

Franet National contribution to the Fundamental Rights Report 2022

BULGARIA

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>Proposal for establishing a National Commission for Prevention of and Protection against Domestic Violence:</p> <p>On 13 January 2021, the government presented a draft law to amend the Protection against Domestic Violence Act. At institutional level, the draft suggests the setting up of a National Commission for Prevention of and Protection against Domestic Violence responsible for the co-ordination, monitoring and evaluation of domestic violence prevention policies and measures.</p>
EU Charter of Fundamental Rights	<p>Supreme Administrative Court's decision on discrimination in education:</p> <p>On 6 April 2021, the Supreme Administrative Court issued a decision stating that the payment of allowances for the birth of a child only to parents who have a certain minimum level of completed education is discriminatory, including in view of Article 24 of the EU Charter of Fundamental Rights.</p>
Equality and non-discrimination	<p>Interpretation of the term "sex" used in the Constitution:</p> <p>On 26 October 2021, the Constitutional Court issued a decision stating that the term "sex" used in the Constitution should be interpreted only in its binary biological meaning and has no psychological or social dimensions.</p>
Racism, xenophobia & Roma integration	<p>Revised draft Roma integration strategy:</p> <p>On 29 March 2021, the government published for public consultation a revised version of the Draft National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030. The revision of the draft became necessary due to the numerous comments and suggestions provided by different stakeholders during the previous round of consultations.</p>
Asylum & migration	<p>New border monitoring report:</p> <p>In April 2021, the General Directorate Border Police of the Ministry of the Interior, UNHCR Bulgaria and the Bulgarian Helsinki Committee published their annual border monitoring report for the year 2020. The report is published annually since 2010, when the three institutions signed a memorandum of understanding for mutual cooperation in the area of asylum and migration.</p>
Data protection and digital society	<p>Launch of the National Health Information System:</p> <p>this electronic system offers a range of services, including access and verification of COVID-19 digital certificates, options for scheduling a COVID-19 vaccination appointment, and general information about the prevention and treatment of COVID-19 infection. The system is intended to serve as a clearing house for essential healthcare e-services.</p>

Rights of the child	<p>New study on violence against children:</p> <p>In May 2021, UNICEF Bulgaria published a study on the prevalence of different forms of violence against children. The study shows that 47 % of children in Bulgaria have experienced any form of violence with emotional violence dominating, followed by physical violence, sexual abuse and neglect.</p>
Access to justice, including victims of crime	<p>Draft amendments to the domestic violence law:</p> <p>On 13 January 2021, a draft law to amend the Protection against Domestic Violence Act was published for public consultation. The proposed changes include, among others, introduction of new protection measures, creation of a register of domestic violence cases and setting up of National Commission for Prevention of and Protection against Domestic Violence.</p>
Convention on the Rights of Persons with Disability	<p>New action plan for implementation of the final recommendations of the UN Committee on the rights of people with disabilities:</p> <p>On 15 February 2021, the government adopted an Action plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the rights of people with disabilities (2021-2026). The document lists all recommendations, which have already been implemented, and suggests a plan for the implementation of those, which are either not implemented or in process of implementation.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

The Bulgarian equality body, the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*) developed and disseminated among employers a set of questionnaires (checklists) for early identification of discrimination in the workplace. The questionnaires are aimed to enable employers to check their own recruitment and career development policies vis-à-vis the principles of equal treatment and non-discrimination. The initiative is part of the international project 'Parents@Work' funded by the European Union's Rights, Equality and Citizenship (REC) Programme 2014-2020.¹

In April 2021, the Advocate General of the Court of Justice of the European Union, Juliane Kokott, published her opinion on a case concerning the refusal of Bulgarian authorities to issue a birth certificate to a child, whose both parents are women. The child was born in Spain, in the family of a Bulgarian woman and a British woman born in Gibraltar. The family applied for obtaining a Bulgarian birth certificate for the child (in addition to the already obtained Spanish one), but their application was rejected, because they refused to provide information about the child's biological mother. The parents appealed the refusal before a Bulgarian court and the Bulgarian court requested a preliminary ruling from the Court of Justice of the European Union. The main question in the request is formulated as follows: 'Must Article 20 TFEU and Article 21 TFEU and Articles 7, 24 and 45 of the Charter of Fundamental Rights of the European Union be interpreted as meaning that the Bulgarian administrative authorities to which an application for a document certifying the birth of a child of Bulgarian nationality in another Member State of the EU was submitted, which had been certified by way of a Spanish birth certificate in which two persons of the female sex are registered as mothers without specifying whether one of them, and if so, which of them, is the child's biological mother, are not permitted to refuse to issue a Bulgarian birth certificate on the grounds that the applicant refuses to state which of them is the child's biological mother?'. In her opinion, the Advocate General proposes that the Court of Justice should answer that each Member State is required to issue to a child, who is a national of that Member State, of two women who are designated on the birth certificate issued by the Member State of birth and residence as mothers of that child, an identity document and the necessary travel documents referring to

¹ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2021), 'Questionnaires developed by the CPD under the project Parents@Work' (['Въпросници изготвени от КЗД по проект „Родители на работа“](#)), press release, 30 June 2021.

both women as parents of that child, even if the law of the child's Member State of origin does not provide for either the institution of marriage between persons of the same sex or for the maternity of the wife of the biological mother of a child.² The Court of Justice delivered its judgment on 14 December 2021 ruling that Article 4(2) TEU, Articles 20 and 21 TFEU and Articles 7, 24 and 45 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 4(3) of Directive 2004/38/EC, must be interpreted as meaning that, in the case of a child, being a minor, who is a Union citizen and whose birth certificate, issued by the competent authorities of the host Member State, designates as that child's parents two persons of the same sex, the Member State of which that child is a national is obliged (i) to issue to that child an identity card or a passport without requiring a birth certificate to be drawn up beforehand by its national authorities, and (ii) to recognise, as is any other Member State, the document from the host Member State that permits that child to exercise, with each of those two persons, the child's right to move and reside freely within the territory of the Member States.³

In August 2021, the youth LGBT organisation Deystvie (*Действие*) issued a public statement claiming that the COVID-19 measures, introduced by the government, disproportionately affected the families of LGBTI Bulgarians entering the country. In the statement, the organisation noted that, in the absence of explicit regulation of same-sex marriages and/or partnerships and cohabitation in Bulgaria, same-sex spouses and/or partners of Bulgarian nationals traveling to Bulgaria could not benefit from the rules excluding the family members of Bulgarians from the scope of application of entry restrictions (particularly when arriving from countries in a red zone). According to the organisation, this situation created 'additional difficulties for Bulgarian citizens and their foreign spouses and/or partners who want to visit our country for summer holidays, family and family reunions or to return to their home country permanently'.⁴ The organisation also launched a petition to the relevant Bulgarian institutions calling for adoption of legislative changes recognising the rights of same-sex couples. According to the petition, the lack of legal rules allowing same-sex partners to register their family relationship is a barrier for exercising some of their rights related to, among others, taxation, residence permits, hospital visits, inheritance, etc.⁵ Another petition, for

² Court of Justice of the European Union (CJEU), C-490/20, *V.M.A. v Stolichna obshtina, rayon 'Pancharevo'* (Sofia municipality, Pancharevo district, Bulgaria), [Opinion of Advocate General Kokott delivered on 15 April 2021](#).

³ Court of Justice of the European Union (CJEU), C-490/20, [V.M.A. v Stolichna obshtina, rayon 'Pancharevo'](#) (Sofia municipality, Pancharevo district, Bulgaria), 14 December 2021.

⁴ Bulgaria, LGBT Youth Organisation Deystvie (*Младежка ЛГБТ организация Действие*) (2021), ['COVID measures and disproportionate impact on families of LGBTI Bulgarians entering the country'](#), press release, 6 August 2021.

