in helping and assisting retarded and disabled persons.

44. Bulgarian legislation explicitly provides for the right to access to quality education, and the obligation of education institutions to enrol children and pupils with special educational needs, including mentally handicapped and disabled children.

45. The educational policy envisages, on the one hand, reorganising the network of specialized schools by shutting down some of them and reforming the activities of the rest, and, on the other, assigning new functions to those specialized schools which continue to exist. The tuition of children with severe and multiple disabilities is organised on site at the remaining specialized schools for mentally handicapped or disabled children by teachers of those schools or by resource teachers.

46. Along with the reform activities of the specialized schools, numerous measures are being implemented aimed at the creation of a supportive environment for children and students with special educational needs, and mainstreaming most of the children with disabilities in the general kindergartens and schools.

47. According to data of the Resource Centers, in January 2010, integrated children and students were supported by 1187 resource teachers, psychologists, speech therapists and rehabilitators of hearing and speech. The legislation provides equal treatment of students with special educational needs in relation to the transition from one stage of education to another. The state provides annually free textbooks for the different subjects and Braille textbooks for students with special educational needs. In the past 4 years, over 2000 teachers were trained for work with children and students with special educational needs.

48. An expression of the commitment of the Republic of Bulgaria to the rights of disabled persons was the ratification by the National Assembly of the Republic of Bulgaria of the Convention on the Rights of Persons with Disabilities on 26 January 2012 and the entry into force of the Convention for the Republic of Bulgaria on 22 March 2012.

### **Article 3 – Equal rights of men and women**

#### **Reply to the issues raised in paragraph 5 of the list of issues**

49. The principles of equality and non-discrimination are embedded in the Constitution of the Republic of Bulgaria. Bulgarian legislation guarantees full equality of women and men and treats them equally in all spheres. Women and men have equal political, civil, economic, social and cultural rights. Discrimination based on sex is expressly prohibited and the national legislation and policies contain anti-discriminatory provisions. There are no spheres exclusive to women or men.

50. The National Council on Gender Equality (NCGE) at the Council of Ministers coordinates all activities of the ministries, other agencies and NGOs on gender equality. The Council's main tasks are: awareness raising on gender equality issues, human rights training and achieving equal opportunities for women and men in all spheres of socio-economic life, especially in the decision-making process. The NCGE is engaged in the preparation of annual national plans aimed at enhancing gender equality.

51. The Ministry of Labour and Social Policy is responsible for the policy of equal treatment of women and men. A separate unit is set up, designed to elaborate, coordinate, implement and monitor the gender policy.

52. The national gender equality policy guarantees prevention and elimination of any discrimination on grounds of sex. It also guarantees equal access to the labour market and

economic activities, suitable measures for combining professional and family life. Particular attention is given to education, healthcare and domestic violence.

53. The implementation of the National Strategy for Promotion of Gender Equality for 2009–2015 and the annual national action plans on promotion of gender equality is at the core of the national gender equality policy. The national strategy and annual plans are in conformity with the European Strategy for Gender Equality 2010-2015, the Europe 2020 Strategy, and the draft of the new European Pact for Gender Equality. The measures therein are structured in sections, namely: addressing gender pay gaps; better reconciliation of professional, private and family life; dignity, integrity and an end to gender-based violence, eliminating gender stereotypes and addressing multiple discrimination. The annual national action plans on promotion of gender equality include initiatives, programmes and measures on strengthening labour market competitiveness of women by inclusion in vocational and key competence training, job placement of unemployed persons in the childhood care sector, encouragement of employers to provide work for unemployed single parents and mothers with children of up to three years of age and unemployed mothers of children between the ages of three and five.

54. During 2010-2011 the Commission for Protection against Discrimination has conducted an independent national representative survey on “Stereotypes and Prejudice in textbooks, and programmes and curricula in primary and preparatory education”. Numerous textbooks were reviewed for stereotyped contents on legally protected grounds, including gender. Some of the lessons learnt from this study were that textbooks and teaching materials sometimes undervalue the role of women in important moments in history and progress of mankind. Books mention prominent women less often than men. Another conclusion that was made as a result of this study is that very often in the examples which are given by different subjects, women are more often associated with household chores than men. The Commission recommended to the Ministry of Education, Youth and Science to refine textbooks and teaching materials accordingly. The Commission for Protection against Discrimination holds regular legal trainings twice a year. Participants in these legal workshops – magistrates, judges, lawyers and legal advisors, are provided with training materials on relevant case-law on gender equality and the general recommendations of the Committee on the Elimination of Discrimination against Women. The Commission on Protection against Discrimination also organizes annual training seminars on non-discrimination issues for the media. Among the topics of the seminars are elimination of discrimination against women and addressing any stereotypes and prejudice on gender equality.

#### **Reply to the issues raised in paragraph 6 of the list of issues**

55. The policy of the Republic of Bulgaria guarantees equal access of men and women to the labor market and facilitates the reconciliation of professional and family obligations. Some of the largest commercial companies and banks in the country are chaired by women. In Bulgarian companies with more than 50% government share, by the end of 2011 43% of the members of boards of directors were women. In 2011 the proportion of working women to working men in the spheres of transport, information technologies and message services was 73:27 and 60% of the managerial positions in the companies providing those services were taken by women. Through the Programme for encouragement of female entrepreneurship in agriculture, the share of young female farmers has increased to 41.5% in 2012.

56. The Government of the Republic of Bulgaria has taken a number of further measures to facilitate gender representation. In compliance with the European initiative for promotion of women representation in company managing structures a new chapter of activities for improving the gender balance in business management has been introduced in the National

Action Plan for the Promotion of Gender Equality in 2012. Among the activities are employer seminars for managers of small and medium enterprises, business associations, companies, trade unions, representatives of municipal and district administration. The seminars are held with the aim to raise awareness among employers and society generally about the necessity to increase the role of women in company management.

57. The Republic of Bulgaria welcomed the Equal Futures Partnership initiative of the United States as a new international effort to break down limitations on women's political participation and economic empowerment. Placing high value on the initiative and as an expression of Bulgaria's achievements in the field of women's rights and empowerment, on 24 September 2012 Bulgaria joined the Equal Futures Partnership as a founding member.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

#### **Article 6 – Right to work**

##### **Reply to the issues raised in paragraph 7 of the list of issues**

58. The Facilitation of Employment Act and the Regulation on the rules and conditions for the issue, refusal or withdrawal of work permits for foreigners in the Republic of Bulgaria stipulate the applicable rules and conditions in this field. Article 70, paragraph 1 of the Facilitation of Employment Act provides that in order to work under labour relationship on the territory of the Republic of Bulgaria a foreigner shall get a work permit in conformity with the requirements, set by a regulation of the Council of Ministers or by an international treaty to which the Republic of Bulgaria is a party. The work permit is issued by the Agency on Employment and the General Labour Inspectorate Executive Agency is the control body which exercises monitoring over the implementation of the legislation in the field of labour. The legal requirements of Article 70, paragraph 1 of the Facilitation of Employment Act do not apply to persons, who are citizens of a member state of the European Union, or of a state, which is a party to the Agreement on the European Economic Space, or of the Confederation of Switzerland, or who, under the concluded international treaties with the European Union enjoy the right of free movement.

##### **Reply to the issues raised in paragraph 8 of the list of issues**

59. The Labour Code of the Republic of Bulgaria sets out specific procedures for the employment of individuals below 18 years of age, namely obtaining of work permits from the Labour Inspectorate. Employment of underage individuals in the absence of such permit from the Labour Inspectorate is unlawful and qualifies as a crime.

60. In 2011, the General Labour Inspectorate Executive Agency received a total of 1838 requests for permits for hiring of underage individuals. Of those, 69 request a permit for employment of persons below 16 years of age, and 1769 – for hiring of persons above 16 years of age. A total of 1802 permits for employment of underage persons were issued, of which 65 permits for hiring of individuals below 16 years of age and 1737 – for hiring of individuals above 16 years of age. The largest number of permits for the employment of individuals below 18 years of age was requested by employers operating in the following economic fields: "Hospitality sector", "Food services", "Retail" and "Other personal services".

61. The implementation of the Programme towards the Elimination of the Worst Forms of Child Labour, implemented by ILO with the participation of the Ministry of Labour and Social Policy of the Republic of Bulgaria was completed in December 2009. A set of

instruments and specific work models were elaborated in the course of the two programme phases, which will be continuously applied by Bulgarian institutions, social partners and the civil society after the project was completed. A Cooperation Agreement was signed between the General Labour Inspectorate Executive Agency, the State Agency for Child Protection and the Social Assistance Agency, under which the said institutions will continue their joint efforts to address the issues of employment of individuals below 18 years of age.

62. The General Labour Inspectorate Executive Agency has control functions with regards to the lawful employment of persons below 18 years of age. The main priorities of such control functions are:

- (a) Comprehensive involvement of employers in the fulfilment of their legal obligations and responsibilities related to the employment of individuals below 18 years of age;
- (b) Reduction and elimination of cases of violation of the legal norms applicable to the employment of individuals below 18 years of age;
- (c) Increasing the efficiency of measures aimed at preventing cases of hiring of children for work which may harm their health, safety and moral;
- (d) Elimination of the worst forms of child labour in Bulgaria;
- (e) Developing of a culture of prevention of the economic exploitation of children and of any work that is likely to be harmful to the child's health or physical, mental, moral or social development or to interfere with the child's education;
- (f) Improvement of opportunities for monitoring, collection and dissemination of information on lawful use of underage labour in national economy.

63. During the inspections of the General Labour Inspectorate Executive Agency no cases have been established of child labour in its worst forms, in violation of the bans on exposure of underage individuals to danger and harm during work, expressly set out in national legislation. Annually the General Labour Inspectorate Executive Agency launches public awareness campaigns in which labour inspectors hold meetings with pupils from the secondary schools and explain to them the requirements for the employment of persons below 18 years of age.

## **Article 7 – Right to just and favourable conditions of work**

### **Reply to the issues raised in paragraph 9 of the list of issues**

64. Article 244 of the Labour Code delegates to the Council of Ministers the prerogative to set the minimum wage for the country and the type and minimum amount of additional allowances and compensations received under employment relationship, insofar as not determined by the Labour Code.

65. The Ordinance on the Structure and Organization of Wages (OSOW) contains detailed rules on the manner of setting basic wages and additional allowances. Article 4 of the OSOW defines that the basic wage means a remuneration paid by an employer to a worker for obligations, liabilities, services, and demands inherent to the specific job or position, in compliance with established standards for quality, quantity and length of work. Basic salary is determined based on job evaluation and grading and is agreed in the contract of employment between the parties. Amounts and/or basic wage-forming mechanisms are specified in collective employment agreements and/or negotiated between the parties of individual employment relations, and included in the internal wage-setting rules of the



enterprise. Collective employment contracts may include provisions for starting basic salaries per occupation and position held.

66. Maximum wages and/or the scope of basic salaries per job level for budgetary bodies and actions are determined under Article 5 of the OSOW. Bulgarian legislation provides equal remuneration for equal work or work of equal value. Legal guarantees of non-discrimination on grounds of gender in terms of remuneration for work of equal complexity and responsibility for employees with equal educational attainment and professional qualification are in place. Existing domestic pay systems, wage-forming rules, including additional incentives and allowances (bonuses), do not provide wage differentiation on the ground of gender. The same applies to collective and individual contracts. The Labour Code expressly excludes all forms of discrimination, privileges and restrictions on the ground of nationality, origin, gender and race. Amendments to the Labour Code included the addition of the principle of equal pay for male and female workers in 2001, and the definition of indirect discrimination in 2003.

67. Participation of women in paid work depends on a number of factors such as: structure of the economy and business cycles, educational attainment and occupational qualification, labour options established and guaranteed by law, marital status, household income, etc. Other factors, such as family, gender role and child raising traditions, also might affect participation in social, economic and political life. In the wake of the economic crisis in 2008–2010 a slight increase in the difference between men's and women's hourly gross earnings in Bulgaria was observed. According to latest Eurostat data the variation is as follows: 12.3 % (in 2008), 13.9 % (in 2009), 14.1 % (in 2010).

68. The following sectors of economy expose the largest gaps in average monthly pay for men and women, as shown by the statistics of economic activities: financial and insurance activities – 32.3 %; human health and social work activities – 31.7 %; arts, entertainment and recreation activities – 30.3 %. Awareness raising initiatives, active participation of social partners and involvement in various forms of lifelong learning for both genders provide substantial contribution to reducing gender-differentiated pay gap.

69. Taking into consideration the high priority of gender equality for the achievement of the specific objectives of the Europe 2020 European Strategy and the European Strategy for Gender Equality 2010-2015, and considering the benchmark significance of the topic for a democratic society, Bulgaria will continue to develop and enhance national legislation on citizen's right protection and equal treatment of women and men, raise awareness on gender equality and emphasize the importance of eliminating any gender-related stereotypes.

#### **Reply to the issues raised in paragraph 10 of the list of issues**

70. The Bulgarian legislation on safety and health at work is fully harmonized with the EU laws. All mandatory provisions of the European law have been introduced - Directives of the European Parliament and the Council - Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work and any special directives to the Framework (as defined in Article 16, paragraph 1). The Healthy and Safety Labour Conditions Act stipulates the rights and obligations of the state, employers, workers, representatives of workers, of persons who work on their own account alone or in partnership, and of other organizations and entities to ensure healthy and safe working conditions. It establishes the general principles of prevention and measures to encourage improvements in safety and health working conditions of workers and it applies to all businesses and places where work is performed or some kind of training, regardless of the form of organization, type of ownership and the basis on which performing work or training is carried out.