⁵ Bulgaria, LGBT Youth Organisation Deystvie (*Младежка ЛГБТ организация Действие*) (2021), Petition for equal treatment of same-sex partners and their families ([Петиция за равно третиране на еднополовите партньори и техните семейства](#)), 16 August 2021.

introducing heavier penalties for hate crime based on sexual orientation and gender identity, was launched in February 2021 Bilitis Foundation (Фондация „Билитис“). The petition is addressed to the Ministry of Justice (MoJ) (Министерство на правосъдието, МП) and calls for changes in the Criminal Code (Наказателен кодекс) to make sexual orientation and gender identity related motivation an aggravated factor for certain crimes.⁶

In March 2021, the national equality body, the Commission for Protection against Discrimination (CPD) (Комисия за защита от дискриминация, КЗД), presented its annual activity report for the year 2020. According to the report, in 2020, the commission received a total of 910 complaints, instituted a total of 591 cases, issued a total of 728 decisions, and provided legal aid to victims of discrimination in a total of 1,200 cases.⁷

In March 2021, the Supreme Court of Cassation (SCC) (Върховен касационен съд, ВКС) asked the Constitutional Court (CC) (Конституционен съд, КС) for interpretation of the term “sex” used in the Constitution and whether it has a separate psychological and/or social meaning different from its biological meaning. The request for interpretation is related to a pending case before the Supreme Court of Cassation (SCC) (Върховен касационен съд, ВКС), in which the applicant, a transgender man, challenges a decision of the municipal administration (confirmed by the first and second instance courts) not to change the sex in his birth certificate from male to female.⁸ The case provoked serious interest on the part of organisations and experts working in the area of LGBTI rights. By the end September 2021, the Constitutional Court (CC) (Конституционен съд, КС) received more than 30 statements, including by international organisations such as ILGA-Europe and Transgender Europe (TGEU).⁹ On 26 October 2021, the Constitutional Court (CC) (Конституционен съд, КС) issued a decision stating that the term “sex” used in the Constitution should be interpreted only in its biological meaning.¹⁰ The next hearing on the

⁶ Bulgaria, Bilitis Foundation (Фондация „Билитис“) (2021), [Bulgaria: criminalise hate crimes!](#), 16 August 2021.

⁷ Bulgaria, Commission for Protection against Discrimination (Комисия за защита от дискриминация) (2021), Annual activity report of the Commission for Protection against Discrimination for the year 2020 ([Годишен отчет за дейността на Комисията за защита от дискриминация през 2020 г.](#)), 12 March 2021.

⁸ Bulgaria, Supreme Court of Cassation (Върховен касационен съд) (2020), Interpretative case No 2/2020 of the General Assembly of the Civil College ([Тълкувателно дело № 2/2020 г. ОСГК](#)), 26 June 2020.

⁹ Bulgaria, Constitutional Court (Конституционен съд) (2021), Constitutional case No 6/2021 ([Конституционно дело № 6/2021](#)), 19 March 2021.

¹⁰ Bulgaria, Constitutional Court (Конституционен съд) (2021), Decision No 15 on Constitutional case No 6/2021 ([Решение № 15 по конституционно дело № 6/2021](#)), 26 October 2021.

case before the Supreme Court of Cassation (SCC) (*Върховен касационен съд, ВКС*) is scheduled for 3 February 2022.¹¹

On 30 October 2021, a group of about ten people, allegedly belonging to the extreme right wing organisation Bulgarian National Union Edelweiss (BNUE) (*Български национален съюз Еделвайс, БНСЕ*), attacked the Rainbow Hub LGBTI community centre in the capital city Sofia. During the attack, extensive damage was caused to the property at the centre and an LGBTI activist was hit by the leader of BNUE, who also took part in the attack.¹² The attack was strongly condemned by politicians, representatives of foreign diplomatic missions and local civil society organisations and a public protest themed "No to Hate" was held in front of the Palace of Justice in Sofia.¹³ The prosecutor's office brought charges against the leader of the Bulgarian National Union Edelweiss (BNUE) (*Български национален съюз Еделвайс, БНСЕ*) after obtaining permission from the Central Election Commission (CEC) (*Централна избирателна комисия, ЦИК*), which was necessary because the person was running for President and as such was protected against criminal prosecution.¹⁴ The Prosecutor General also announced that prosecutor's office was planning to propose amendments to the Criminal Code (*Наказателен кодекс*) aimed to strengthen the criminal prosecution of hate crime. The announcement was made during a meeting between senior representatives of the prosecutor's office and members of LGBTI organisations, organised after the attack.¹⁵

In 2021, there were no policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality.

¹¹ Bulgaria, Supreme Court of Cassation (*Върховен касационен съд*) (2020), Ruling on Interpretative case No 2/2020 of the General Assembly of the Civil College ([Разпореждане по тълкувателно дело № 2/2020 г. ОСГК](#)), 2 November 2021.

¹² Sofia Globe (2021), ['Extremists ransack LGBTI community centre in Bulgaria's capital'](#), 31 October 2021.

¹³ Sofia Globe (2021), ['Eleven foreign embassies condemn attack on Bulgaria's LGBTQI+ Rainbow Hub'](#), 1 November 2021.

¹⁴ Sofia Globe (2021), ['Bulgaria's election body opens way for prosecution of Rasate over attack on LGBTQI+ Rainbow Hub'](#), 1 November 2021.

¹⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2021), 'The management of prosecutor's office discussed with representatives of the Rainbow Hub project the need for legislative reforms to prosecute hate crimes' (['Ръководството на прокуратурата обсъди с представители на проекта „Рейнбоу Хъб“ необходимостта от законодателни реформи за преследване на престъпленията от омраза'](#)), press release, 11 November 2021.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

In the period between 26 February and 1 March 2021, the sociological agency Alpha Research (*Алфа Рисърч*), a private commercial company, carried out a national representative survey on the public attitudes towards LGBTI persons in the light of the upcoming parliamentary elections. The survey was commissioned by GLAS Foundation (*Фондация GLAS*), a civil society organisation promoting the rights of LGBTI persons, and Friedrich Ebert Foundation, and was conducted among 1,013 people aged between 18 and 61 years. According to the survey results, 34.8 % of the respondents would vote for a party that supports the rights of LGBTI people if the party's position on other important issues coincide with theirs, and another 6.4 % would support such a party unconditionally. At the same time, 38.3 % of the respondents would disagree if the political party they support takes a pro-LGBTI position. The results also showed that the majority of Bulgarians have a neutral or positive attitude towards real or potential LGBTI people in their circle of acquaintances, neighbours, colleagues and relatives. About 48.9 % say that they treat or would treat such persons like everyone else, not based on sexual orientation, but based on their human qualities. Another 12.9 % said they would be more caring to LGBTI people than others, as they are often attacked and insulted.¹⁶

In February 2021, the civil society organisation GLAS Foundation (*Фондация GLAS*) published its annual report on the crimes and incidents against LGBTI people in Bulgaria in 2020. The report summarises the signals submitted through the organisation's online platform for reporting hate and homophobic crime wearetolerant.com. According to the report, of the total of 45 reported cases, ten are classified as hate speech, 27 as threatening, five as physical assault in a public place (three against men and two against gay men), two as rejected job applications, and one as vandalism (against an public exhibition on the rights of vulnerable groups).¹⁷ In 2021, the organisation launched two more initiatives in support of LGBTI people in Bulgaria: the book series 'The Courage to Be' and the Rainbow Cabinet. 'The Courage to Be' series includes collections of personal stories aimed to break the categorisations and prejudices towards LGBTI people in Bulgaria.¹⁸ The Rainbow Cabinet is a virtual and real space to support those who

¹⁶ Bulgaria, GLAS Foundation (*Фондация GLAS*) (2021), '[More than 40% of the Bulgarian voters would support a party with a positive attitude towards LGBTI people](#)', press release, 16 August 2021.

¹⁷ Bulgaria, GLAS Foundation (*Фондация GLAS*) (2021), Crimes and incidents against LGBTI people in Bulgaria in 2020 ([Престъпления и инциденти срещу ЛГБТИ хора в България през 2020 г.](#)), Sofia, GLAS Foundation.

¹⁸ Bulgaria, GLAS Foundation (*Фондация GLAS*) (2021), '[The Courage to Be book series](#)', press release.

face challenges in accepting their gender identity, sexual orientation, or their loved ones who need to understand more and deal with their feelings. The initiative is a joint project of GLAS Foundation, Kabinet.bg (virtual clinic for emergency psychotherapeutic help and emotional support), Bilitis Foundation (Фондация „Билитис“) and Checkpoint Sofia.¹⁹

In April 2021, Bilitis Foundation (Фондация „Билитис“), a civil society organisation promoting the rights of LGBTI persons, published a report on the situation of intersex persons in Bulgaria with a focus on their access to healthcare. The report is based on desk research, twelve interviews with experts, stakeholders, policy and decision makers (five with doctors from public healthcare facilities, one with a psychologist running individual practice and six with NGO representatives), and six interviews with intersex people (five with intersex people and one with a mother of an intersex child). According to the report, the interviewed experts and intersex respondents were unanimous to a great extent regarding the main priorities for improvement of the state of rights and inclusion of intersex people: stronger political will for legislative changes (aimed mainly at registration at birth and alleviated procedures for gender recognition); extensive education and training of medical and educational professionals, scholars and students, law-enforcement officials for improving public awareness and attitudes; improvement of communication between NGOs, between NGOs and the public, and between NGOs and the intersex people, to achieve better understanding of the specific language and topics, better cooperation and better ways to address needs.²⁰

In May 2021, the Bulgarian Helsinki Committee (BHC) (Български хелзинкски комитет, БХК) published its annual human rights report for the year 2020. In its section on the rights LGBTI persons, the report criticises the government for excluding LGBTI persons from the national policy documents in the area of gender equality. The report also notes that the main problems, faced by LGBTI persons in Bulgaria, are the lack of legal rules governing the personal and family relations of same-sex couples, the insufficient protection against hate crime and hate speech, the legal recognition of gender identity and the “forced medical treatment” of transgender conditions of intersex children.²¹

In 2021, there were no studies or surveys on experiences of discrimination against EU citizens on the grounds of nationality.

¹⁹ For more information, see the [website](#) of the project.

²⁰ Pisankaneva, M., Naidenov, P. and Ivanova S. (2021), [National situational analysis report: Bulgaria](#), Sofia, Bilitis Foundation.

²¹ Bulgaria, Bulgarian Helsinki Committee (Български хелзинкски комитет) (2021), Human Rights in Bulgaria in 2020 ([Правата на човека в България през 2020 г.](#)), Sofia, Bulgarian Helsinki Committee.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In May 2021, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) published its annual human rights report for the year 2020.²² The report notes that, unlike previous years, in 2020 the hate motivated incidents against Muslims have significantly decreased.

Civil society organisations and the media reported several instances of hate speech in 2021, mostly in relation to the three consecutive election campaigns that took place during the year.

In July 2021, in a TV interview, one of the candidates for Member of Parliament from Political party Bulgarian National Union – New Democracy (BNU-ND) (*Български национален съюз – Нова демокрация*, БНС-НД) publicly denied the Holocaust, praised Adolf Hitler as a “fantastic personality”, claimed that Jews were happy under Hitler and were able to work freely, and said that gas chambers were facilities for deworming.²³ In response to the interview, the Organisation of Jews in Bulgaria “Shalom” (*Организация на евреите в България „Шалом“*) issued a statement condemning the spread of all Nazi, fascist and anti-Semitic propaganda and claiming that that “there is no place in Europe for parties and leaders who idolise the man responsible for the most atrocious crimes in human history”.²⁴

In September 2021, the leader of Political party ABV (*Политическа партия АБВ*) appeared in a TV show with a yellow badge that read “unvaccinated”. According to the Organisation of Jews in Bulgaria “Shalom” (*Организация на евреите в България „Шалом“*) the badge was a reminder of the yellow stars that Jews were forced to wear during World War II. In a declaration issued after the show, the organisation noted that it was shameful for a Bulgarian politician and former minister to use Holocaust symbols to bolster their claims.²⁵ In response to the

²² Bulgaria, Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2021), Human Rights in Bulgaria in 2020 ([Правата на човека в България през 2020 г.](#)), Sofia, Bulgarian Helsinki Committee.

²³ Boyadzhieva, V. (*Бояджиева, В.*) (2021), ‘Is a parliamentary candidate promoting Nazi ideology’ ([‘Пропагандира ли нацистка идеология кандидат за депутат’](#)), Nova TV, 4 July 2021.

²⁴ Faktor.bg (2021), ‘Shalom outraged by Hitler worshipper who blasted the air with disgraceful Holocaust claims’ ([‘В „Шалом“ възмутени от поклонника на Хитлер, взривил ефира с позорни твърдения за холокоста’](#)), 5 July 2021.

²⁵ 24 Chasa (24 часа) (2021), ‘The Organisation of Jews in Bulgaria jumped on Rumen Petkov for a yellow sign’ ([‘Организацията на евреите в България скочи на Румен Петков заради жълта табелка’](#)), 23 September 2021.

declaration, the political party leader issued an official statement apologising for their behaviour and noting that the choice of colour was not intended to make any connection to the Holocaust.²⁶

In October 2021, during the presidential election campaign, the candidate for vice-president of Political party "Vazrazhdane" (Политическа партия „Възраждане“) published a post on her personal Facebook page attacking several politicians of Turkish and Jewish ethnic origin. The post literally read: "Somehow I miss Bulgarians in Bulgarian politics, on Bulgarian soil, in the Bulgarian state. Nothing personal, everyone has rights, but don't forget that this is the land of the Bulgarians and you are just guests". In response to the publication, the Organisation of Jews in Bulgaria "Shalom" (Организация на евреите в България „Шалом“) sent a complaint to the Central Electoral Commission (CEC) (Централна избирателна комисия, ЦИК), which in turn published an official statement underlining the "inadmissibility of any form of dissemination of anti-Semitic and xenophobic messages, inciting ethnic hatred, discrimination and division in society in the course of the election campaign" and calling for a "tolerant, lawfully conducted election campaign with respect for the rights, dignity and reputation of all Bulgarian citizens and participants in the electoral process, regardless of their origin, gender, religion and beliefs".²⁷ When discussing the complaint the members of the commission unanimously agreed that, apart from the publication of an official statement, the commission could not undertake any other measures because, according to an explicit legal provision, it was not authorised to exercise control over the conduct of the election campaign on social networks.²⁸

In February 2021, the Mayor of Sofia banned, for a second consecutive year, the holding of the so-called Lukov March (Луковмарш). Lukov March is an annual torchlight procession in commemoration the Bulgarian general Hristo Lukov, who is known for leading a pro-Nazi organisation in the 1930s and 1940s. Held on the date of General Lukov's assassination (13 February), the event traditionally attracts right-wing extremists from various parts of Europe and Bulgaria. After the 2021 event was banned, the police prevented the holding of the large-scale

²⁶ Bulgaria, Political party ABV (Политическа партия АБВ) (2021), 'Rumen Petkov: If anyone felt offended by the yellow "Unvaccinated" sign, I apologise, but I want to make it clear that attempts at restriction have no colour' (['Румен Петков: Ако някой се е почувствал обиден от жълтата табелка „Неваксиниран“, поднасям извиненията си, но държа ясно да заявя, че опитите за ограничение нямат цвят](#)), press release, 23 September 2021.

²⁷ Bulgaria, Central Electoral Commission (Централна избирателна комисия) (2021), Statement of the Central Electoral Commission on the occasion of reports of statements using hate speech in media and social networks ([Позиция на Централната избирателна комисия по повод постъпили сигнали за основани на и с използване на езика на омразата изявления в медиите и социалните мрежи](#)), 19 October 2021.

²⁸ Bulgaria, Central Electoral Commission (Централна избирателна комисия) (2021), Protocol No 105 of session held on 19 October 2021 ([Протокол № 105 от заседание, проведено на 19 октомври 2021 г.](#)), 19 October 2021.

procession and only allowed the participants to lay wreaths outside General Lukov's house in the centre of Sofia. The ban of the event and the intervention of the police were publicly praised by senior representatives of the government, foreign diplomats and local civil society organisations.²⁹

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

Bulgaria has not fully transposed the Framework Decision on Racism and Xenophobia. This resulted in the European Commission sending a letter of formal notice to the country in February 2021. According to the European Commission, the Bulgarian legal framework does not ensure that the racist and xenophobic motivation is taken into account by national courts as an aggravating factor for all crime committed, therefore failing to ensure hate crimes are effectively and adequately prosecuted. Bulgaria has failed to transpose correctly the criminalisation of specific forms of hate speech, which incite violence or hatred, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust.³⁰

In March 2021, the Ombudsman presented its annual report for the year 2020. In its chapter on protection against discrimination and hate speech, the report notes that the majority of complaints for discrimination in 2020 were on the grounds of personal situation, followed by those for discrimination on the grounds of belief. According to the report, only two complaints concerned ethnic discrimination, both related to forced evictions of Roma. Roma are also disproportionately affected by hate speech, which, according to the Ombudsman, instill negative stereotypes and repeat clichés about the Roma ethnic group, which are offensive and humiliating.³¹

In March 2021, on the occasion of the upcoming parliamentary elections, the Bulgarian equality body, the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*), issued a public statement noting that signs of intolerant speech had already been observed at the start of

²⁹ The Sofia Globe (2021), ['Praise for thwarting of neo-Nazi 'Lukov March' in Bulgaria's capital'](#), 14 February 2021.

³⁰ European Commission (2021), [February infringement package: key decisions](#), press release, 18 February 2021.