71. Providing employment healthcare to workers by the offices of occupational medicine is part of the new approach in which employers must fulfil their obligations to ensure and maintain safe and healthy working conditions, and for strengthening and protecting employees' health and performance. The aim is to gradually achieve multiple positive results – reduction of occupational diseases, labour accidents, sick leaves and costs of related benefits, benefits, pensions, improved working conditions – reducing the turnover, increasing the satisfaction from work and motivation of employees, improving the quality and productivity, improving production relations, equality in health between different professions, economy sectors and countries.

72. In order to achieve international labour standards in the process of drafting Article 25, paragraph 1 of the Healthy and Safety Labour Conditions at Work Act, the requirements of the ILO Convention No. 161 concerning occupational health services were taken into account. Under that Convention, each member state of the ILO undertakes to create health care for all employees, including those in the public sector in all economic sectors and in all enterprises. The Healthy and Safety Labour Conditions at Work Act stipulates that the overall control on its compliance is the responsibility of the Ministry of Labour and Social Policy of the Republic of Bulgaria, and the specialized control activities are carried out by the General Labour Inspectorate Executive Agency through its structures

73. The state authorities for health control at the Ministry of Health of the Republic of Bulgaria are authorised to control the activities of occupational health services in terms of:

(a) Registration and compliance of data and documents under Article 25, Paragraph 1 and Article 25e, paragraph 1 of the Healthy and Safety Labour Conditions at Work Act in comparison with the actual situation;

(b) Implementation of agreed actions with the employer, related to the health of workers;

(c) Documents certifying the work of the service.

74. For 2011, the control bodies of General Labour Inspectorate Executive Agency have performed 53 195 inspections and have established 235 839 violations, out of which 101 713 were in the field of occupational health and safety. 99 146 mandatory requirements were prescribed for elimination of violations in the field of occupational health and safety, 709 dangerous sections/work places, unsecured machines/equipment were suspended and 19 special work regimes were introduced where site activities, installation or machine shut-down were practically impossible or such shut-down held more risks for the health and safety of workers. 3 784 statements of administrative infringements were made for violations in the field of occupational health and safety by the labour inspectors in charge.

75. A victim of sexual harassment can file a lawsuit for coercion in criminal court under the provisions of Article 143, paragraph 1 of the Criminal Code which reads, as follows: “Who compels somebody else to accomplish, miss or endure something against his will by using force, threat or abuse of authority shall be punished by imprisonment of up to six years.”

76. The Protection against Discrimination Act provides effective administrative remedies for individuals claiming to be victims of sexual harassment. Article 17 of the Protection against Discrimination Act provides that an employer who has received a complaint from an employee, considering him/herself a victim of harassment, including sexual harassment, at the workplace must immediately carry out an investigation, take measures to stop the harassment, as well as impose disciplinary sanction in case the harassment has been committed by another worker or employee. In 2010 two complaints by persons claiming to have been victims of sexual harassment were submitted to the Commission for Protection against Discrimination.

**Reply to the issues raised in paragraph 11 of the list of issues**

77. Article 163, paragraph 7 of the Labour Code reads as follows: “Where the child’s parents are married or live in the same household, the father is entitled to 15 days leave which begins on the date the child’s mother is released from hospital.” This piece of legislation provides for two hypotheses: when the parents are married or, when the parents live in the same household (i.e. live in a partnership, but are not married). Therefore, the provision of Article 163, paragraph 7 of the Labour Code confirms the equality between married and unmarried couples.

**Article 8 – Right to form and join trade unions and right to strike****Reply to the issues raised in paragraph 12 of the list of issues**

78. A draft law amending the Civil Servants Act which provides for the right to effective strike of state employees with the exception of managerial personnel (senior public officials), such as Secretary General, municipality CEO, Chief Director of Main Directorate, Director of Directorate and Head of Inspectorate, is under preparation. The Government of the Republic of Bulgaria held consultations on the draft law with the ILO.

**Article 9 – Right to social security****Reply to the issues raised in paragraph 13 of the list of issues**

79. The philosophy of social assistance in Bulgaria is based on the right to social protection of all Bulgarian citizens who, due to health, age, social or any other reasons beyond their control are unable, through their own labour or by means of persons legally obliged to provide subsistence to them, to meet their everyday living needs. Social assistance is delivered in terms of benefits and social services. Funding of social services is entirely from the national budget and is not bound by social security and other contributions.

80. Social assistance is provided after the exhaustion of all opportunities for self-support and support by persons legally obliged to do so. Decisions are taken after a case-by-case assessment, depending on income, property, marital and health status, employment, age and other circumstances. Social assistance is granted in accordance with legal requirements, the circumstances of each case summarized in social reports prepared on the basis of questionnaires filled in on the spot at respective households in need.

**Reply to the issues raised in paragraph 14 of the list of issues**

81. The main focus of the social policy is to protect citizens with lower incomes: elderly people living in isolation, persons with disabilities, single parents and children at risk. As far as working-age unemployed people are concerned, emphasis is placed on motivation for job seeking and engagement in work, instead of reliance on social assistance. The protection of citizens with lower incomes is regulated by the Social Assistance Act, its Implementing Rules, and Ordinance No. RD 07-5/2008 of the Minister of Labour and Social Policy stipulating the terms and procedures for provision of targeted benefits for heating.

82. Social benefits are provided in the form of monthly, targeted and one-time aid in line with the Law on Social Assistance. Monthly aid is granted to persons and families with lowest earnings, which are lower than the differentiated minimum income. The protected minimum income serves as the basis for verifying the right to monthly social aid and the amount thereof. An integrated approach is applied to every target group in terms of

assessment of the factors of age, health status, marital status, employment and participation in education, as well as sharing a household with other persons or families, etc.

83. In order to foster personal initiative and responsibility, unemployed persons of working age are required to have no less than six months of uninterrupted registration at Employment Office directorates. Active assistance is provided individually to the unemployed to help them identify job placement options, and the need of professional qualification and prequalification is evaluated. To stimulate responsible parenting and encourage child education, requirements are in place for regular school attendance, mandatory immunizations and screenings.

84. Targeted aid is intended to cover the specific needs of individuals and families related to municipal rent and free travel for permanently disabled people. One-time aid is provided to cover incidental costs of health, household, educational and other nature. These include targeted benefits for heating during the five-month winter period (from November to March inclusive) intended for people in situations of serious social distress. Benefits are determined on an annual basis and fully outweigh the electricity price increase.

85. The national budget provides resources to cover the health insurance contributions of uninsured persons receiving monthly social aid and targeted benefits for heating. This guarantees their right of access to the health system and utilization of primary and hospital care, as provided in the National Framework Contract. Targeted funds for diagnosis and in-patient treatment of citizens with no income and/or personal property to provide for their participation in the sickness insurance process are granted.

86. The above social assistance schemes are applicable to foreign nationals having a permit to stay permanently in the Republic of Bulgaria, foreign nationals who have a shelter, a refugee status or a humanitarian status, foreign nationals benefiting from temporary protection and persons for whom social assistance is envisaged in an international agreement to which the Republic of Bulgaria is a party.

## **Article 10 – Protection of the family, mothers and children**

### **Reply to the issues raised in paragraph 15 of the list of issues**

87. There is no special legal provision or regulation in the Bulgarian legislation concerning actual co-habitation, but the term ‘actual co-habitation’ is used in several laws related to the consequences of such co-habitation. These legal acts provide for the obligation of the persons who are cohabiting to declare this fact in order to avoid conflict of interests or other obstacles, related for instance, to occupying certain positions or offices, etc. since persons who cohabit are ‘related persons’. Article 3 of the Protection against Domestic Violence Act stipulates that protection under the Act may be sought by any individual having suffered from domestic violence applied besides by a spouse or former spouse, also by a person with whom that individual co-habits or has co-habited.

88. Bulgarian legislation provides for equal rights of children born in wedlock and of those born out of wedlock. Article 47, paragraph 3 of the Constitution of the Republic of Bulgaria explicitly stipulates that children born out of wedlock shall enjoy equal rights with those born in wedlock.

89. There is no special legal provision in the Bulgarian legislation regulating the status of children born out of such co-habitation. Article 64, paragraphs 1 and 2 of the Family Code stipulate an option for parents to affiliate their children. It is also possible to affiliate conceived children as well as deceased children who have left descendants. The requirement is for the affiliating parent to have completed 16 years of age. Article 65, paragraph 1 of the Family Code stipulates that affiliation is performed personally with a

written declaration submitted to the officer for civil status or by a declaration with the signature certified by notary public, filed with the officer for civil status. The declaration may be forwarded through the manager of the establishment where the child has been born. To summarize, it could be said that the spouse of the mother of the child is not deemed to be its parent only by law (as in the event of contracted civil marriage), but specific legal actions have to be initiated in accordance with the procedure established by law. In such cases the child has no established origin from the father with its birth. The origin may be established at a later stage by affiliation or by bringing an action for establishing of origin.

#### **Reply to the issues raised in paragraph 16 of the list of issues**

90. In the last two years the Government of the Republic of Bulgaria has adopted an entirely innovative approach towards child care, targeted at prevention, early intervention, family support and integration of children into a family or family-type environment.

91. An important element of this policy is the family support, which extends to over 80% of the children in Bulgaria. The Family Allowances Act makes provision for nine categories of benefits granted on the basis of specific distinguishing criteria appropriate to the intended use of the particular family benefits. The basic principle for the provision of family benefits is non-discrimination on the ground of gender, race, nationality, ethnic origin, genetic features, citizenship, origin, religion or belief, education, political or any other opinion, personal situation or social status, disability, age, sexual orientation, marital status or property.

92. In 2011, 17 669 women have received one-time pregnancy benefits under the terms and conditions of the Family Allowances Act; one-time confinement allowances have been granted in 69 736 cases; one-time twins allowances until the children reach one year of age have been paid for 2 028 twin children, etc.

93. Certain types of benefits granted under the Family Allowances Act are universal in nature, whereas specific criteria are in place for others, appropriate to their intended use or the income per family member (BGN 350 in 2012). In the light of their significance of purpose, nearly half a billion BGN were allocated for family allowances in 2012. It is noteworthy that, unlike the situation in other countries, the social aid granted under Bulgarian Family Allowances Act is entirely from the national budget. This is one of the major social financial instruments addressing the needs of families with children.

94. Allowances for families with children are envisaged in both the Family Allowances Act and its Implementing Rules and the Law on Social Assistance and its Implementing Rules. In support of the social measures referred to above, family allowances may be granted under the terms and conditions of the Child Protection Act. Article 46, paragraph 1 of the Child Protection Act Implementing Rules stipulates that family/children aid can take the form of financial and/or in-kind assistance. The further purpose of the benefits is reintegration, child accommodation at the homes of relatives and relations or in adoptive families. Financial aid may be provided on a one-time or a monthly basis. Regulations allow for support to be granted through Social Assistance Directorates of the Social Assistance Agency in the form of financial aid and/or social investments, such as provision of goods and/or services related to costs of caring for and bringing up a child.

95. Child care services are also another major factor in child care provision and parent support. Therefore, the Ministry of Labour and Social Policy is involved in projects focusing on wider availability of child care services. A good example is the Social Inclusion Project financed with a loan from the World Bank of EUR 40 million. Funding is provided for over 60 Bulgarian municipalities to launch new types of family/children services addressing early childhood development, early childhood risk prevention, enhancing child preparedness to enter the educational system, strengthening family

environment, etc. Importantly, funding under this project extends to investments in the kindergarten and crèche network.

96. Community-based social services are another instrument for child and family support. 675 such services, 316 of which directly addressing child/family support, are currently available to April 2012. Support measures include tax relief for young families as regulated by articles 13 and 22a of the Personal Income Tax Law.

97. In recent years, Bulgaria implemented a change – a transfer from institution-based care for children at risk to care giving priority to the family and close to family environment. The willingness to implement this process by all involved responsible agencies, institutions and NGOs is reflected in numerous laws and sub-legislative regulations, as well as successful innovative practices. According to the Law on Child Protection, as a fundamental legal document to protect the rights of children, the placing of a child at risk in an institution is defined as an ultimate measure of a temporary nature. However, the number of children of early childhood age enrolled in institutions remains high. According to the annual survey of the State Agency for Child Protection in 2009, 2,017 children below 3 years of age were accommodated in homes for medical and social care, of which 943 or 47% were infants. The Departments for Child Protection and parents of children at risk in most cases have no alternatives other than such homes.

98. For the past 10 years the authorities in Bulgaria have been reforming the system in place with a view to developing alternative forms of family care for children at risk of abandonment. In the process several important documents were elaborated and adopted, including the National Strategy “Vision for Deinstitutionalization of Children in Bulgaria”, approved by the Council of Ministers on 24 February 2010.

99. In implementation of the National Strategy for Deinstitutionalization, the Ministry of Health developed a Concept for Deinstitutionalization of Children from Homes for Medical and Social Care. The Concept provides the context of the reform process in homes for medical and social care and outlines the main principles and approaches in the process of deinstitutionalization of children out of homes for medical and social care.

100. The Concept for Deinstitutionalization sets short-term objectives – development and implementation of projects focused on providing integrated health and social services, and formulates the long term objectives of this reform:

(a) Creation of services to prevent placement of children under 3 years of age outside their families and development of alternative family care for children who are separated from their families;

(b) Replacement of the homes for medical and social care with new integrated health and social services in the community supporting families of young children with special attention paid to children with disabilities.

101. It should be noted that a tendency of permanent reduction of placement of children in homes has been established: in 2009, the number of children in homes for medical and social care was 2,334, in 2010 – 2,046, and as of June 2011 – 1,975. With regard to prevention of abandonment a Guide of Methods was developed for the prevention of child abandonment at the level of Maternity Hospitals/wards.

102. Directly involved in the prevention activities is the Department for Child Protection with the “Social Assistance” Directorate (DCP with the SAD), a structure of the Social Assistance Agency (SAA). The main feature of the SAD is performing current practical activities related to child protection in the municipality (Article 21 (1), item 1 of the Child Protection Act), it defines and implements certain measures for child protection and control on the implementation (Article 21 (1), item 2 of the Child Protection Act).

103. The development of social services for children and families in the community changed the structure of the partnership in order to carry out activities in child protection at municipal level. Achieving higher efficiency of activities of the departments for child protection required the adoption of new organizational approaches and mechanisms. In many municipalities conditions have already been created to allow departments of child protection to enhance their role of social service providers and focus their efforts on managing different cases.

104. The Child Protection Act gives priority to protective measures in a family or close to a family environment. Placement in institutions is defined as a measure of protection of last resort, applied only if and when all other options have been exhausted. The steps social workers take to prevent child abandonment are determined in the Regulations for application of the Act, and by a special ordinance, that lays down the rules and procedure for implementing measures to prevent child abandonment and placement in institutions and for their reintegration. Action to prevent child abandonment and placement in an institution are taken by social workers in a CPD whenever there is such a risk, regardless of child's age and his/her development, taking into consideration the best conditions for the child.

105. The success of actions undertaken by social workers to prevent placement of newborns at risk of abandonment in the homes for medical and social care largely depends on inter-institutional cooperation and coordination of activities with hospital and medical staff at the maternity ward, which is extremely important. In 2012, the process of deinstitutionalisation and restructuring of the homes for medical and social care continues. Improving conditions in homes for medical and social care for children as well as the equipment and improvement of standards for social and health services, monitoring the compliance of children rights, continuous monitoring of the process of closing, reforming and restructuring of institutions for children form part of the overall process of deinstitutionalization.

106. Another part of the services related to deinstitutionalization is developing an alternative type of care in the homes for medical and social care, reduction of the number of children accommodated in the homes for medical and social care and increasing the reintegration of children in a family environment. Regarding the improvement of the conditions in homes for medical and social care for children the Ministry of Health already is in the process of implementation of projects under "Regional Development" Operational Programme and "Human Resources Development" Operational Programme, focusing on deinstitutionalisation in 8 pilot homes for medical and social care in Gabrovo, Montana, Pazardzhik, Pernik, Plovdiv, Rousse, Targovishte and Sofia. The project duration is 32 months, it started on 26 October 2011 and is expected to be completed no later than 26 June 2014. The total projects value amounts to BGN 1,972,503.62 and it is co-funded by the European Social Fund (ESF) of the European Union. Specific beneficiary of the project is the Ministry of Health, partners in the project activities are the State Agency for Child Protection and the Social Assistance Agency. The overall objective of the projects is to prepare the homes for medical care for children from 0 to 3 years of age for restructuring by implementation of purposeful preparatory works in 8 pilot regions: in Gabrovo, Montana, Pazardzhik, Pernik, Plovdiv, Sofia, Ruse, Targovishte, through an analytical approach and synergic intervention with other institutions responsible for the process. The target group is represented by children from 0 to 3 years, placed in selected pilot homes for medical and social care and their families; specialized staff involved in caring for children in the pilot homes for medical and social care and staff that will be hired to provide the new services; children from the community aged 0 to 3 years, at risk of abandonment and their families, including close relatives. The main activities provided within the projects include:

- (a) Overall management and administration of the project;

(b) Formation of teams in the target communities and national coordination of activities of the deinstitutionalization of the homes for medical and social care;

(c) Fundamental analyses for preparation of the homes for medical and social care for restructuring. Preparatory activities for reintegration of children;

(d) Planning of specific services in pilot regions and development of methodologies for innovative services;

(e) Promoting the process of restructuring the homes for medical and social care for children and conducting a communication campaign. Information and publicity;

(f) Training of staff of the pilot homes for medical and social care for children and the newly introduced services.

107. The expected outcomes of the project will include:

(a) Creation of a National pilot model for restructuring the homes for medical care for children;

(b) A complex model of integrated medical and social services;

(c) Ensuring early intervention of child abandonment;

(d) Trained staff of the homes for medical care for children and the new social services.

108. Upon the completion of the project, activities which were its object will become the basis and an applicable model for deinstitutionalization of the rest of homes for medical and social care for children across the country.

#### **Reply to the issues raised in paragraph 17 of the list of issues**

109. One of the main priorities of Bulgarian social policy is establishing a well-functioning community-based social services network and providing quality long-term care. The Government of the Republic of Bulgaria attaches particular attention to the provision of long-term care services and support to older people in order to live a life of dignity upon retirement. Government policy in the long-term care sector focuses on the following set of priority objectives:

(a) Deinstitutionalizing long-term care and expanding access to services of the elderly, people living in isolation and persons with disabilities by establishing an adequate network of community and home based services which are appropriate to the individual and specific target group needs;

(b) Raising the quality of long-term care services, further training and motivation of workers in the field;

(c) Providing support to families with a special emphasis on care for dependent family members and equal treatment of men and women;

(d) Establishing a workable funding mechanism for long-term care and promoting sustained increase in funding of community and home based services;

(e) Improving coordination between health and social services;

(f) Strengthening the role of municipalities and organizations in providing support and care to older people.

110. The Bulgarian long-term care and social services system was significantly broadened over recent years resulting from actions aiming at deinstitutionalization and expanding the scope of community and home based services. Despite substantial progress,



the institutionalized model of care continues to prevail, particularly in old people's homes, institutions for elderly people with disabilities, specialized long-term treatment and rehabilitative care hospitals, and hospices. Statistics until April 2012 indicate 164 specialized institutions with a capacity of 11,415 beds.

111. The transition from conventional institutionalized care to community-based and residential type of services is progressing through extending the range of services to include day centres, social rehabilitation and integration centres, protected homes, supervised homes, family-type centres. The trends suggest a steady increase in the number of such services. In April 2012 the number of community-based social services for the elderly reached 359 with a capacity of 7 881 beds. The home-based services model (personal assistant, social assistant, caregiver, in-home respite care) is under way and improving. Efforts to improve coordination and integration of social services and provide equal access to high-quality social services to members of vulnerable groups in 2010 are related to the introduction of a qualitatively new approach to social service provision involving municipal- and regional-level planning on the basis of an analysis of social needs. This guarantees the introduction of social services meeting in full the specific needs of target groups on both planning levels.

112. Implementation of the "personal assistant" initiative under the Assistants of People with Disabilities National Programme in 2012 is funded by the State budget and requires the employment of 3 000 personal assistants. Performance of the services "personal assistant", "social assistant" and "caregiver" is further supported by the Human Resource Development Operational Programme.

113. In-home respite care is an appropriate model of municipally-funded home-based care providing a set of home-based social services such as supply of food, assistance with the personal and home hygiene of the assisted person and others, in accordance with the needs of the elderly.

114. Soup kitchens providing daily meals to low-income elderly people free of charge or against a small charge are also a popular form of social service in Bulgaria. 1 October 2011 marked the renewed launch of the Soup Kitchen National Project funded under Social Protection Fund with a duration from 01.10.2011 to 30.04.2012. The objective of the initiative was to provide support and assistance during the winter period to members of the most vulnerable social groups, including low-income elderly people. Municipally-funded pensioner clubs also make a valuable project contribution by encouraging an active way of life and adequate social inclusion of the ageing population through involvement in social contacts, cultural events and social and health oriented activities.

115. In the previous concluding observations of the Committee on Economic, Social and Cultural Rights on Bulgaria (E/C.12/1/Add.37, para. 17), the Committee regretted that the State had not accorded sufficient attention to the well-being of older people and had not made adequate efforts to guarantee to them a dignified life. In this context, the Committee recommended that the State take affirmative action for the well-being of older people (ibid., para. 26).

116. In 2008, the Ministry of Health elaborated and implemented a National Health Strategy 2008-2013 and an Action Plan thereto (promulgated in the State Gazette, issue 107 of December 16, 2008), where the first strategic objective was ensuring conditions for health promotion and disease prevention through the introduction of the approach "Health in All Policies". The cross-sectoral cooperation interventions in all policies outside the health sector which affect the public health are strategically planned, since the resolution of arising problems cannot be undertaken solely by the health sector, health is mostly driven by factors beyond health. By applying this approach to strategic and normative documents,

specific obligations of state and municipal authorities, civil society organizations, business and labour to the nation's health are being regulated.

117. The Ministry of Health was actively involved in drafting of the National Concept for the Promotion of Active Living of Aged People in Bulgaria 2012-2030 with a Health section and the draft of the National Programme for Active Ageing, that includes measures to achieve a good quality of life for all ages and preserving their independence in terms of health status and human welfare. The main measures therein include:

- (a) Measures to address the unequal access to health and social services;
- (b) Measures to improve long-term care to the elderly;
- (c) Measures to improve the qualifications of service providers for the elderly;
- (d) Measures to ensure access to health information and rising the health education and skills of older people in care for themselves, prevention of diseases and injuries;
- (e) Measures to ensure the conditions for health promotion and disease prevention and increasing the effectiveness of activities aimed at preventing and reducing the risks of diseases and disabilities.

118. The National Health Strategy 2008-2013, and the Action Plan related thereto, in their first strategic objective, Ensuring conditions for health promotion and disease prevention, are aimed at raising the awareness of citizens about healthy lifestyles and the threats to their health by applying a specialized approach and care for the disadvantaged and those from vulnerable groups. The Strategy and the Action Plan emphasise the significance of ensuring aged people equitable access to health services and provision of nursing and midwifery health structures (homes, offices) - removed from the field, to promotional services, information, consultations and home care.

119. In terms of optimization of activities for the protection of public health in the National Health Strategy and in particular for reducing the impact of risk factors related to environment and behaviour of the population, measures were taken to reduce osteoporosis among older persons and to improve their diet. The Action Plan to the National Health Strategy 2007-2012 provides for the implementation of activities within information campaigns related to specific health risk factors to elderly people and activities to improve nutrition and physical activity of the population (healthy aging) to reduce the risk of chronic diseases (cardiovascular, obesity, type 2 diabetes, osteoporosis, cancer, etc.), focusing on improving nutrition and physical activity of older people.

120. In the draft of the National Action Plan "Food and Nutrition" 2012-2015 are included the following measures aimed at older people and healthy aging:

- (a) Creating conditions and promotion of healthy nutrition of the population aged 18-65 years and over 65 years of age;
- (b) Promotion of the developed national recommendations for healthy nutrition of the population aged 18-65 years;
- (c) Development of national healthy dietary guidelines for population over 65;
- (d) Promotion of national dietary guidelines for population over age 65;
- (e) Conducting campaigns on public awareness to inform the population on healthy eating;
- (f) Organizing a National Week for fighting obesity;

- (g) Conducting a National Discussion Forum on current problems associated with obesity of the Bulgarian population;
- (h) Implementation of initiatives to promote healthy eating at national and regional level;
- (i) Conducting annual public awareness campaigns “Nutrition and Chronic Diseases” of the population;
- (j) Targeted activities to support nutrition of vulnerable groups and individuals with low socioeconomic status;
- (k) Interaction of municipalities, NGOs, the Red Cross, the Bulgarian Orthodox Church and other religious communities to support existing and opening of new dining hall;
- (l) Expansion of social welfare provision for elderly people, especially those with chronic diseases and lonely elderly people;
- (m) Participation in the activities of the European Network of WHO “Obesity among Vulnerable Groups.”

121. The draft National Programme for Osteoporosis in Bulgaria 2012-2016, provides for activities for consistent implementation of a policy to increase the level of awareness of osteoporosis and effective actions to reduce risk factors.

122. In the process of implementation of the National Plan for Pandemic Influenza a concept for creating and maintaining a strategic reserve of the Republic of Bulgaria was prepared and validated for antiviral substances for treatment and prophylaxis of influenza, one of the main target groups being older persons over 65. In conformity with the National Plan for Pandemic Influenza and the recommendations of the EC, the available seasonal flu vaccines are directed with priority to coverage of elderly persons aged over 65.

123. Within the Bulgarian-Swiss Cooperation Programme to reduce economic and social disparities within the enlarged EU the “Home Care for an Independent and Dignified Life” Project is in the process of implementation. The project has been implemented by the Bulgarian Red Cross in partnership with the Ministry of Health and the Ministry of Labour and Social Policy since 2011, with duration of four years and it is worth 1.9 million Swiss Francs. The main objective is to introduce a model for comprehensive medical care and social services in the homes for older people as a form of long-term care for the elderly and people with chronic illnesses and disabilities, while taking into account the specific needs of Roma and other vulnerable groups. With a view to promoting this model and the continuous provision of new types of services in the future activities of the Ministry of Health, the project implementation is aimed at adapting the regulatory framework, developing uniform national standards for the quality of medical care and social services at home, developing uniform training programs for nurses and domestic assistants/social assistants, establishing the costs of services and development of sustainable mechanisms for their financing. It is envisaged that a broad partnership with other relevant institutions and non-government organizations, including the Bulgarian Medical Association, the Bulgarian Association of Healthcare Professionals, the National Health Insurance Fund, Medical Universities and more. Within the project, four “Home care” centres will be opened in four municipalities within Vratsa Region, which will provide training and employment for 50 people - nurses and domestic assistants, including members of the Roma community. The established centres will provide services to more than 400 adults with chronic illnesses and disabilities.

**Reply to the issues raised in paragraph 18 of the list of issues**

124. The National Commission for Combating Trafficking in Human Beings (NCCTHB) which is an institution of the Council of Ministers was established by virtue of Article 4 of the 2003 Combating Trafficking in Human Beings Act. The Commission is chaired by a Deputy Prime Minister, as appointed by the Council of Ministers.

125. Section II of the Combating Trafficking in Human Beings Act and the Rules for the Organization and Activities of the NCCTHB stipulate the powers and duties of the National Commission. The NCCTHB elaborates and administers the implementation of the national policy and strategy in the area of combating trafficking in human beings. It develops annually a National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims, which is approved by the Council of Ministers.