³¹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021) Annual activity report of the Ombudsman for the year 2020 ([Годишен доклад за дейността на Омбудсмана през 2020 г.](#)), March 2021.

election campaign and urging all political parties to refrain from using discriminatory or hate speech in their messages.³²

In January 2021, the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) published a translation in Bulgarian of the recommendations for teaching and learning about the Holocaust developed by experts from the International Holocaust Remembrance Alliance (IHRA). The recommendation will assist teachers in history and social studies by offering a contemporary model for studying the Holocaust in comparative perspective to new forms of genocide and crimes against humanity.³³

In February 2021, the Sofia City Court (SCC) (*Софийски градски съд*, СГС) rejected the request of the prosecutor's office to terminate the registration of the non-governmental organisation responsible for the organisation of Lukov March – the Bulgarian National Union Edelweiss (BNUE) (*Български национален съюз Еделвайс*, БНСЕ). In the request, which was filed in February 2020, the public prosecutor claimed that the activities of the organisation were aimed at inciting racial, ethnic and religious hatred and that it had created its own paramilitary structure. According to the court's decision, however, the prosecutor's request was not supported by sufficient evidence.³⁴ The prosecutor's office appealed the decision, but as of December 2021 the case was still pending before the second instance court.

On 25 November 2021, the police arrested a 24-year-old man for allegedly posting a hate message on Facebook related to a road accident, in which 45 people were killed after a North Macedonian bus caught fire on a highway in Bulgaria. The case was forwarded to the prosecutor's office for bringing charges against the person for inciting hatred online on the grounds of nationality.³⁵

³² Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2021), 'Recommendation by CPD against hate speech during the election campaign' ([Препоръка на КЗД срещу словото на омразата в предизборната кампания](#)), 12 March 2021.

³³ Bulgaria, International Holocaust Remembrance Alliance (2019), Recommendations for Teaching and Learning about the Holocaust ([Препоръки за преподаване и изучаване на Холокоста](#)), 21 January 2021.

³⁴ Bulgaria, Sofia City Court (*Софийски градски съд*), Decision No 260279 on commercial case No 289/2020 ([Решение № 260279 по търговско дело № 289/2021 г.](#)), 16 February 2021, ECLI:BG:DC110:2021:20200900289.001.

³⁵ Ministry of the Interior (*Министерство на вътрешните работи*) (2021), 'A 24-year-old man with a criminal record was arrested' [February infringement package: key decisions](#), ([Извършен е арест на 24-годишен, с криминалистически регистрации](#)) press release, 25 November 2021.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Draft National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 (<i>Проект на Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030</i>)
Please add a hyperlink if the strategy is publicly available.	www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=5986
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	<p>Yes</p> <p>Pamporov, A., Markova, E. and Yordanova, G. (2020), Integrated report for evaluation of the integration policies towards the Roma in Bulgaria in the period 2012-2019, with included recommendations on the target directions of the public policies, including anti-discrimination, gender equality and interaction with civil society (<u>Цялостен доклад за оценка на интеграционните политики към ромите в България в периода 2012-2019 г., с включени препоръки по целевите направления на публичните политики, в т.ч. вкл. анти-дискриминация, равнопоставеност на половете и взаимодействие с гражданското общество</u>), Sofia, Bulgarian Academy of Sciences, Institute of Philosophy and Sociology</p> <p>Pamporov, A., Markova, E. and Yordanova, G. (2020), Secondary analysis of the data from the system for monitoring, assessment and control of the National Strategy of the Republic of Bulgaria for Roma Integration for the 2012-2019 period (<u>Вторичен анализ на данните от системата за мониторинг оценка и контрол на НСРБИР в периода 2012-2019 г.</u>), Sofia, Bulgarian Academy of Sciences, Institute of Philosophy and Sociology</p> <p>Kolev, D., Pamporov, A. and Krumova, T. (2022), Monitoring of the implementation of the National strategy for Roma integration (<u>Мониторинг на изпълнението на Националната стратегия за интеграция на ромите</u>), Sofia, Friedrich Ebert Stiftung</p>
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes

<p>Was Roma civil society involved in the development of the strategy? Please provide examples?</p>	<p>Yes</p> <p>The draft strategy was prepared by the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (<i>Националният съвет за сътрудничество по етнически и интеграционни въпроси</i>, НССЕИВ). In October and November 2020, the draft was discussed at 13 meetings within the National Roma Platform (<i>Национална ромска платформа</i>).³⁶ The draft was open for public consultation between 10 December 2020 and 31 January 2021³⁷ and received a number of critical statements, including by Roma organisations such as Integro Association (<i>Асоциация Интегро</i>),³⁸ the Center for Interethnic Dialogue and Tolerance "Amalipe" (<i>Център за междуетнически диалог и толерантност „Амалипе“</i>)³⁹ and others. Consequently, the draft was revised and another round of consultations took place between 29 March and 12 April 2021.⁴⁰ Meanwhile, one of the most active Roma organisations, the Center for Interethnic Dialogue and Tolerance "Amalipe" (<i>Център за междуетнически диалог и толерантност „Амалипе“</i>), publicly announced that it will not take part in the next steps of the process for a</p>
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³⁶ Bulgaria, National Council for Cooperation on Ethnic and Integration Issues (*Националният съвет за сътрудничество по етнически и интеграционни въпроси*) (2021), Report on the activity of the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministers for 2020 ([Доклад за дейността на Националният съвет за сътрудничество по етническите и интеграционните въпроси към Министерския съвет за 2020 г.](#)), 5 February 2021. The National Roma Platform was created in the framework of the project T.E.A.M. "Together we achieve more" („Заедно постигаме повече“) coordinated by the National Council for Cooperation on Ethnic and Integration Issues and co-funded by the European Union’s Right, Equality and Citizenship Programme.

³⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Draft National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 ([Проект на Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030](#)), 10 December 2020.

³⁸ Bulgaria, Integro Association (*Асоциация Интегро*) (2021), Opinion on the draft National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021-2030 ([Становище по проекта на Национална Стратегия на Република България за приобщаване и участие на ромите 2021-2030](#)), press release, 11 January 2021.

³⁹ Bulgaria, Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), Statement of Amalipe Center on the National Strategy for Roma Inclusion and Participation ([Становище на Център Амалипе към Националната стратегия за приобщаване и участие на ромите](#)), press release, 9 January 2021.

⁴⁰ Bulgaria, Council of Ministers (*Министерски съвет*), Draft National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 ([Проект на Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030](#)), 5 March 2021.

	number of reasons, including the lack of broad discussion with Roma organisations. ⁴¹
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	No
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes The draft strategy refers to Operational Programme Human Resources Development (<i>Програма за развитие на човешките ресурси 2021-2027</i>), Food and/or Basic Material Assistance Operational Programme (<i>Програма за храни и/или основно материално подпомагане 2021-2027</i>), Education Programme 2021-2027 (<i>Програма за образование 2021-2027</i>) and Regional Development Program 2021-2027 (<i>Програма „Развитие на регионите“ 2021-2027</i>)

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

On 31 December 2020, the government adopted the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*)⁴² and the Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030*).⁴³ Until the adoption of the new Roma integration strategy, this is the strategic document that frames the social inclusion policy for the Roma. The strategy identifies the Roma population as a group particularly vulnerable to poverty, with 64.8 % of Roma being at risk of poverty. The document acknowledges the need

⁴¹ Bulgaria, Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), Amalipe Center refuses to participate in the current process of drafting the vague document called "National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021 - 2030" (*Център Амалипе отказва да участва в настоящия процес по изработване на неясния документ, наречен "Национална стратегия на Република България за приобщаване и участие на ромите 2021 – 2030"*), press release, 9 January 2021.

⁴² Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*), 31 December 2020.

⁴³ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030*), 28 July 2021.

of an integrated approach to counter the multiple problems of the Roma population: poor living conditions, low education level and poor health status.⁴⁴ These problems are addressed under the following priorities: sustainable labour market integration; equal access to pre-school and school education; equal access to quality healthcare; accessible and quality social and integrated services, as well as integrated support; effective and targeted financial and in-kind subvention to people in need; improved living conditions of vulnerable groups and support for the homeless. The action plan for the period 2021-2022 envisages concrete actions, together with targets for their performance, sources of funding and responsible institutions. For example, in terms of education, the plan foresees a grant scheme for municipalities to include children from ethnic minorities in pre-school education, and another grant scheme to offer full-day school activities for additional personal support for pupils from ethnic minorities.⁴⁵ In terms of housing, the plan envisages the implementation of ten reconstruction and renovation projects to offer accessible housing to vulnerable communities, including Roma.⁴⁶

The Employment Strategy of the Republic of Bulgaria 2021-2030 (*Стратегия по заетостта на Република България 2021-2030 г.*),⁴⁷ adopted in June 2021, does not have measures specifically targeting the Roma, but rather elaborates on the principles laid down in the poverty reduction strategy for the integration of socially vulnerable groups into the labour market, including by offering life-long training and qualification options.

In 2021, the government adopted a Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021-2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030*),⁴⁸ which frames the national education policy for the present decade. The Roma-relevant policies for inclusion and integration

⁴⁴ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 31 December 2020, p. 26.

⁴⁵ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021, pp. 36-39.