126. The National Commission for Combating Trafficking in Human Beings organizes and coordinates the inter-action with the state institutions for the implementation of the Combating Trafficking in Human Beings Act; elaborates and manages the implementation of the national policy and strategy in the sphere of counteracting the illegal traffic of persons; elaborates and submits for approval to the Council of Ministers the annual National Programme for prevention and combating human trafficking and protection of its victims; establishes an organization for studying, analysis and statistical recording of the data in connection with human trafficking; organizes informational, explanatory and educational campaigns for society and groups at risk; manages and monitors the activities of the local commissions and centres for protection and help to the victims of THB; registers individuals and non-profit organisations providing shelter to the victims, and participates in the international cooperation.

127. The Local Commissions for Combating Trafficking in Human Beings (LCCTHB) are established by virtue of Article 5 of the Combating Trafficking in Human Beings Act. LCCTHB are located in regions with high risk of victims of trafficking. The Local Commissions implement the national policy on a local level. In 2011 two new Local Commissions for Combating Trafficking in Human Beings were established in the cities of Rousse and Plovdiv. So far LCCTHBs have been established in seven cities: Burgas, Montana, Pazardjik, Plovdiv, Rousse, Sliven and Varna. The National Commission for Combating Trafficking in Human Beings also funds from its budget two state shelters for temporary housing of victims in the cities of Varna and Burgas.

128. Trafficking in human beings is a serious violation of human rights and combating it requires a human rights-based, non-discriminatory approach to all victims. This is reflected in the Combating Trafficking in Human Beings Act, which states that a “victim” means any person who has become a subject to trafficking in human beings. The National Commission and the structures under the Combating Trafficking in Human Beings Act treat victims of human trafficking with dignity and equality, regardless of their racial or ethnic background, sex, sexual orientation, beliefs, social and economic situation or any other indicators.

129. The National Commission coordinates the interaction between state institutions and the non-governmental organizations which implement the Combating Trafficking in Human Beings Act. It also elaborates and implements anti-trafficking policies and legislation. The NCCTHB has established a Permanent Working Group of experts from the members of Commission, all relevant state institutions and major non-governmental organizations that work on the issues of trafficking in human beings (currently 7 NGOs). The Permanent Working Group holds at least two annual sessions and has contributed to establishing a strong network of contacts between state and non-government actors.

130. Cooperation with the non-governmental sector is a crucial part of the activities of the NCCTHB. The Commission has developed and periodically updates a detailed register of NGOs in Bulgaria that provides easily accessible information about the possible social

services that are available to victims through an NGO. The NCCTHB regularly cooperates with the non-governmental sector in the conduct of information and awareness raising campaign on the subject of trafficking in human beings for the general population and risk groups. Every year on the 18th October – The EU Anti-trafficking Day – the Commission launches a national awareness campaign in partnership with various organizations, such as media outlets, tour operators, book publishing houses and others.

131. The Bulgarian institutions interact with international governmental organizations and non-governmental organisations such as the International Organization for Migration, La Strada International, the Caritas Foundation, SOS Families at risk, Ravnovesie and Animus Association Foundation on the prevention of trafficking, repatriation and provision of social services and support to victims of trafficking, including specialized psychological support and counseling for participating in criminal proceedings.

132. The necessity to provide protection and support to children led to the creation of a new type of social service in 2006 - Crisis Centres for Children – victims of violence and trafficking in human beings. The crisis centres are under the jurisdiction of the Agency for Social Assistance, which is responsible for the establishment, the accommodation of children, and their full financial provision. Ten crisis centres for children – victims of violence and trafficking in human beings – are active on the territory of Bulgaria as of 2012.

133. The annual National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims places greater emphasis on improving the awareness of risk groups such as women, children, ethnic minorities, disabled people and economically underdeveloped communities on the problem of human trafficking. Such activities are aimed to improve the counteraction of trafficking among risk groups by tailoring to their specific needs, regardless of what they may be, without imposing any discriminatory measures.

134. In 2008, the National Commission organised nation-wide information activities together with the Local Commissions for Combating Trafficking in Human Beings and the respective municipalities and non-governmental organisations. Within a ten-day campaign, school lessons dedicated to the problem of human trafficking were held throughout the country. The lessons were developed for students from the 5th to the 12th grade and were carried out in more than 3,000 schools throughout the country. The campaign had two target groups – students from 5th to 12th grade and teachers. As a result of the campaign the students gained knowledge about the phenomenon, its forms and potential risks of involvement in human trafficking. Teachers increased their awareness about the topic and built up their motivation and preparedness to present the problem of “trafficking in human beings” to students. The team of the National Commission for Combating Trafficking in Human Beings developed several types of information materials, including an electronic website banner, which was published on the website of the National Commission. The banner was also sent to all partner organisations and institutions which placed it on their websites. The teacher’s information package included basic information about the problem and its peculiarities, the relevant Bulgarian legislation and State institutions. The NCCTHB also developed a manual on how to conduct lessons dedicated to the topic of “human trafficking” with students from 7th to 12th grade. Experts from the State Agency for Child Protection developed a shortened version of the curriculum for students from the 5th to the 7th grade in view of the children’s age specificities. The student’s information package included brief information about human trafficking presented in a language accessible to the children. The materials included the definition of trafficking in human beings, root causes for trafficking, the most vulnerable groups. The materials were also disseminated through the education portal of the Ministry of Education and Science, which ensured

electronic access of the materials to all schools in Bulgaria. The campaign materials were disseminated to all border checkpoints distributed by volunteers throughout the country.

135. The main goal of the 2009 October 18th campaign was to increase the awareness of the society regarding trafficking in human beings, the methods of recruitment and self-protection. The campaign was aimed at preventing labour exploitation and focused adolescents. The main activities included: the conduct of a national contest for essays and postcards on prevention of trafficking; prevention work with students and adolescents in the office of the NCCTHB; development and dissemination of prevention materials. LCCTHBs, Municipalities and NGOs participated in the conduct of the campaign on a local level.

136. In July 2010, the NCCTHB launched an awareness campaign to prevent human trafficking for labor exploitation. The main objective was to influence the trend of the increasing number of victims of trafficking for labour exploitation from Bulgaria and Romania, exploited in Italy and Spain. Brochures, posters, video and audio clips were distributed nationwide within the scope of the campaign. The video clips were broadcast over a period of one month on the Bulgarian National TV, Nova TV and Metromedia's network in Sofia. The videos were also provided to the LCCTHBs to be broadcast locally. Approximately 50,000 brochures and 5,000 posters were distributed to all 350 units of the Employment Agency and labour offices in the country, Ministry of the Interior, LCCTHBs, NGOs and the subway network in Sofia.

137. In 2010, the National Commission translated and printed 10 000 copies from the comic book for children entitled "You are not for sale" with the assistance of the Office of the Council of Europe in Sofia. The comic book was distributed nationwide to schools throughout Bulgaria. Special prevention multimedia CDs entitled "Pass it Forward" were developed in cooperation with the nongovernmental sector. In total, 10 000 CDs were disseminated.

138. The 2010 annual October 18th – European Anti-Trafficking Day national awareness campaign was carried out by the NCCTHB with the financial partnership of the Mobiltel Company. An awareness video spot "This is not casting, it is human trafficking" was developed to attract public attention to the risk of human trafficking. The video spot, in cooperation with the cinema theatre "Arena", was shown prior every movie in all "Arena" cinemas in the country. Specially developed brochures and posters were distributed. Awareness-raising informational activities were organized by the NCCTHB in cooperation with its LCCTHB, other institutions and NGOs in local communities and specifically for vulnerable groups.

139. Between June and July 2011 the National Commission for Combating Trafficking disseminated over 10 000 copies of a specially developed "Manual for prevention of trafficking in human beings" for teachers, trainers, pedagogues and social workers to over 3000 schools and specialized educational institutions across the entire country. The 2011 national awareness campaign to mark October 18th – The European Anti-Trafficking Day, included specially developed anti-trafficking animated short movie entitled "Two Little Girls", provided by the British director Ruth Benny for the purposes of the campaign. Various informational materials, including post cards, posters, book dividers, audio and video spots were printed and disseminated through various communication channels (media, Local Commissions, partnering organizations, on-site dissemination). The campaign included outdoors sites – billboards, city lights in the major cities, posters in the subway system in cooperation with MetroMedia. Information materials were also disseminated during the National Book Fair in Sofia, rock concerts and other mass events. Awareness activities regarding migration processes, the risk of illegal work abroad and exploitation were carried out as part of the campaign. The NCCTHB cooperated with state institutions such as the Ministries of Health and Interior, the State Agency for Child

Protection and the National Employment Agency, various non-governmental organization, businesses, media, municipalities and regional administrations.

140. A national awareness campaign against trafficking for labour exploitation was launched in May 2012. Activities included the creation and dissemination of print materials such as posters, cards, book dividers, and audio spots. The audio spot is aired on several prominent Bulgarian radio stations. Materials were disseminated during the Spring Book Fair in Sofia by the team of NCCTHB and volunteers. Posters and leaflets are disseminated through vehicles of Sofia's public transport system, with the cooperation of the Centre for Urban Mobility.

141. Trainings, seminars, lectures, awareness campaigns and other prevention activities are also periodically carried out on a local level by the Local Commissions for Combating Trafficking in Human Beings in the cities of Bourgas, Montana, Ruse, Pazardjik, Plovdiv, Sliven and Varna.

142. In 2010 a National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (NRM) was officially launched. The NRM was developed by the National Commission for Combating Trafficking in Human Beings in cooperation with a non-governmental organization, through the financial support of the Dutch Ministry of Foreign Affairs. The NRM is not legally binding, but it helps to create lasting and efficient good practices and principles of work. The National Referral Mechanism provides comprehensive guidelines and Standard Operating Procedures to all relevant state actors for the implementation of the measures for protection and support of trafficked persons stipulated in the Combating Trafficking in Human Beings Act. The NRM establishes leading principles of work based on human-rights focused and victim-centric approach. The NRM was developed according to the principles of the creation of a national referral mechanism proposed by the OSCE.

143. The NRM envisages two forms of victim identification – informal and formal identification. Informal identification can be carried out by all relevant state and non-governmental actors to trafficking in human beings (social and outreach workers, NGOs, official employees etc.) that first come in contact with the victim. It allows for the immediate access of the trafficked person to the support programs and services included in the NRM. Formal investigation can be carried out by the pre-trial proceeding bodies (police) and aims at starting the investigation. Formally identified victims who are willing to cooperate with the investigation and testify as witnesses before a court trial can receive a special protected victim status. The NRM includes a comprehensive list of indicators for identifying victims of trafficking. The indicators are systemized in two main groups: "I. Indicators for criminal activities against the victim" and "II. Indicators for effects of trafficking on the behaviour and psychological condition of the victim", each of these indicators are separated into smaller sub-groups.

144. Humanitarian assistance, social support and services are available to all victims from the moment of their informal identification as such, and have a different duration, according to the consent of the victim and the individual action plan developed for the victim. The special protection status for victims who participate as witnesses in the criminal proceedings under the Combating Trafficking in Human Beings Act lasts for the duration of the criminal proceedings.

145. The Bulgarian government has made efforts to improve the capabilities of governmental officials and institutions for identifying victims of trafficking. NCCTHB is the competent state institution for carrying out trainings and qualifications regarding combating trafficking in human beings.

146. Trainings on issues related to trafficking in human beings and victim identification are provided to diplomats, consuls and military attaches by the Diplomatic Institute at the Ministry of Foreign Affairs.

147. When a foreign national is identified as a trafficked person, he/she is entitled to all measures stipulated in the Combating Trafficking in Human Beings Act, to the same rights as Bulgarian citizens and to the support in accordance with the standard operating procedures of the NRM. Persons who are identified as victims of trafficking are entitled to a reflection period of 30 days and must be accommodated in a shelter for victims of trafficking. In such a case the status of illegal resident is removed and the person receives a status of a temporarily residing foreigner, in accordance with the Combating Trafficking in Human Beings Act. Foreign nationals, seeking protection or illegally residing, who have been identified as victims of trafficking are immediately referred to the competent institutions and service providers involved in caring for victims, taking into consideration the vulnerability of persons seeking international protection. Foreign nationals are also entitled to an interpreter.

148. The Penal Code of Bulgaria was amended in 2009 (promulgated in State Gazette, issue 27/2209) with a new Article 159c that incriminates the deliberate use of services provided by victims of trafficking.

149. A number of legal changes regarding trafficking with respect of the new EU Directive and GRETA recommendations in the Penal Code are envisaged in 2012. A working group was established at the Ministry of Justice for the elaboration of an all-new Penal Code, which is drafting additional sanctions for trafficking in human beings. The possibility to seek criminal responsibility is foreseen for parents, who create preconditions for the involvement of their children in trafficking in human beings and exploitation. Amendments are envisaged to the Bulgarian Identity Documents Act, related to prompt and free of administrative fines and other penalties issuance of personal ID documents to victims of trafficking.

150. Statistical information related to the activities carried out by the competent authorities of the Republic of Bulgaria to combat trafficking in human beings is presented below:

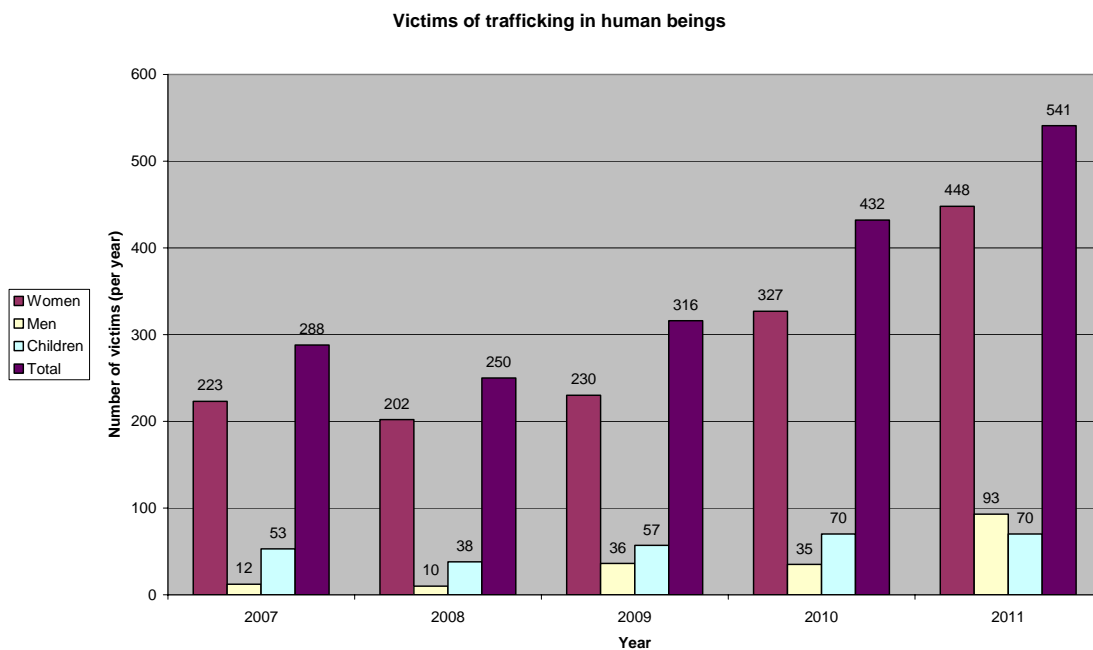




Table 2

<i>Year</i>	<i>2011</i>	<i>2010</i>	<i>2009</i>	<i>2008</i>
Total number of victims	541	432	316	187
Women	448	394	220	151
Men	93	38	31	13
Underage and minors	70	70	46	23
Pregnant	29	7	6	0

Table 3

<i>Total number of victims 2011</i>	<i>541</i>
By type of exploitation:	
- sexual exploitation	404
- forced labour	91
- servitude	17
- pregnant women for selling her baby	29
- removal of organs	0

Table 4

<i>Total number of cases for trafficking in human beings signalled to the NCCTHB in 2011.</i>	<i>56</i>
Total number of persons from the reported cases.	144

Table 5

*Non-governmental and international organizations providing support and services to victims of trafficking, registered at the NCCTHB*

29

Table 6

**Cases of trafficking reported to the NCCTHB (2010)**

<i>Country</i>	<i>Type of exploitation</i>	<i>Sex</i>	<i>Chld</i>	<i>Case referred to</i>	<i>Caring NGO</i>
Slovenia	Sexual exploitation	2	1	CDCOC	IOM
Italy	Sexual exploitation	-	1	CDCOC	
	Labour exploitation	2	-		
Cyprus	Sexual exploitation	1	-	Section COC, Sliven	IOM
Greece	Sexual exploitation	1	-	CDCOC	
Belgium	Sexual exploitation	1	-	CDCOC	
	Labour exploitation	3	-	CDCOC	
Poland	Sexual exploitation	1	-	CDCOC	

<i>Country</i>	<i>Type of exploitation</i>	<i>Sex</i>	<i>Chld</i>	<i>Case referred to</i>	<i>Caring NGO</i>
Netherlands	Sexual exploitation	1	-	CDCOC	
Germany	Sexual exploitation	2	-	Section COC, Burgas	Association “Demetra”, Burgas
Austria	Sexual exploitation	-	2	CDCOC	SACP
Spain	Sexual exploitation	1		GDBP	SOS Shelter, Varna
Bulgaria – Internal trafficking	Sexual exploitation	1	-	District Prosecution Office, Stara Zagora	
	Internal trafficking	2	-	District Prosecution Office, Kirdjali NIS	SOS Shelter, Varna
	Internal trafficking	1	-		
	Sexual exploitation	-	3	Section COC, Burgas	Association “Demetra”, Burgas
		2	-	DPD Blagoevgrad DPD Pernik	
		-	1		
		1	-	CDCOC	
Total		22	8		

Table 7

<i>Year</i>	<i>Newly initiated pre-trial proceedings</i>	<i>Sentenced persons</i>
2008	219	34
2009	215	108
2010	163	130
2011	138	131

Table 8

<i>Year</i>	<i>2011</i>
Newly initiated pre-trial proceedings	138
Charges brought	115
Sentenced persons <sup>1</sup>	131
Sentences in force	119
Effective sentences “imprisonment”	57
Suspended sentences	61
Sentences “imprisonment” up to 3 years	34

<sup>1</sup> Including cases started in previous years.

<i>Year</i>	<i>2011</i>
Sentences “imprisonment” from 3 to 5 years	13
Sentences “imprisonment” from 5 to 10 years	4
Sentences “imprisonment” from 10 to 15 years (the maximum under the Criminal Code)	6

## **Article 11 – Right to an adequate standard of living**

### **Reply to the issues raised in paragraph 19 of the list of issues**

151. The assessment of water supply to housing available in Bulgaria conducted within the framework of the National Housing Strategy of the Republic of Bulgaria has established that it is good. At present, there is a well-developed water supply system all across Bulgaria and over 98% of the population lives in settlements with central water supply systems. Reliability and good quality of water supply networks was found in some cases as an issue. Over 82.5% of dwelling places are provided with internal sewerage, yet 40% of the population currently uses public sewerage because collector systems are not yet completed.

152. Bulgaria joined the European Union in 2007 with an ambitious program in the water sector that complies with the requirements of the European Directives on water quality, therefore in the present programming period priority is given to building waste water treatment plants. In order to prioritize investments for the next programming period 2014-2020, planning of the development of the national water supply and sewerage system is being performed by preparing 51 Regional Master Plans. Short-term and long-term investment programmes for the sector are being drafted in line with the EU directives.

153. In March 2006, the Council of Ministers adopted a National Programme for Improving the living conditions of Roma in Bulgaria for the period 2005-2015. It aims at integrating and coordinating the efforts of the state and local governments and citizens' associations, to improve living standards and equally positioned integration of Roma into the society. The programme implementation will lead to improvement of the living conditions of 412,500 people (about 85,900 households) living in 100 residential areas within 88 towns, improvement and construction of new infrastructure in Roma settlements – water and sewage systems, power mains, gas installations, street lighting, etc. In this regard, in order to support the implementation of the Action Plan for the fulfilment of the National Strategy of the Republic of Bulgaria for Roma Integration 2012-2020 and the Decade of Roma Inclusion 2005–2015, the Ministry of Regional Development and Public Works prepared a questionnaire for each area for collecting the required data. The data include: land plot readiness, building capacity - number of social/public housings, availability/lack of technical infrastructure on the respective terrain, structural/development planning, indicative budget including all costs of constructing the specified number of homes, availability of social/public housing - number of housings.

## **Article 12 – Right to physical and mental health**

### **Reply to the issues raised in paragraph 20 of the list of issues**

154. The Health Act states that the protection of public health is a state of complete physical, mental and social well-being. The protection of public health is guaranteed by the state through the application of certain principles, one of which includes the specific health protection of people with mental disorders (Article 2, paragraph 5). Caring for people with mental disorders takes place in the social system and it is within the competence of the

Ministry of Labour and Social Policy. In order to assist these activities, the Ministry of Health submitted an amendment to the Health Establishments Act that allows state/public psychiatric hospitals under the Social Assistance Act to register social services (day care centres and protected homes) with a view to refer patients with mental disorders to them after their discharge from a hospital, for inclusion in programmes for re-socialization, integration and care.

155. The principles of treatment and services for persons with mental disorders are listed in the Medical Standard of Psychiatry, approved by Decree No. 24 (promulgated in State Gazette, issue 78 of 2004). Chapter Three of the Health Act stipulates the availability and quality of medical care and the rights and obligations of the patient. Article 87, paragraph 3 of the Health Act provides that medical activities are to be performed after obtaining the patient's informed consent. With due consideration to the fact that a person with mental disorders and established inability is not capable to express his informed consent, it may be expressed by a person designated pursuant to Article 162, paragraph 3 of the Health Act, whereby the court appoints a person among the patient's relatives or a representative of the municipal office in the case where the person has no relatives or there is a conflict of interest. Treatment of individuals with mental disorders is stipulated in Articles 145 to 165 in Chapter Five "Mental Health" of the Health Act and in Ordinance No. 1 on the procedures for carrying out medical activities related to treatment of persons with mental disorders, issued under Article 149, paragraph 1 of the Health Act. Article 147, paragraph 1 of the Health Act provides that no one shall be subjected to medical activities for finding or treating a mental disorder, except on terms and conditions established by law. The implementation of measures for temporary physical restraint is stipulated in Article 150 and Regulation No.1 of 2005 on the procedures and order for implementation of measures for temporary physical restraining a patient with a mental disorder, issued pursuant to Article 150, paragraph 8 of the Health Act. Chapter "Mental Health" of the Health Act provides that compulsory accommodation and compulsory treatment shall be ruled by the court. The Act envisages procedures for appealing the court judgement and sets a requirement that a lawyer on behalf of the person whose compulsory treatment is being sought shall attend the court hearings. In cases where no lawyer is available, the court shall appoint a defence counsel. Involuntary treatment is implemented under the Criminal Procedural Code and is within the competence of the Ministry of Justice.

**Reply to the issues raised in paragraph 21 of the list of issues**

156. The Health Act provides for the right to safe motherhood, which includes the following components:

- (a) Prevention, prophylactics of abortion and provision of safe abortion;
- (b) Access to highly qualified health care before, during and after pregnancy;
- (c) Prevention of congenital anomalies of the foetus;
- (d) Reduction of complications during pregnancy and at childbirth and provision of qualified obstetrician and gynaecological care when they occur;
- (e) Access to training programs on nutrition and healthy lifestyle for pregnant women and mothers, and
- (f) Consultations on matters related to pregnancy, motherhood, family planning.

157. Besides the Health Act, a number of legal regulations envisage detailed provisions on ensuring prophylactic of pregnancy, prophylactic examinations of children from 0 to 18 years, the performance of abortions on request. The legislation stipulates that prophylactic examinations during pregnancy are delegated to specialists in obstetrics and gynaecology

and they are taken at the mandatory 12 visits to a doctor during the pregnancy term. The legislation defines that each visit shall include specific examinations and tests.

158. Improving access and quality of health services is the basis of the government policy and therefore raising the qualifications of physicians and improving the regulatory framework for the rules and control in service is an important mechanism for achieving good results. Medical standards in obstetrics and neonatology were updated, through setting rules and requirements to the facilities and equipment and the professionals implementing activities within their specialities, aiming at enhancing the quality of medical practice - within outpatient and inpatient care. At the same time, control checks are carried on the quality of medical practice by the Medical Audit Executive Agency to the Ministry of Health.

159. The Bulgarian health-related legislation and policy attaches priority to the health promotion and prevention, particularly to the reproductive health. In the regulations responsibilities are delegated to General Physicians regarding the factors relevant to maternal mortality. In 2011, a national information system for births started operating - it provides timely information and a possibility to analyse data on births in the country. Also in 2011 a Consensus of conduct in cases of bleeding during childbirth was elaborated - a measure for the behaviour of obstetricians in order to prevent maternal mortality.

160. The information on births and abortion, based on data of the National Statistical Institute, is presented below:

Table 9

**Births and Abortions**

	2000	2005	2006	2007	2008	2009	2010
							Number
Births	74,234	71,640	74,495	75,915	78,283	81,572	76,105
Abortions	61,378	41,795	37,272	37,594	36,593	33,733	31,548
							For 1,000 women of childbearing age
Births	37.2	38.2	40.0	41.2	42.9	45.2	42.9
Abortions	30.7	22.3	20.0	20.4	20.0	18.7	17.8

Table 10

**Registered abortions in hospitals in 2010 by age groups and types of abortions**

Age (y.o.)	Total	Types of Abortions							
		For medical reasons		Spontaneous		Criminal		Requested	
		Number	Share	Number	Share	Number	Share	Number	Share
Total	31548	2284	7.2	9999	31.7	1	0.0	19264	61.1
Under 15	119	25	21.0	70	58.8	-	-	24	20.2
15-19	2939	155	5.3	992	33.7	-	-	1792	61.0
20-24	6506	238	3.6	1878	28.9	-	-	4390	67.5
25-29	8076	372	4.6	2637	32.7	1	0.0	5066	62.7
30-34	7451	350	4.7	2554	34.3	-	-	4547	61.0
35-39	4948	851	17.2	1431	28.9	-	-	2666	53.9

Age (y.o.)	Total	Types of Abortions							
		For medical reasons		Spontaneous		Criminal		Requested	
		Number	Share	Number	Share	Number	Share	Number	Share
40-44	1389	278	20.0	406	29.2	-	-	705	50.8
45-49	112	15	13.4	31	27.7	-	-	66	58.9
50 and over	8	-	-	-	-	-	-	8	100.0

161. In the Health Act, passed in 2004, reproductive health is specifically regulated. The Health Act, Article 120 paragraph 5 stipulates that the state provides protection of the reproductive health of citizens by taking a number of measures, one of which is to increase awareness about sexual and reproductive health by providing easy access to information about modern contraceptive measures and the introduction of lessons on sexual and reproductive health and rights in the regular educational curriculum. Organizing and conducting health education programs for school children/students and building a sexual culture is an activity that is performed by health offices at schools and specialized institutions providing social services for children.

162. Health protection of the reproductive health of citizens is provided for in Article 126, paragraph 1, item 1 of the Health Act. The envisaged measures include: promotion and consultations on protection of reproductive health of children and persons of reproductive age; providing access to specialized advice on issues of reproductive health and family planning; prevention and treatment of infertility and specialized information, consultations, prevention and treatment of sexually transmitted diseases and AIDS.