⁴⁶ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021, p. 100.

⁴⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Employment Strategy of the Republic of Bulgaria 2021-2030 ([Стратегия по заетостта на Република България 2021-2030 г.](#)), 21 June 2021.

⁴⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021-2030 ([Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030](#)), 24 February 2021.

of children from vulnerable groups rely on individual approach for teaching and learning minding the performance of each child and on applying adaptation measures for transition from family to school and from one education level to another. Adaption measures will apply both in pre-school and school education and include, besides additional language support and intensifying partnership with parents, also the establishment of inclusive kindergarten or school environment, in which parents and teachers will jointly support the child during the transition period.⁴⁹ The document also frames the development of programmes for supporting teachers to work in schools and kindergartens with higher concentration of vulnerable children.⁵⁰ The strategy envisages means of cooperation between schools and kindergartens, national and local health bodies, educational mediators, and the local communities.

In May 2021, the European Commission approved an amendment to the Operational Programme "Science and Education for Smart Growth" 2014-2020 (*Оперативна програма „Наука и образование за интелигентен растеж“ 2014-2020 г.*), which expanded the budget of REACT-EU by adding a priority axis "Equal access to school education in crisis conditions" (*„Равен достъп до училищно образование в кризисни условия“*). Under the axis, about €56 million were allocated for the urgent purchase of electronic devices for at least 10 % of the teachers and pupils and for training them how to use the devices. The purpose of the measure is to prevent disruptions of the education process when pupils are quarantined or have to study online for health reasons.⁵¹

The Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) extended the duration of the Support for Success project (*Проект „Подкрепа за успех“*) until 30 June 2022 and limited its activities to additional classes in "schools with high concentration of vulnerable groups". The project will also continue to cover the work of education mediators. Within the extension, a

⁴⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021-2030 ([Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030](#)), 24 February 2021, p. 19.

⁵⁰ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021-2030 ([Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030](#)), 24 February 2021, p. 29.

⁵¹ Bulgaria, Council of Ministers (*Министерски съвет*) (2021), 'European Commission approves amendment to OP "Science And Education For Intelligent Growth" 2014-2020' ([Европейската комисия одобри изменение на ОП „Наука и образование за интелигентен растеж“ 2014 – 2020 г.](#)), press release, 11 May 2021.

total of 903 mediators will be recruited to facilitate the communication between schools and parents.⁵²

In 2021, the National Legal Aid Bureau (NLAB) (*Национално бюро за правна помощ, НБПП*) in cooperation with the Norway's Judicial Administration implemented a project "Improving access to justice of people living below the poverty line with a special focus on women, children and Roma" (*„Подобряване на достъпа до правосъдие на лица, живеещи под прага на бедност със специален фокус върху жени, деца и ромската общност“*), funded by the Norwegian Financial Mechanism 2014-2021.⁵³ Under the project, implemented between February 2020 and February 2023, free legal aid is provided to victims of domestic violence, children at risk and Roma living in distant rural areas in the districts of Veliko Tarnovo, Stara Zagora and Varna. The project will also analyse the barriers before access to justice and will develop a pilot intra-sectoral mechanism for cooperation at local level in support of victims of domestic violence. The mechanism will be developed by the project partners and will bring together relevant municipality officials, local departments of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) and the Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика, МТСП*), local lawyers and court officials. The mechanism is expected to improve the coordination of local actors in protecting the most vulnerable groups of people and to explore the options of transferability to other municipalities. Overall, the project activities are expected to expand the capacity of 300 lawyers registered in the National Legal Aid Register (*Национален регистър за правна помощ*) on prevention of discrimination, overcoming stereotypes and prejudices, domestic violence and gender-based violence, and to provide legal aid and access to justice to 250 members of vulnerable communities in the three municipalities.

The non-governmental organisation Open Society Institute – Sofia (OSIF) (*Институт Отворено общество – София*) published a report on the impact of COVID-19 in Roma neighbourhoods.⁵⁴ The report covers ten different locations across the country with predominant Roma population and explores issues such as COVID-19 awareness, effects of the pandemic on people's financial situation, perceptions about the level of support they received, and situation of school children switching from in-person to distance learning. The field studies were

⁵² Bulgaria, Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), 'Support for Success project is extended' (*Удължен е проект Подкрепа за успех*), press release, 25 April 2021; Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), 'Educational mediators under the "Support for Success" project during the new school year' (*Образователните медиатори по проект "Подкрепа за успех" през новата учебна година*), press release, 17 August 2021.

⁵³ For more information, see the [website](#) of the Norwegian Financial Mechanism.

⁵⁴ Grekova, M., Zahariev, B., Tarnev, I. and Yordanov, I. (2021), [COVID-19 in Roma neighbourhoods in Bulgaria \(March – December 2020\)](#), Sofia, Open Society Institute – Sofia.

carried out in the period from 20 October to 10 December 2020 in nine Roma neighbourhoods and one village and included 492 household interviews (one member interviewed for the entire household, 1,794 persons covered in total), 77 participants in focus groups in the local communities. and 51 interviews with experts from the municipal administration, regional health inspectorates, doctors, health mediators, religious pastors and NGOs. The survey results suggest high level of awareness of COVID-19 and the risks related to it. At the same time, it is estimated that the number of people in the surveyed communities, whose pandemic has been negatively affected by the pandemic, is four times higher than country's average. Lack of water supply or tap water indoors, as well as overcrowding, are highlighted as the most serious challenges for observing anti-epidemic measures and self-isolation requirements. In terms of children, almost a one fifth of the school-age children were deprived of education because of lack of devices and/or paper handouts. The results also suggest that the help most often received from people was peer support from neighbours and community members.

Bulgaria is one of the seven countries, in which the piloting of the European Child Guarantee started in October 2020. Roma children were identified as one of the vulnerable groups to benefit from the programme. Activities under the programme are implemented in ten municipalities on the territory of three districts: Burgas, Stara Zagora and Sliven. The objective of the activities is to expand the access to and improve the quality of four categories of services: home visits for families with small children; early childhood intervention for children with disabilities and developmental difficulties; quality inclusive pre-school education for children with disabilities and learning difficulties, and child and family-centred preventive and support services with a focus on children in precarious situation.⁵⁵

A survey among children and young persons (average age of respondents 20 years), carried out as part of the European Child Guarantee pilot programme in Bulgaria, shows that the lack of support from their families is the biggest challenge faced by children from minority groups (pointed by 27 % of the respondents). The other obstacles that make children from minority groups decide to leave school earlier are mocking and harassment (18 %), the need to work (17%), language barriers (16%) and learning difficulties combined with the lack of teachers willing to help them compensate the knowledge gap (16%).⁵⁶

In January 2021, the Trust for Social Achievement (*Тръст за социална алтернатива*) published the results of a survey among Roma communities carried

⁵⁵ UNICEF (2021), [Pilot testing of the EU "Child Guarantee" in Bulgaria: Phase III of the Preparatory Action](#), Sofia, UNICEF Bulgaria.

⁵⁶ UNICEF (2021), Financial difficulties and harassment are the main difficulties in accessing school, U-Reporters believe ([Финансови затруднения и тормоз са основните трудности пред достъпа до училище, смятат U-Репортерите](#)), Sofia, UNICEF Bulgaria, 1 September 2021.

out in January 2020.⁵⁷ The main results suggest that the share of Roma of all ages attending education has grown compared to 2011 and the share of Roma with tertiary education has increased six times from 0.4 % in 2011 to 2.6 % in 2019.

In February 2021, the Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) published the results of a survey on the impact of COVID-19 on education. The survey was carried out among the schools participating in the Intercultural Education Network "Every student will excel" (*Мрежа за интеркултурно образование „Всеки ученик ще бъде отличник“*).⁵⁸ The survey results show that, in the surveyed schools (which are situated predominately in rural areas and small cities), 75.5 % have had no pupils infected with COVID-19 since the beginning of the pandemic and in another 20 % the share of infected pupils is less than 5%. In terms of teachers, a quarter of the schools have had no teachers diagnosed with COVID-19 and in about half of the schools the share of teachers who have been infected at some point is less than 5 %. In terms of compliance with anti-epidemic measures, the survey shows that the most strictly observed measures are the use of sanitisers (91 %), use of hot water (82 %), ban of gatherings in large groups (80 %) and rules on movement in the corridors (79 %). The report includes also recommendations by school directors on the advantages of in-person education in school.

In July 2021, the Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) published the results of a survey among 226 representatives of Roma communities on their experience with domestic violence.⁵⁹ The survey results show that 87.5 % of respondents know what domestic violence is and 51.3 % are aware that there is a law on protection against it. A total of 63.3 % of the interviewees have been or know a person who has been a victim of domestic violence.