163. The Health Act, Article 122, paragraphs 1 and 2, provides that within the approved educational curriculum, training of students is conducted on sexual behaviour, in particular on prevention of sexually transmitted diseases and AIDS, as well as on prevention of unwanted pregnancy. Training of lecturers is organized by the Minister of Education, Youth and Science according to curricula, consistent with the standards established by the Minister of Health.

164. The Action Plan to the National Health Strategy 2008-2013 envisages the development and adoption of a National programme to improve sexual and reproductive health for the period 2012-2020. The Programme has been developed and provisions are included for the promotion and development of family planning of persons of reproductive age and for reducing unwanted pregnancies and abortions among young people aged up to 19 years. These measures will be implemented by means of:

- (a) Increasing knowledge and skills of individuals and couples in respect of the right of a free choice of the number of children and the time of their birth;
- (b) Improving access to modern contraceptives;
- (c) Development of health advisory and health information services in the primary health care system, to cover the needs of the population and formation of responsible sexual behaviour;
- (d) Increasing the active involvement and responsibility of men in informed decision making in sexual and reproductive health issues and promotion of the use of contraceptive methods for men;
- (e) Introduction of systematic health and sex education at schools within the implementation of the National Health Strategy;

- (f) Development of a system for teaching in health and sex education based on the principle of “peer education”;
- (g) Establishing specialized offices providing medical, psychological and social services to young people on sexual and reproductive health;
- (h) Supporting the establishment of a network of structures and systems of services to young people on sexual and reproductive health;
- (i) Institutional strengthening and capacity development of NGOs to strengthen their innovation and expert role in promoting sexual and reproductive health, health services appropriate for young people, health and sexual education, prevention of unwanted pregnancies and abortions among young people aged under 19 years.

**Reply to the issues raised in paragraph 22 of the list of issues**

165. Under previous legislation – the Public Health Act enacted in 1974, smoking was prohibited only at workplaces in the presence of employees who are non-smokers, and according to a regulation issued by the Minister of Health smoking in public was allowed, under certain terms and conditions.

166. On 1 June 2012 a Law on the amendment to the Health Act came into force (promulgated in the Official Gazette, issue 40 of 29 May 2012), prohibiting smoking indoors in public places and certain outdoor public places. As an exception smoking may be allowed only in separate premises at airports if the airport authorities decide to provide such premises. Smoking is banned in several outdoor locations as well: adjacent areas and sidewalks around nurseries, kindergartens, schools, student dormitories and places for providing social services for children; playgrounds, places where activities for children and students are organized; and sports facilities, summer cinemas and theatres - during sporting and cultural events.

167. Under the new regulations fines for individuals, sole traders and legal persons have been raised. Changes in the administrative penal provisions of the Health Act were introduced, setting new, higher fines for violators. Individuals are to be fined for a first offense BGN 300 to 500 and for a repeated one - from BGN 500 to 1,000. Owners of establishments shall be penalized with two types of fines - sole proprietors shall pay from BGN 1,000 to 1,500 for a first offense and for a second - from BGN 1,500 to 3,000. For firms, penalty for a first offense ranges from BGN 3,000 to 5,000, and for repeated from BGN 5,000 to 10,000.

168. The Health Act stipulates that the state health control authorities in charge of smoking restrictions include the General Public Health Inspector of the Republic of Bulgaria and the Regional Health Inspectorates (RHIs). Public health control on restricting smoking is carried by over 650 public health inspectors in the 28 RHIs and at the Ministry of Health. Under the current Health Act, in case of a breach of regulations restricting smoking, the health inspectors can stop operation of establishments/facilities intended for the public, or parts thereof and they must immediately notify the Director of the RHI. The Ministry of Interior authorities, other state and municipal bodies and heads of agencies, organizations, individuals and legal entities are obliged to provide the necessary support and assistance to state health inspectors in exercising their powers.

169. The effectiveness of implementing public health control is monitored by the Ministry of Health through quarterly reports to the state health inspectors, and the parameters are: number of inspections, number of sites inspected, number of prescriptions issued, number of acts issued for violations found, number of criminal warrants issued to individuals, sole proprietors and legal entities, and the total amount of all penal acts in BGN. By means of letters of guidance to directors of the Ministry of Health, to directors of

the RHIs conducting thematic day and night inspections on restricting smoking is required with strict principled and uncompromising penalising of offenders.

170. The National Health Strategy 2008 - 2013, in the Chapter “Health of the Population in Bulgaria” underlines that smoking is a health risk factor for morbidity and mortality. In the “Strategic Objectives” section the task is stipulated to follow the operational guidelines of the European Strategy for Tobacco Control and the Framework Convention on Tobacco Control of the World Health Organization, with the expected result being a reduced level of smoking among the Bulgarian population. In addition, the Republic of Bulgaria also follows the 2009 Recommendation of the Council of Europe for smoke free environment.

171. In 2011, after the conclusion of the National Programme for restrictions of smoking in the Republic of Bulgaria in the period 2007-2010, smoking among the Bulgarian population has decreased from 45.2% in 2007 (according to a national representative survey of the National Center for Public Opinion Survey of persons over 24 years old) to 36% in 2011 (according to data from the “Eurobarometer” for persons over 15 years old). Among children of the age of 16, according to the European School Survey Projection Alcohol and Other Drugs (ESPAD), smoking has also decreased – from 50% in 1999 down to 38.9% in 2011.

172. Regarding the National Health Map, setting restrictions to smoking is also assisted by medical establishments for hospital care. Under the Health Insurance Act the National Health Insurance Fund signs with those establishments annual contracts to provide affordable medical care. Every general physician is required to motivate patients to give up using tobacco products, or to consult them about ways to quit smoking, especially in urgent cases where a disease is linked to such use.

## Articles 13 and 14 – Right to education

### Reply to the issues raised in paragraph 23 of the list of issues

173. Higher standard of living achieved through education and training is a priority for the Government of the Republic of Bulgaria. Investments in education and training in Bulgaria as a percentage of GDP have gone up (though modestly) in the period 2000-2010. Information on the average share of GDP allocated for education (in million BGN) for the period 1999-2012 is presented below.

Table 11

<i>Year</i>	<i>GDP</i>	<i>Education</i>	<i>% of GDP</i>
1999	24309	986,6	4,1
2000	27399	1 129,9	4,1
2001	30299	1 192,4	3,9
2002	33189	1 353,4	4,1
2003	35812	1 504,7	4,2
2004	39824	1 652,4	4,1
2005	45484,0	1 814,8	4,0
2006	51783,0	1 941,2	3,7
2007	60185	2 179,2	3,6
2008	69295,0	2 768,4	4,0
2009	68322,0	2 837,8	4,2
2010	70474,0	2 678,2	3,8



<i>Year</i>	<i>GDP</i>	<i>Education</i>	<i>% of GDP</i>
2011	75265,0	2 654,3	3,5
2012	81629,0	2 747,1	3,4

174. In 2010, anti-crisis measures required a 20% reduction of public expenditure, respectively of the budgets from the Ministry of Education, Youth and Science and the public higher education institutions. This has affected to a certain extent the policies and reforms in secondary and higher education. Steps have been taken to guarantee that this reduction would not affect the costs for educational activities delegated by the government (budgets for schools and second level spending units) and the wages for teachers and trainers, which shall remain stable.

175. The Republic of Bulgaria shares the opinion of the highest return of the investment in pre-school and primary school education. This is why the compulsory pre-school training has been increased from one to two years and as of 5 October 2010 it encompasses all children of 5 years of age. The school day for children in the initial stage of primary education has gradually been extended from a half day to a full-day organization.

176. In 2012, the Education Function Funds account for 3.4 % of GDP and this percentage has remained stable on 2011 levels. At the same time, in absolute terms the expenditure on education for 2012 have gone up by BGN 171.2 million as compared to 2011. Additional funds have been provided by an increase in the costs for education and restructuring of the system and allocated to the secondary and higher education.

177. The unified expenditure standards in the system of secondary education have been adjusted by BGN 25.0 million (1,7 %). These funds will compensate for the increased prices of fuels and energy carriers and the increase of minimum salary as of 1 September 2011. Parallel to this, the funds under standards for schools of general education aimed to fund municipalities regrouping have been increased by BGN 11.0 million, the aim being to direct more funds to the municipalities with higher concentration of more small-size schools. The funds for a full-day organisation of school day have been increased by BGN 17.9 million. These are funds allocated for a full-day organization of pupils in 2nd grade. Estimates for additional funds for full-day organization of the school day have been made for the pupils in the 3rd grade for the 2012/2013 school year and for the provision of the compulsory two-year training prior to entering first class for all five-year olds as of the 2012/2013 school year. Transport funds for pupils up to the age of 16 have been increased by BGN 1.3 million, reaching a total of BGN 24.5 million.

178. The subsidies for higher education institutions have been increased by BGN 11.2 million reaching a total BGN 261.5 million for 2012. The funds for scholarships at higher education institutions have been increased by BGN 6 million to a total of BGN 31.7 million. The additional funds for state higher education institutions have been increased by BGN 8.2 million granted based on a complex quality assessment and compliance of the education with the needs of labour market, hence they are expected to reach BGN 15 million. The amount of state guarantee under the Loans for Students and PhD Aspirants Act has also been increased to BGN 80.5 million, whereas the amount has gone up by BGN 40.4 million as compared to 2011.

179. The primary goal of the educational policy in the period 2009-2013 is to prepare citizens of this country for life-long learning by providing education, which is of high quality and compliant with worldwide trends in education. It is based on the understanding that high-quality school and pre-school education gives children and young people the opportunity to grow up as responsible, caring and pro-active members of society. The educational policy in this field aims to give the children and the youths in a modern

democratic society the opportunity to acquire the attitude, knowledge, skills and competences, which they need in order to ensure their active participation in the labour market, as well as in life-long learning and active citizenship. The educational reforms launched since 2009 aim to increase the quality and applicability of the knowledge and skills, to enhance participation in the educational process by way of economically efficient use of available resources and development of life-long learning as a way of thinking inspiring every person to become aware of their need to acquire constantly new knowledge, skills and competences.

180. The achievement of goals and priorities in the sector of education is assisted by the Human Resources Development Operational Programme 2007-2013, co-funded by the European Social Fund and the national budget of Republic of Bulgaria and the national programmes for secondary education development. This Operational Programme provides funds for initiatives targeted at:

- (a) Improvement of quality of services in education and training;
- (b) Modernization of the education and training system;
- (c) Establishment of enhanced connections between vocational education and training institutions and the labour market;
- (d) Facilitated access to education and training for disadvantaged groups;
- (e) More comprehensive coverage of children and youth by the educational system;
- (f) Development of the life-long learning system.

181. Under the national programmes for secondary education development, state budget provides funds for activities related to:

- (a) Quality improvement of the education and learning process;
- (b) Development of an efficient and optimum network of schools compliant with the interests and capabilities of children and pupils/students and the social and economic profile of each region;
- (c) Improved qualification of teachers and school headmasters and establishment of conditions for the promotion and exchange of innovative teaching practices;
- (d) Increased interest of pupils/students in participation in national competitions and national and international Olympiads;
- (e) Provision of additional training for pupils/students aiming to increase their level of general education achievements;
- (f) Improved conditions for educational activities, thus aiming to enhance Bulgarian spirituality and preserve national identity, traditions and culture.

182. The quality of the system of school education has been developing in two directions:

- (a) Development of the system for internal evaluation – large-scale use of tests as a way to evaluate the knowledge and skills of pupils throughout school year, as well as a form of initial and final evaluation of the knowledge and skills of pupils at the start and in the end of the school year. The process of wide introduction of tests as a form of examination in Bulgarian schools started out as early as the 2006/2007 school year.
- (b) Development of the system for external evaluation, which includes tests for compulsory evaluation of the knowledge and skills of pupils/students in the end of each educational stage (national standardized evaluation) after the graduation of 4th class and after the graduation of 7th class.

183. The tests after the graduation of 7th class are used not only as an evaluation of the attained level of general education minimum, but also as an entrance to the system of secondary education. The first national standardized evaluations after 7th class took place in the 2008/2009 school year.

184. The introduced compulsory national external evaluations for the subjects in the end of each educational stage help follow up the processes within the system and take measures and provide optimum support of pupils/students. Conditions are provided to ensure maximum efficiency of teaching time and replacements for the teachers in the subjects. Funds are provided for individual work with pupils with outstanding talents in any field as well as conditions for assistance for students lagging behind.

185. The state matriculation exams measure the learning outcomes achieved, including knowledge, skills and competences in the respective subject or cycle of subjects as part of the compulsory training during the secondary school stage irrespective of the duration of the stage and the classes envisaged for the respective subject or cycle of subjects. There are two state matriculation exams, the first one in Bulgarian language and literature and the second one is chosen by the student among the Foreign Language, Mathematics, Physics and Astronomy, Biology and Health Education, Chemistry and Environmental Protection, History and Civilization, Geography and Economics subjects and the subject cycle of Philosophy. At the request of students studying in the system of vocational education and training, the average score from the marks at the state matriculation examinations for the acquisition of vocational qualification, which are in Theory of the Profession and in Practice of the Profession, can be recorded in the column for the state matriculation examinations in their diplomas for secondary education completed.

186. The upgrading of the qualification of pedagogical specialists in Bulgaria is organized on a national, regional and municipal level. The following activities have been implemented under the National Programme for Qualification, funded by the state budget:

- (a) Development and approbation of a “pedagogical specialist profile” (portfolio) of the teacher and headmaster as a tool of the quality management system;
- (b) Training of school psychologists on a topic: “The skill of team work and development of relations in class”;
- (c) Training of pedagogical advisers on a topic: “Developing a skill for keeping students busy”.