In November, 2021, the Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) published a

⁵⁷ Angelova, R., Dimitrova, M., Yordanova, G., Pamporov, A., Lyubomirova, V. and Terziyska, M. (2021), Education and success of the Roma community: Main conclusions from a nationally representative survey of the Roma community in Bulgaria ([Образование и реализация на ромската общност: Основни изводи от национално представително проучване на ромската общност в България](#)), Sofia, Trust for Social Achievement, 12 January 2021.

⁵⁸ Krumova, T. (2021), Covid pandemic and safety measures in schools with a concentration of vulnerable groups: a study from February 2021 ([Ковид пандемията и мерките за безопасност в училищата с концентрация на уязвими групи: проучване от м. февруари 2021](#)), Veliko Tarnovo, Center for Interethnic Dialogue and Tolerance "Amalipe", 6 February 2021.

⁵⁹ Bulgaria, Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), Amalipe Center Survey: Over 60 percent of people in the community know or have been victims of domestic violence! ([Изследване на Център Амалипе: Над 60 процента от хората в общността познават или са били жертва на домашно насилие!](#)), Veliko Tarnovo, Center for Interethnic Dialogue and Tolerance "Amalipe", 22 July 2021.

comparative report analysing the findings of two surveys on discrimination against Roma – in Bulgaria and Croatia. The report,⁶⁰ developed within the Equality for Roma through Enhanced Legal Access (ERELA) project, maps the different areas of discrimination against the Roma and identifies the obstacles to their access to justice. Results on Bulgaria suggest that 86% of the Roma do not report cases of discrimination and 72% of them are not aware that anti-discrimination legislation exists in the country. Moreover, 84% of the Roma in Bulgaria do not know about any organisations offering support or counseling against discrimination and 37% are aware of at least one national equality body.

⁶⁰ Atanasov, Atanas, Kovačević, Nataša, Spitalšzky, Andrea, Vukasović Ravlić, Željka (2021) [Discrimination against Roma in Croatia and Bulgaria: A comparative report](#), 15 October 2021.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Bulgaria ⁶¹	2	N/A	1	N/A

⁶¹ Bulgaria, State Agency for Refugees (*Държавна агенция за бежанците*) (2022), Letter No РД13-103(3)/21.01.22 (*Писмо № РД13-103(3)/21.01.22*), 21 January 2022. The State Agency for Refugees does not collect information about the reasons for cessation international protection status. In Bulgaria, the subsidiary protection status is called 'humanitarian status' (*хуманитарен статут*).

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Bulgaria	Tripartite Memorandum of Understanding (MoU) on Modalities of Mutual Cooperation and Coordination to Support the Access of Persons Seeking Protection to the Territory of, and the Procedure for Granting Protection (<i>Тристранен меморандум за разбирателство (ТМР) относно условията за сътрудничество</i>)	<p>UNHCR Bulgaria</p> <p>Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>)</p> <p>Ministry of the Interior, General Directorate Border Police (MoI GDBP) (<i>Министерство на вътрешните работи, Главна</i>)</p>	N	www.bghelsinki.org/en/reports/2021-annual-border-monitoring-report-for-2020-en	N/A	The monitoring is funded by UNHCR.

	<i>и координация в подкрепа на достъпа до територията и процедурата за предоставяне на закрила)</i>	<i>дирекция „Гранична полиция, ГДПП)</i>				

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

In March 2021, the parliament adopted a Supply of Digital Content and Digital Services and Sale of Goods Act (*Закон за предоставяне на цифрово съдържание и цифрови услуги и за продажба на стоки*). The law is aimed to bring the national legislation in compliance with the rules of the Directive on contracts for the supply of digital content and digital services (Directive (EU) 2019/770) and the Directive on contracts for the sale of goods (Directive (EU) 2019/771). In line with the EU regulations, the law will apply to all contracts where a consumer provides or undertakes to provide personal data to a trader unless the data is collected exclusively for the supply of the content or service or for meeting legal requirements. The new law is expected to enter in force on 1 January 2022.⁶²

In March 2021, the parliament amended the rules on data retention laid down in the Electronic Communications Act (*Закон за електронните съобщения*). The amendments expanded the circle of cases, in which the police can obtain access to traffic data. The new cases include the search for persons declared for state search, either because they have been sentenced to imprisonment for a serious crime or they are in a situation that endangers their life or health. The amendments also introduced a restriction on the period, for which the police can request and obtain traffic data. According to the new rules, data can be requested for a reasonable period necessary for achieving the respective objective. Before the amendments, the police was not obliged to justify the period, for which the data is requested.⁶³

In October 2021, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) issued a statement on the rights of individuals to the checking of their vaccination status. In its statement, the commission notes that

⁶² Bulgaria, Supply of Digital Content and Digital Services and Sale of Goods Act ([Закон за предоставяне на цифрово съдържание и цифрови услуги и за продажба на стоки](#)), 19 March 2021.

⁶³ Bulgaria, Law on Amending the Electronic Communications Act ([Закон за изменение и допълнение на Закона за електронните съобщения](#)), 9 March 2021.

administrators of personal data can check the validity of the EU Digital COVID Certificate only if the certificate is voluntarily presented by the person concerned and without storing the results of the check. Furthermore, according to the commission, the failure a person to voluntarily present the certificate could not be used as a justification for restricting the rights and freedoms of individuals.⁶⁴ The Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) was also asked to check whether the National Statistical Institute (NSI) (*Национален статистически институт, НСИ*) is respecting the rights of individuals when collecting and processing personal data in relation to the population census carried out in September and October 2021. In a public statement the commission notes that the investigation is still ongoing, but so far no violations of the rights of data subjects have been found.⁶⁵

In October 2021, the Bulgarian Safer Internet Centre (*Център за безопасен интернет*) released an educational video for preventing and responding to online harassment between children. The video provides information on how to prevent online bullying, how to respond to it and where and how children can seek help.⁶⁶

On 31 December 2021, the government presented a set of draft amendments to the E-Government Act (*Закон за електронното управление*). The proposed amendments are related to a decision of the newly elected parliament on the structure of the new government, which envisages the establishment of a Ministry of e-Government (*Министерство на електронното управление*) and the transformation of the Ministry of Transport, Information Technology and Communications (MTITS) (*Министерство на транспорта, информационните технологии и съобщенията, МТИТС*) into Ministry of Transport and Communications (MTC) (*Министерство на транспорта и съобщенията, МТС*). The new Ministry of e-Government will replace the currently existing State e-Government Agency (SeGA) (*Държавна агенция „Електронно управление“, ДАЕУ*) and will also be responsible for the government policy in the area of information technologies, which was previously the responsibility of the Ministry of

⁶⁴ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2021), Statement regarding the processing of data on the vaccination status ([Становище относно обработване на данни за ваксинационния статус](#)), 6 October 2021.

⁶⁵ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2021), 'Information regarding a check of the National Statistical Institute' ([Информация относно проверка на Националния статистически институт](#)), press release, 4 October 2021.

⁶⁶ Bulgaria, Safer Internet Centre (*Център за безопасен интернет*) (2021), 'Information regarding a check of the National Statistical Institute' ([Обучително видео за онлайн тормоза между деца](#)), press release, 15 October 2021.

Transport, Information Technology and Communications (MTITS) (Министерство на транспорта, информационните технологии и съобщенията, МТИТС).⁶⁷

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Parliamentary	Adopted Act	The amendments to the Election Code adopted by the parliament in April 2021 introduced the compulsory use of machine voting in polling stations with more than 300 registered voters. Voters cast their ballots using specialised machine voting devices. Paper ballots are still used in polling stations with fewer than 300 registered voters, as well as for mobile ballot boxes, such as those used at medical establishments, other specialised institutions, and board vessels sailing under a Bulgarian flag.	N/a	<p>Bulgaria, National Assembly (<i>Народно събрание</i>) (2021), Law on Amending the Election Code (Закон за изменение и допълнение на изборния кодекс), 29 April 2021.</p> <p>Bulgarian National Radio (2021), Machine Voting – The Biggest Novelty at Today’s Election, 11 July 2021.</p>

⁶⁷ Bulgaria, Council of Ministers (*Министерски съвет*) (2021), Draft Decision of the Council of Ministers for approving draft amendments to the E-Government Act ([Проект на Решение на Министерския съвет за одобряване на проект на Закон за изменение и допълнение на Закона за електронното управление](#)), 31 December 2021.

Parliamentary	Adopted Act	This Act adopted in March 2021 transposes the provisions of two EU Directives - Directive (EU) 2019/770 on certain aspects concerning contracts for the supply of digital content and digital services and Directive (EU) 2019/771 on certain aspects concerning contracts for the sale of goods that are pertinent to cross-border e-commerce and consumer rights protection.	The Act seeks to guarantee the protection of consumer rights and interests in e-commerce. As such, it addresses privacy and personal data protection.	Bulgaria, National Assembly (<i>Народно събрание</i>) (2021), Supply of Digital Content and Digital Services and Sale of Goods Act (Закон за предоставяне на цифрово съдържание и цифрови услуги и за продажба на стоки), 4 March 2021.
Parliamentary	Adopted Act	This Act adopted in September 2021 ratifies the Agreement between the Bulgarian Government, Sofia University, Swiss Federal Institute of Technology (ETH Zurich), and Swiss Federal Institute of Technology in Lausanne (EPFL) on the effective operation and sustainability of the Computer Science Research Institute at Sofia University. The Institute seeks to develop a knowledge base and build capacity for research and innovation in the area of software engineering, Artificial Intelligence, and computing.	N/a	Bulgaria, National Assembly (<i>Народно събрание</i>) (2021), Act on the Ratification of the Agreement between the Swiss Federal Institute of Technology in Zurich, Swiss Federal Institute of Technology in Lausanne, Sofia University "St Kliment Ohridski", and the Government of Bulgaria (Закон за ратифициране на Споразумението между Швейцарския федерален технологически институт в Цюрих, Швейцарския федерален политехнически институт в Лозана, Софийски университет „Св. Климент Охридски“ и правителството на Република България), 16 September 2021.

				Bulgaria, Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2021), The Council of Ministers has approved a Draft Agreement between the Bulgarian Government, Sofia University "St Kliment Ohridski", Swiss Federal Institute of Technology in Zurich, Swiss Federal Institute of Technology in Lausanne' , press release, 5 May 2021.
Government	Other: methodology	This methodology seeks to ensure that the systems for electronic identification under which electronic identification means are issued to natural or legal persons are compliant with the requirements set out in Regulation (EU) No 910/2014 of the European Parliament and the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC .	To initiate a verification procedure, natural and legal persons are required to file an application with the State e-Government Agency (<i>Държавна агенция „Електронно управление“</i>). This application should contain information about the personal data protection and	Bulgaria, State e-Government Agency (<i>Държавна агенция „Електронно управление“</i>) (2021), Methodology for Verifying the Compliance of Electronic Identification Schemes with the Requirements Described in Art. 7-9 of Regulation (EU) No 910/2014 of the European Parliament and the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (Методика за извършване на проверка на схеми за електронна идентификация за съответствието им с изискванията на чл. 7 - чл. 9

			privacy mechanisms that the applicants have in place.	<u>от Регламент (ЕС) № 910/2014 г. на Европейския парламент и на Съвета от 23 юли 2014 година относно електронната идентификация и удостоверителните услуги при електронни трансакции на вътрешния пазар и за отмяна на Директива 1999/93/ЕО</u>), 8 November 2021.
Government	Other: policy	The policy addresses the management of information resources as a basis for effective e-government in Bulgaria. It encompasses a set of measures aimed at enhancing trust in information resources through the strengthening of cybersecurity and data protection.	The policy mentions the need for robust legal and ethical standards for preventing the malign misuse of cyberspace and AI-based tools. Attention is given to the importance of strengthening data protection and privacy rights.	Bulgaria, State e-Government Agency (Държавна агенция „Електронно управление“) (2021), Integrated Policy on the Information Resources for E-Government in the Republic of Bulgaria (<u>Единна политика за информационните ресурси на електронното управление на Република България</u>), 2 April 2021.
Government	Other: policy roadmap	The document sets out the national strategy for the development of research infrastructure in Bulgaria until	The document lists the benefits of specific	Bulgaria, Ministry of Education and Science (Министерство на образованието и науката) (2021), National Roadmap for

		2027. The document addresses the need for upgrading the existing research infrastructure in the area of information and communication technologies and fostering reliable e-infrastructure in research and innovation that can accommodate the growing digitalisation of scientific disciplines.	information and communication technology-related projects and initiatives. There is no mention of specific of human rights.	Research Infrastructure 2020-2027 (Национална пътна карта за научна инфраструктура 2020-2027), 9 April 2021.
Government	Other: strategy	The document sets out the cybersecurity strategy of Bulgaria until 2023. Its overarching goal is to promote cyber-sustainability in Bulgaria and ensure the safety and security of cyber systems and related infrastructure.	The strategy is underpinned by the need for safeguarding fundamental rights and freedom of expression, ensuring data protection and privacy; and providing free and equal access to the internet.	Bulgaria, Council of Ministers (Министерски съвет) (2021), Updated National Cybersecurity Strategy 'Cyber-Sustainable Bulgaria 2023' (Актуализирана национална стратегия за киберсигурност „Киберустойчива България 2023“), 31 March 2021.
Government	Other: electronic system	The National Healthcare Information System (Национална здравно-информационна система) offers a range of electronic services, including access and verification of COVID-19 digital certificates, options for scheduling a COVID-19 vaccination appointment, and general	The electronic system is compliant with the data protection policy of the Ministry of Health (Политика за	Bulgaria, Ministry of Health (Министерство на здравеопазването) (2021), National Healthcare Information System (Национална здравно-информационна система).

		information about the prevention and treatment of COVID-19 infection. The system is intended to serve as a clearing house for essential healthcare e-services. Since December 2021, COVID-19 digital certificates for vaccine booster dose can be accessed via the electronic system.	обработка на личните данни).	
Government	Other: electronic system	The National Spatial Data Portal (<i>Национален Портал за пространствени данни</i>) comprises two parts – an Information Section and a Catalogue. The Information Section contains news, event calendar, and relevant documents. The Catalogue contains spatial data covering the thematic domains described in the Access to Spatial Data Act (<i>Закон за достъп до пространствени данни</i>).	N/a	Bulgaria, State e-Government Agency (<i>Държавна агенция „Електронно управление“</i>) (2021), National Spatial Data Portal (Национален Портал за пространствени данни), 28 September 2021. Bulgaria, State e-Government Agency (<i>Държавна агенция „Електронно управление“</i>) (2021), 'SeGA launched the National Spatial Data Portal' ('ДАЕУ представи изграденият Национален Портал за пространствени данни'), press release, 29 September 2021.
Independent State Institution: National Statistical Institute	Other: electronic census system	The electronic census system administered by the National Statistical Institute allowed for completing the 2021 Population Census and Housing Census in Bulgaria survey (<i>Преброятелната карта за преброяване на населението и жилищния фонд в</i>	The electronic census system is compliant with the data protection policy of the National Statistical	Bulgaria, National Statistical Institute (2021), Census 2021 (Преброяване 2021).

		Република България през 2021 г.) online. One family member could complete the survey for all family members, including extended family members living in different locations.	Institute (Политика за личните данни в Национален статистически институт).	
Academia	Other: event	In October 2021, Sofia University hosted two events on the challenges and risks to personal data protection in the use of AI-enabled technologies. The events were organised in partnership with the Commission for Personal Data Protection (CPDP) (<i>Комисия за защита на личните данни, КЗЛД</i>).	The events addressed privacy and personal data protection.	Bulgaria, Commission for Personal Data Protection (<i>Комисия за защита на личните данни</i>) (2021), Two Events Took Place to Disseminate the Results of an Erasmus + Project , press release, 2 November 2021.
Business	Other: mobile app	The mobile application Digital Green Certificate – COVID CHECK BG allows verifying the validity of all types of COVID-19 certificates. The app does not store the certificate but has a QR reader which allows scanning digital certificates. For the moment, the application is available for Android-based systems only.	The mobile app description does not mention human rights, as the app does not store personal data and/or information about the certificate but is only used for scanning the certificate QR code.	Bulgaria, Coronavirus.bg (2021), 'The Mobile App for Verifying COVID Certificates Is Accessible to Everyone' (<i>Мобилното приложение за валидиране на COVID сертификатите е достъпно за всички</i>), 29 August 2021.