187. The draft Pre-School and School Education Act (submitted to the National Assembly), Chapter 11 – “Pedagogical Specialists”, section III, Art. 221 stipulates that the upgrade of qualification of pedagogical specialists is an ongoing process of compulsory nature. The draft outlines the major principles and innovative aspects in the status and development of pedagogical specialists, more precisely:

- (a) Compulsory nature of training for increased qualification of all pedagogical specialists;
- (b) Introduction of a National Educational Standard for the status of pedagogical specialists and headmasters, which defines major concepts and fully regulates general aspects of the activities related thereto;
- (c) The increase in the qualification of pedagogical specialists is measured by an introduction of a qualification credits system;
- (d) The qualification of pedagogical specialists can be increased under qualification training programmes approved of and entered in an information register, published on the official web-page of the Ministry;

- (e) The overall qualification system compliant to European standards and a system encouraging professional development are regulated on all educational levels;
- (f) Optimization of the system for qualification of pedagogical specialists by creating a competitive market for the provision of qualification services;
- (g) Provision of information about the organized qualification training courses that ensure high-quality education with free access to qualification programmes and training institutions;
- (h) The necessary qualification formats within 48 classes are financially provided for by the state budget;
- (i) The attained competences are entered in the professional portfolio of the pedagogical specialist. The portfolio assists for the attestation and self-evaluation of the pedagogical specialist. The goals, functions and content of the professional portfolio are defined in the national educational standard on the status and career development of pedagogical specialists.

188. Opportunities have been given to persons who have dropped out of school to acquire professional qualifications by expanding the state submission plan for the acquisition of first degree of professional qualification by pupils, who have dropped out of school after 6th, 7th and 8th class; opportunities for education and/or only of II or III degree of vocational qualification by evening classes or part-time form of training. Parallel to this, there are a number of adult literacy projects, training for the acquisition of a vocation qualification and/or a re-qualification.

189. A two-year project was launched in early 2012 under the Human Resources Development Operational Programme, co-funded by European Social Fund, entitled "Improved quality of general education" with a total budget of BGN 10 million. The primary goal of the project is a reform in general education aiming to ensure the key competences, needed by present-day pupils/students for their further successful career development. The project focuses on the optimization and perfection of the general education and training package by highlighting the updating of State Educational Requirements on Study Contents and the curricula in order to steer the learning outcomes towards their practical applicability. Currently the project has already developed drafts of updated National Educational Standards (NES) for the primary stage, optimized NES for the lower secondary stage and new NES for general education and training during the both secondary school stages. Teachers have come up with a feasibility study of the draft NES. Round tables will be launched in mid-August 2012 to discuss the new curricula from the first to the tenth class of the compulsory education, whereas the change aims to attain 60% of new knowledge and 40% of exercise, practical tasks and summaries.

190. Steps have been taken to improve the quality of vocational education and training by decentralizing the school system, introducing a systematic approach to ensure the quality of vocational education and training, developing a career guidance system in school education, increasing the attractiveness of training and inviting a more pro-active involvement of social partners in the process of practical training. It has been decided to introduce the credit system in vocational training and education, which will set up the prerequisites for building a connection with the system of higher education and will provide for a faster correlation between the education system and the labour market.

191. The specific measures in primary and secondary education by 2020 will include the perfection of the system for external evaluation of the quality of education, as well as the introduction of school mechanisms for enhancing the role and commitment of both parents and municipalities on school management matters.

192. Quality assurance in the system of higher education in Bulgaria takes place in two directions:

(a) External quality assurance. The National Evaluation and Accreditation Agency (NEAA) was established in 1995 by virtue of the Higher Education Act as an independent agency with the Council of Ministers. The National Evaluation and Accreditation Agency is a specialized national authority for evaluation, accreditation and quality control over the activities of higher education institutions and research organizations related to the training of specialists and improvement of their qualification, as well as the development of science, culture and innovation activities. NEAA exercises control over the capacities of higher education institutions, their major units and branches to ensure high quality of education and scientific studies based on an internal system of evaluation and quality assurance and in compliance with the recommendations issued on evaluation and accreditation. NEAA's mission is to assist the higher education institutions in keeping and improving the quality of offered education by safeguarding the high academic standards and traditions in higher education in the Republic of Bulgaria. After the Republic of Bulgaria joined the EU Bologna process, the Agency has taken part in all initiatives aimed at building the European Higher Education Area and standardizing the criteria for evaluation and accreditation of the European agencies for higher education evaluation. The amendments to Higher Education Act of 2004 encompassed requirements for maintaining the quality of education. They provided for further institutional development and management of post-accreditation monitoring on behalf of NEAA. The Agency is a co-founder of the Central and Eastern European Network of Quality Assurance Agencies in Higher Education (CEEN) and a member of the European Association for Quality Assurance in Higher Education (ENQA). The amendments to the Higher Education Act, (promulgated in State Gazette, issue 61, dated 9 August 2011) provided for changes in the process of accreditation of higher education institutions, including accreditation after an external evaluation performed by an independent European agency, which is a member of the European Association for Quality Assurance in Higher Education (ENQA) and/or is entered in the European Quality Assurance Register for Higher Education (EQAR);

(b) Internal quality assurance (at institutional level) – with systems for quality evaluation and maintenance of training and academic staff at higher education institutions, including student opinion polls too. Part of the systems has been certified under ISO 9001:2000.

193. The Bulgarian University Ranking System can be deemed as an impetus for improved quality of education at higher education schools since its launch in November 2010, whereas it is accessible over the Internet in both Bulgarian and English. The system provides educational services for various users in order to facilitate them with the choice of a higher education school by providing a wide range of information about the accredited higher education institutions and allows a comparison among them based on various criteria. The 2012 updated version of the system contains information about 51 accredited higher education institutions on the territory of the country, which offer programmes for attaining any educational and qualification degree of higher education (Bachelor, Professional Bachelor and Master) in 52 professional fields. Depending on the individual priorities and needs of every user, the system allows ranking for higher education institutions for every professional field based on a number of criteria. Users may choose among 49 different indicators for comparison among higher education institutions and may define also the weight coefficient for each group of indicators. The indicators are grouped in 6 categories: "Teaching and training", "Science and scientific research", "Learning environment", "Social, housing and administrative services", "Prestige" and "Career development and connection to labour market".

**Reply to the issues raised in paragraph 24 of the list of issues**

194. In the Republic of Bulgaria over the past few years, the percent of early dropouts from the education system has remained stable (13.9 % in 2010). The Bulgarian objective, which was set in compliance with the Europe Strategy 2020, is the reduction of the level of early dropouts from school to 11 % by 2020. On most occasions, early dropout from the educational system is due to social and economic reasons. The trend to have the majority of dropouts at lower secondary stage has remained stable, whilst the number of dropout pupils at the primary stage has gone down. Attention is paid also to the tendency of increase in the percent of students who have come back to the system.

195. A number of programmes aim to aid the families and children and help keep them in the educational system by providing free textbooks for all pupils from I to VII class, transport, snacks. After the introduction of compulsory two-year pre-school education in October 2010, the phased introduction of full-day training has been successfully launched.

196. The measures to reduce the percentage of dropouts from the educational system in Bulgaria include the implementation of national programmes, which provide conditions for access to education for students at compulsory school age, irrespective of ethnic origin, gender, and religion, and create opportunities for everyone to receive education and training irrespective of their place of residence and economic position in the following directions:

(a) Provision of additional training for pupils in primary and lower secondary education stage;

(b) Provision of textbooks and school aids for the pupils/students in 1st – 7th class at public, municipal and private schools in the Republic of Bulgaria;

(c) Optimization of the school network by providing transport to public and municipal schools for pupils in the basic education stage;

(d) Provision of a snack and/or fruit, and/or a glass of milk/cup of tea, including yogurt for every pupil from 1st – 4th class and the children in the preparatory groups (pre-school education and care).

197. The Ministry of Education Youth and Science has elaborated and adopted a Strategy for Educational Integration of Children and Pupils from Ethnic Communities in 2004, updated in April 2010. Every school develops a plan for the implementation of the strategy with actual measures against dropouts.

198. The mechanisms of programme budgeting have been actively applied since 2010, whereas under the School – Territory of Pupils National Programme a new module has been set up and put to effect – “Support for full-day education for pupils in the primary stage of basic education. In 2010, a total of 1053 project proposals were submitted and evaluated, 94 schools received funding, while in 2011 the projects of 88 schools received funding. 327 project proposals have been submitted in 2012 and these are about to be discussed and evaluated. The module provides for the purchase of furniture, books, educational and developing games, so that the environment shall be as home-like as possible, which in turn is prevention against dropout from school as well as care for the healthy and safe conditions for children’s work at school. The regime includes lunch, recreation, individual study of the subjects included in the compulsory training, as well as interests-based activities. The activities based on pupils interests are organized or further developed into already operating clubs, studios or “workshops”, such as art studio, theatre studio, music studio, sports studio or a club of young champions, writer’s club or friends of books, club of young researchers, club of the curious and talented, club of the young journalist, nature lovers club, Homeland Club, Handy Hands Club, dance club, etc.

199. The number of submitted projects clearly indicates the needs of the system of such organization of education at an early stage, which is extremely useful for pupils from ethnic communities, whose mother tongue is different from the Bulgarian and mastering that language thanks to full-day stay in Bulgarian language environment firmly leads to an increased quality of education and at the same time is an active measure in fighting dropout rates.

200. The gradual provision of full-day studies for all pupils/students from the first to the eighth grade (currently it is introduced for all students from the first to the third grade) is a measure aimed to improve the quality of education for all children and pupils/students.

201. Another efficient measure is the integration of pupils from Roma origin into the so-called “integrated schools”, where desegregation has been put to practice since 5-6 children from Roma origin are admitted in each class and are educated in the competitive environment of the children from the majority. According to data by the Regional Inspectorates of Education, for the past few years the number of integrated schools across the country has reached 165 and there is a tendency of further increase. More than 4,000 Roma children and pupils have been integrated in ethnically mixed kindergartens and schools in recent years.

202. The National Classification of Professions and Positions for 2010 lists the position of an Assistant Teacher under code 5131 as developed by MEYS in 2003 and validated by the Minister of Education and Science on 25.08.2003. The assistant teachers facilitate the integration of children and pupils/students from other ethnic and cultural groups, Roma children included, hence aiding the access to education. The following positions are included in the List of Professions in Vocational Education and Training:

- (a) An Assistant Tutor;
- (b) An Assistant Tutor for Raising and Upbringing Children;
- (c) A Social Activities Associate;
- (d) Social Worker with Children at Risk.

203. Assistant teachers at schools and assistant tutors at kindergartens can be appointed at the discretion of employer so as to aid the educational integration of children and pupils/students from ethnic communities. The findings under the projects involving assistant teachers working for the sake of integration of pupils/students from other ethnic and cultural groups indicate that trainees benefit extremely, particularly in a mixed ethnic educational environment.

204. Efficiency of education in schools with pupils from various ethnic groups is measured based on external evaluation of the knowledge of pupils after 4th class, which is performed in the Bulgarian education system since 2006-2007 school year.

205. The Bulgarian legislation stipulates free access to education at public and municipal schools (Art. 6 of the National Education Act; Article 5, paragraph 1 of the Implementing Rules to the National Education Act). Pursuant to the provisions of Article 2 of Decree No. 104 of 10 May 2003 of the Council of Ministers on the adoption of the Ordinance on the Textbooks and School Aids for free use at public, municipal and private kindergartens and schools, the following sets have been provided:

- (a) One set of school aids for every child in a preparatory group;
- (b) One set of textbooks and school aids for every pupils from 1st to 4th classes;
- (c) One set of textbooks for every pupil from 5th to 7th classes.

206. The provision of textbooks and school aids to all children and pupils up to VII class free of charge gives an equal access to learning within the education system and guarantees the right to high-quality school and pre-school education to all children and pupils/students in the Republic of Bulgaria. The funds necessary to purchase the sets of textbooks and school aids are provided for by the national budget to the budgets of first level spending units via budget credits allocated to the respective kindergartens and schools. Each year by 15 March all schools submit requests to the relevant first level spending units stating the necessary sets of textbooks and the requests are compliant with the term of use of the textbooks, regulated in Article 56 of the Decree.

207. The Council of Ministers approved the financial rules for spending the funds necessary for additional funding to ensure the education of children commuting from the schools, which include transport costs, full-day organization of a day at school and canteen food. The funds for the full-day organization of a day at school and canteen food for commuting pupils from 1st to 7th class stand at a total of BGN 474 per child per budget year. Pursuant to Article 153, paragraph 3 of the National Education Act Implementing Regulations the national budget and the municipal budgets provide funds for food for the children and pupils/students at municipal and public schools and kindergartens. State budget ensures earmarked funds to provide food for commuting pupils at a compulsory school age at community schools, pupils, encompassed by the full-day organization of the learning process in 1st, 2nd and 3rd class. Funds for snacks are provided for under a national programme targeted at the children in preparatory groups at schools and kindergartens and pupils from 1st to 4th class.

208. Funds for food for pupils and children at kindergartens are provided for under the following mechanisms:

(a) Funds for full-day organization and canteen food for commuting pupils/students from community and integrated schools at the amount of BGN 427 per pupil;

(b) Funds for full-day organization and food for pupils in 1st, 2nd and 3rd class at the amount of BGN 427 per pupil;

(c) Allowance to the unified cost standards as support for food for children in the preparatory groups at kindergartens and schools and pupils from 1st to 4th class at the amount of BGN 65 per child/pupil.

209. Apart from state budget funds, food for pupils at municipal and state schools may be further funded by providing earmarked funds for cheaper food and overheads. These funds are provided for at the cost of budgets by first level spending units by budget credits aimed to fund schools. School headmasters in the system of public education may plan the funds for cheaper food for pupils within the funds of allocated budgets.

210. All nutrition-related activities involving the pupils/students take place at school canteens and buffets at schools operating in compliance with the requirements of a Collection of recipes for school canteens and buffets, validated by the Minister of Health. The price of food is calculated at cost based on basic costs of production and marketing. The funds for cheaper food provided by the national budget and the budgets of municipalities lower down the price of food coupons for pupils/students. The nutrition of children at kindergartens is defined as a local activity by virtue of a Decision of the Council of Ministers and is carried out for the account of own revenues of municipalities, including from fees paid by the parents. Municipal councils define the average cost of one food-day per child.

211. With Care for Every Pupil National Programme provides the opportunity for additional training for children with outstanding talents, as well as for children, who



experience problems in mastering the study contents. The programme gives incentive to teachers to work with the pupils by taking into consideration their individual abilities and interests.

212. In order to improve the quality of education and the attendance at school of children living in rural areas and villages in high mountain areas, § 6c, paragraph 1 and § 6f, paragraph 1 of the Additional Provisions to the National Education Act stipulate the establishment of community schools and protected schools. A community school within the meaning of this Act is a school located in the town or village on the territory of the municipality visited by the pupils, which is the closest to the towns or villages which do not have their own schools. A protected school means a school, which is not eligible for closure because otherwise access to education will be infringed upon. Protected schools cannot be closed down.

## **Article 15 – Cultural rights**

### **Reply to the issues raised in paragraph 25 of the list of issues**

213. Democracy, equal rights and equal access to cultural life, as well as the protection of cultural diversity are fundamental principles and objectives of the cultural policy of the Republic of Bulgaria. On the basis of these principles the Ministry of Culture of the Republic of Bulgaria pursues activities aimed at encouraging participation in cultural life and access to cultural goods and services for all and especially for the underprivileged and marginalized individuals and groups, such as the elderly, persons with disabilities, as well as at creating conditions for the socio-cultural integration of ethnic communities in society. The Ministry of Culture undertakes a number of general and specific measures aiming at improvement of the legislative, institutional and resource base guaranteeing equal opportunities to the individual social groups.

214. Legislation in the field of culture is continually being improved. In the past few years a new Cultural Heritage Act and Performing Art Act have been adopted. A draft law amending the National Community Cultural Centers Act has also been elaborated. Each newly adopted legal act integrates protection of cultural rights, facilitation of the access to cultural life for all social groups, as well as the preservation of cultural heritage in the Republic of Bulgaria.

215. With the purpose of raising the general education and qualification level, the Ministry of Culture implements the programmed “Training of staff in the field of arts and culture” under which there are 8 022 students currently being trained at the National schools of art and culture. 320 teachers having professional qualification degree work within the system. The Ministry of Culture is one of the leading state institutions in the creation and implementation of the programmed “Protection of children with prominent talents”, as in the year 2011 alone, the Ministry of Culture has granted 158 scholarships to children having prominent talents and another 33 children have received one-off financial aid. These include children from ethnic communities, as well as children with special education needs for whom resource assistance is provided.

216. The Ministry of Culture also elaborates financial aid programmers for cultural initiatives and creative projects, which are being conducted on a cooperative principle and following defined rules. The programmers are directed towards development of initiatives of the museums and galleries, public libraries, theatres, community cultural centers, and non-governmental organizations, and include representatives of ethnic communities, persons with disabilities, older persons, etc. The content of the programmers and the work of the communities on assessment of projects are in conformity with the policy of the Ministry of Culture on equal rights, gender equality and the protection of cultural diversity.

217. The Programmed for development of amateur arts has a very extensive scope and provides great opportunities for support of activities in favor of the elderly, persons with disabilities, representatives of ethnic communities aimed at encouraging and supporting creative potential, active participation in cultural life, access to cultural goods and services. Part of this programmed are also the targeted efforts of the Ministry of Culture on development of community cultural centers as local civil formations through which traditions, including the traditions of the ethnic communities, are preserved and popularized within the territory of our country, which provides opportunities for education in the field of culture, life-long learning, access to knowledge and active participation in the public cultural life. The special efforts of the state to support these cultural centres - 3,518 in total - is due to the fact that they are spread throughout the country, located even in the smallest populated areas, whereby an opportunity for access to cultural life is being provided to each and every citizen of the Republic of Bulgaria.

218. The main objective of state policy is gradually to transform community cultural centres into modern cultural centers attractive to all strata of the population, by improving and enriching the conditions for developing creativity, wider access to cultural values and solidarity between generations. The analysis of the survey cards of the community cultural centres for the year 2011 has shown that as a result of the policy of the Ministry of Culture and the legislative, institutional and financial measures undertaken, the number of the community cultural centres in the country increases and more and more people are given the opportunity to realize their ideas and initiatives in the field of culture in favour of local population. Within the system of community cultural centres approximately 8 000 persons are employed full-time – professionals and amateurs in all spheres of art, librarians, foreign language teachers, folklore experts, secretaries of community cultural centres, etc. In implementation of the state policy, during the past two years 950 regional and community cultural centre libraries were connected within a global network for greater awareness of the population and access to human knowledge. More and more community cultural centres have available equipment, e.g. the number of computers provided by the state is 6,355, and 1,636 community cultural centres have available Internet. There are 2,158 dancing, singing, music, etc., schools in the community cultural centres, 1,204 of which are for children. Interest groups are 501, while interest clubs in the sphere of arts and traditional culture are 1,763. Language courses are also conducted at community cultural centres - to date their total number is 388, among which foreign language courses are greatest in number, followed by Bulgarian language and mother tongue courses. There is a great interest in theatrical art as well – there are 444 theatre companies and groups, a majority of them adult formations, followed by children's formations. Singing groups are also exceptionally numerous – 2,904, the largest part of which are authentic folklore groups. Choral art is the most appealing to the older generation. The number of choirs is 231, out of which 38 are for children and 24 for adolescents. At the community cultural centres 1,901 dance formations are maintained, with a balanced representation of children, adolescents and adults. Approximately 9000 community cultural centres involve in their activities representatives of ethnic communities, which enhances intercultural dialogue and the creation of new forms of cultural expression. For conservation of the local historical and cultural memory of the populated area, community cultural centres have established archive collections (to date these are 240) which are suitable for educational and voluntary activity.

219. The maintenance of community cultural centres is part of the care taken by the state of the intangible cultural heritage, of its carriers and of passing on their knowledge and skills to the younger generation. Data show that the activities of the community cultural centre involve mostly elderly people and that they are especially useful for their meaningful life providing them with opportunities for creativity and expression, for acquisition of new knowledge and for access to cultural products. The children age group and the adolescent audience are represented almost equally.

220. People with disabilities and representatives of ethnic communities are not only users, but they also maintain community cultural centres for the needs of the local communities. Such are the Louis Braille 1928 National community cultural centre for visually impaired people, Shalom Aleichem Community cultural centre for Bulgarian citizens of Jewish origin, Nazim Hikmet Community cultural centre for Bulgarian citizens of Turkish origin, Stoyanka Sokolova Community centre for Bulgarian citizens of Roma origin, etc.

221. The Ministry of Culture actively interacts with NGOs of people with disabilities, for instance, Start Foundation. The International Music Festival “Superiority of the Spirit”, organized by the Start Foundation, is already traditionally conducted under the auspices of the Minister of Culture, and in 2011 the first prize for artistic contribution was awarded to Ms Kristina Alexandrova, a visually impaired opera singer.

222. Among measures taken related to demographic development, balance and structure of the population of the Republic of Bulgaria, is the change introduced in the manner of financing of state cultural institutes in the field of performing arts, through the delegated budgets upon which subsidizing depends on the number of tickets sold on regional/municipal/local level. The reform takes into account the demographic profile of the populated areas, insofar as the potential audience resource has decreased. Within the method of financing elaborated by the Ministry of Culture an opportunity is envisaged for provision of additional funds to the cultural institutes operating in populated areas having population below 150,000 inhabitants and below 50,000 inhabitants. Thus, the right of the people to access and enjoyment of cultural products is protected.

223. Of special significance for access to cultural life for all and especially for the disadvantaged and marginalized groups and individuals is the independent social policy of cultural institutes – museums, galleries, theatres, libraries and community cultural centres for access to the product and services, which they offer.

224. The municipal cultural programmes are also oriented towards the implementation of activities encompassing all age and social groups on the territory of the respective municipality. The cultural calendars which they prepare are a particular reflection of this process.

#### **Reply to the issues raised in paragraph 26 of the list of issues**

225. One of the main priorities of the cultural policy of the Republic of Bulgaria is the protection of cultural diversity and the recognition of cultures of ethnic communities as an integral part of the national culture. A leading objective in the process of cultural integration is the recognition of culture as a main instrument of social integration and dialogue between the various ethnic communities; extension of the content and social scope of community cultural centre activities for engaging wider circles of the population, including all ethnic communities; initiation of common projects with the regional and municipal administrations for the elaboration and subsidizing of programmes, including the conservation of traditional ethnic cultures and the preservation of cultural diversity in our country; encouragement and support of creative activity of gifted and talented children originating from ethnic communities. Conditions have been created for distribution of knowledge about the cultural heritage of ethnic and linguistic minorities, about the popularization and expression of their identity, history, culture, language, traditions, and customs.

226. Every year the Ministry of Culture announces competition sessions for financial support of community cultural centres, as for instance in 2011 when the state financial aid was in the amount of BGN 1,561,295. 1,968 community cultural centres from all over the country participated, including such that are established and maintained by ethnic

communities. The main priority in this session was the replenishment of the library fund at the community cultural centre libraries, according to the needs of readers themselves. Out of a total of BGN 615,580 for books in 938 libraries, the amount of BGN 71,900 was approved for community cultural centres, which are located in regions with mixed ethnic population. As regards artistic creative activities, projects of community cultural centres for a total amount of BGN 1 million have been approved, out of which BGN 114,460 were intended for activities oriented towards the integration of children from ethnic communities. The funds for the activities described above were granted by the Ministry of Finance following a proposal submitted by the Minister of Culture through municipal budgets in accordance with the legislation.

227. The Global Libraries Programme covers 950 libraries throughout the country, mostly in the community cultural centres. Under the programme modern computers are installed, major repairs of the premises are completed and qualified librarians are ensured. Opportunities for equal access of the people to information and to life-long learning are provided. Among the beneficiaries of the programme are representatives of the ethnic communities.

228. In order to provide quality service and activities in the community cultural centres' libraries, in 2010 the Ministry of Culture distributed subsidies from the state budget, with the assistance of the Ministry of Finance, for the payment of 100 staff positions of librarians in the community cultural centres. A further 50 staff positions for other activities of community cultural centres have been subsidized. Among the community cultural centres that benefitted from the scheme 7 were centres, related to the Armenian, Jewish, Roma and Turkish communities. The main objective of the Ministry of Culture is to create sustainability in the work of community cultural centres and libraries and make them a focal point of attraction to the representatives of the ethnic communities.

229. Under the programmes of the Ministry of Culture, every year financial support is provided, on a competitive principle, to projects of non-governmental organizations, including organization of ethnic communities, such as: project of the elaboration of a virtual interactive exposition entitled "The Holocaust and Saving of Bulgarian Jews", submitted by the organization of the Jews in Bulgaria "Shalom"; project "Preservation of cultural values of the Aromanian ethnic community in Bulgaria – Aromanians and Bulgarians with a common destiny over the centuries", submitted by the Centre for Aromanian Language and Culture in Bulgaria, etc. The Ministry of Culture provided institutional support to the Ethnofestival in the city of Vidin, organized by the Association for protection of human rights, the Roma Heart Festival in the city of Veliko Tarnovo, organized by Centre for Intercultural Dialogue "Amalipe", the National Festival of Ethnic Communities entitled "Bulgaria for all" in the city of Varna, organized by the Community cultural centre "Hristo Botev", etc. The Ministry of Culture provides also support to the Nomination Committee of Roma organizations for celebrating the International Roma Day – 8th April, the Roma New Year's Day – Vasilitsa, and Roma ethno-cultural holiday "Bary – Bogoroditsa".

230. The Ministry of Culture provides assistance to the Bulgarian National Television for popularization of cultural diversity and for better familiarization with various cultures. An example in this respect was the "Under One Sky" spectacle with the participation of artistic groups of ethnic communities in the country, broadcasted by the Bulgarian National Television in December 2011.

231. For popularization of the historical and cultural heritage of the various ethnic communities, the Bulgarian museums provide exposition areas and organize mobile expositions of cultural artifacts from their funds and related to the traditional culture of the ethnic communities. Museum experts provide assistance to the museum collections, kept by the ethnic communities.

232. In the drama theatres of the towns of Kardzhali and Razgrad bilingual performances (in Bulgarian and Turkish languages) are presented.

233. For encouragement of tolerance and respect towards differences, the Ministry of Culture supports not only projects for conservation and development of the culture of ethnic communities, but also events and initiatives (festivals, holidays, museum expositions, book presentations, artists jubilees, anniversaries of community cultural centres, international events, prizes award to artists, prominent public figures and representatives of the ethnic communities) which enhance intercultural cooperation and contribute to overcoming any stereotypes or negative attitudes towards differences.

234. Through the established social-expert teams per sector, transparency is ensured for the work of the Ministry of Culture in such a manner as to make the actions taken accessible to the people and to ensure actual participation of the individuals and their organizations in the decision-making within the cultural process. The new National Strategy on Arts and Cultural Development is being elaborated on this principle. The objective of the strategy is to deploy the creative potential of the nation through guaranteeing and encouraging participation in cultural life, expanding the access to cultural goods and services for all individuals and groups, including older persons, persons with disabilities, ethnic communities, in the protection of their identity. An integrated approach is applied in the new National Strategy on Arts and Cultural Development, as culture and cultural rights form part of a number of national strategies and plans in the field of social policy.

235. Culture forms an important part of the draft National Programme for Development: Bulgaria 2020, included in the priorities for development of human capital and regional development through the use of local potential, whereby the cultural rights of all citizens of the Republic of Bulgaria are guaranteed.

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