NGO/Other Non-Profit	Other: memorandum	The Bulgarian AI Ecosystem, BAIE (<i>Българска екосистема за изкуствен интелект, БЕИИ</i>) brings together five organisations, including the AI Cluster Bulgaria, Health and Life Sciences Cluster Bulgaria, Emerging Technologies Integration Cluster, United Drone Community Association, and LIBRe Foundation and seeks to enhance public understanding of the impact of AI-enabled systems on everyday life.	With regard to human rights, one of the goals of BAIE is to promote ethical codes in the development and use of AI-enabled systems and applications.	Bulgaria, MediaBricks.bg (2021), 'Five Organisations Are Creating "Bulgarian AI Ecosystem"' (Пет организации създават „Българска екосистема за изкуствен интелект“), 11 June 2021.
NGO/Other Non-Profit	Other: event	The Professional Association of Robotics and Automation (PARA) (<i>Професионална асоциация по роботика и автоматизация, ПАРА</i>) held its Robotics Strategy Forum 2021 in a hybrid format. The focus of this year's event was on the growth of robot usage, industrial automation, chip and battery manufacturing, and innovation in robotics.	N/a	Bulgaria, Professional Association of Robotics and Automation (<i>Професионална асоциация по роботика и автоматизация</i>) (2021), Robotics Strategy Forum 2021 (<i>Стратегически форум за роботика 2021</i>), 29 September 2021.
Business	Other: survey	A survey commissioned by 'Bosch-Home' indicates that nearly a half of the Bulgarian population (43 %) are using 'smart' devices and home appliances. According to the survey, respondents prefer 'smart' home appliances that allow monitoring energy consumption, appliances with remote control functions, and appliances that can	No.	Dimitrova, T. (2021), 'A Half of the Bulgarians Are Using Smart Devices, According to a Survey' (Половината българи ползват умни уреди, сочи проучване), Dnevnik.bg, 20 September 2021.

		be managed via mobile or tablet devices.		
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>On 31 December 2020, the government adopted the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (<i>Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030</i>)⁶⁸ and the plan for its implementation for the period 2021-2022⁶⁹. Both document are part of the enabling conditions for the European Regional Development Fund and ESF+ on promoting socio-economic inclusion.⁷⁰ Children are among the priority target groups of the strategy, which is aligned with the policies suggested by the European Child Guarantee in terms of assuring access of all children to free education and healthcare, proper housing and nutrition. The strategy recognises children as one of the groups at higher risk of poverty. In terms of challenges, the document notes the need of inclusive education to encompass a higher than the EU average share of children, who do not attend pre-school education or drop-out of school. The strategy's Priority 2 aims at addressing this challenge through a set of eleven measures. Priority 3 concerns equal access to healthcare for vulnerable groups of people with the assistance of health mediators, as well as improving vaccination coverage. Priority 4 concerns the provision of accessible and quality social and integrated services and integrated support by expanding the network of early childhood development and prevention and early intervention of children disability services. Priority 5 concerns targeted financial support for families with children. Priority 7 concerns support measures for providing intra-sectoral support to homeless children.</p> <p>The action plan for the implementation of the strategy for 2021 and 2022 envisages concrete measures under each of the listed priorities. Measures for 2021 include, among others, provision of free cognitive books to 180,000 children in pre-school education, including vulnerable children; 5,700 support teachers for children</p>
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⁶⁸ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 31 December 2020.

⁶⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021.

⁷⁰ [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund](#), OJ 2021 L 231, Annex III and Annex IV.

	<p>with disabilities; support activities at school to boost performance and prevent school leaving; etc. The activities are funded by the budget of the responsible institutions, as well as by the Operational Programmes "Regional Development", "Human Resources Development", and "Food and Basic Material Assistance Programme 2021 – 2027".</p> <p>In the area of healthcare, an amendment to Regulation No 26 of 14 June 2007 on the provision of obstetric care to women with no health insurance and on the performance of scans out of the obligatory health insurance of children and pregnant women (<i>Наредба № 26 от 14 юни 2007 г. за предоставяне на акушерска помощ на здравно неосигурени жени и за извършване на изследвания извън обхвата на задължителното здравно осигуряване на деца и бременни жени</i>)⁷¹ makes sure that doctors, who diagnose pregnancy, will prescribe the disability risk assessment scans for the most common chromosomal diseases, spina bifida, anencephaly and abdominal wall defects, to all women and only to those with valid health insurance. The changes are aimed to reduce the risk of women with no valid health insurance missing these scans and to improve prenatal diagnostics.</p> <p>The Ministry of Healthcare (МН) (<i>Министерство на здравеопазването</i>, МЗ) amended Regulation No 9 of 2019 on determining the package of health activities guaranteed by the budget of the National Health Insurance Fund (<i>Наредба № 9 от 2019 г. за определяне на пакета от здравни дейности, гарантиран от бюджета на Националната здравноосигурителна каса</i>)⁷² adding a new 14-day patronage care package for newborn children after their dismissal from hospital. Within this package, nurses or midwives will visit all newborns at their homes to advise their parents on children's health and to promote healthy lifestyle.</p> <p>In September 2021, the parliament revised the budget of the public social insurance system for 2021, increasing the financial compensation for parents who take care of children up to two years of age from BGN 380 (approximately €190) to BGN 650 (approximately €325).⁷³</p> <p>Another financial support scheme for children was expanded with an amendment to the Rules for the implementation of the Family</p>
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⁷¹ Bulgaria, Ministry of Healthcare (*Министерство на здравеопазването*) Regulation No 26 of 14 June 2007 on the provision of obstetric care to women with no health insurance and on the performance of scans out of the obligatory health insurance of children and pregnant women (*Наредба № 26 от 14 юни 2007 г. за предоставяне на акушерска помощ на здравно неосигурени жени и за извършване на изследвания извън обхвата на задължителното здравно осигуряване на деца и бременни жени*), 14 June 2007, last amended 1 October 2021.

⁷² Bulgaria, Ministry of Healthcare (*Министерство на здравеопазването*) Regulation No 9 of 10 December 2019 on determining the package of health services guaranteed by the budget of the National Health Insurance Fund (*Наредба № 9 от 10 декември 2019 г. за определяне на пакета от здравни дейности, гарантиран от бюджета на Националната здравноосигурителна каса*), last 10 December 2019, last amended 1 October 2021.

⁷³ Bulgaria, Budget of the Public Social Insurance for 2021 Act (*Закон за бюджета на държавното обществено осигуряване за 2021 г.*), 4 December 2020, last amended 16 September 2021.

	<p>Benefits for Children Act (<i>Правилник за прилагане на закона за семейни помощи за деца</i>).⁷⁴ With the amendment, the financial assistance of BGN 300 (approximately €150) envisaged for children enrolled in first and eighth grade (for covering school-year expenses) became available to all children in first grade regardless of the household income (which was previously an eligibility condition). The amendments envisage the amount to be transferred in two tranches with a pay back option if the child left school before the end of the school year ended or was absent for more than five days in a month without a good reason. According to the preliminary impact assessment accompanying the amendment,⁷⁵ the forecasted budget for this measure was expected to cover 56,000 children in first grade and 62,500 children in eighth grade. By the beginning of the school year (15 September 2021), the families of 37,847 children enrolled in first grade and 28,889 children enrolled in eighth grade were approved to receive the envisaged assistance.⁷⁶</p> <p>Bulgaria is one of the seven countries, in which the piloting of the European Child Guarantee started in October 2020. Roma children are identified as one of the vulnerable groups to benefit from the programme. Its activities are implemented in ten municipalities on the territory of three districts: Burgas, Stara Zagora and Sliven. It's goal is to expand the access to and improve the quality of four categories of services: home visits for families with small children; early childhood intervention for children with disabilities and developmental difficulties; quality inclusive pre-school education for children with disabilities or learning difficulties, and child and family-centred preventive and support services with a focus on children in precarious situation.⁷⁷</p> <p>On 20 September 2021, the Social Assistance Agency, SAA (<i>Агенция за социално подпомагане, АСП</i>) and the Bulgarian Red Cross initiated the distribution of 5,465 tons of food products worth BGN 13,348,650 (approximately €6.7 million)⁷⁸ to an</p>
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⁷⁴ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 91 of 12 March 2021 for amending and supplementing the Rules for the implementation of the Family Benefits For Children Act ([Постановление № 91 от 12 март 2021 година за изменение и допълнение на Правилника за прилагане на Закона за семейни помощи за деца](#)), 12 March 2021.

⁷⁵ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2021), Partial preliminary assessment of the impact of the Draft Decree of the Council of Ministers amending and supplementing the Rules for implementation of the Family Benefits for Children Act ([Частична предварителна оценка на въздействието на Проект на Постановление на Министерския съвет за изменение и допълнение на Правилника за прилагане на Закона за семейни помощи за деца](#)), 26 January 2021.

⁷⁶ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2021), 'More than 65,000 families of first-graders and eighth-graders have already been approved for a one-time allowance of BGN 300' (['Над 65 000 семейства на първокласници и осмокласници вече са одобрени за еднократна помощ от 300 лева'](#)), press release, 15 September 2021.

⁷⁷ UNICEF (2021), [Pilot testing of the EU "Child Guarantee" in Bulgaria: Phase III of the Preparatory Action](#), Sofia, UNICEF Bulgaria.

⁷⁸ Bulgarian Red Cross (*Български червен кръст*) (2021), 'The Bulgarian Red Cross started distributing products to vulnerable Bulgarian citizens' (['БЧК започва раздаването на продукти на уязвими български граждани'](#)), press release, 17 September 2021.

	<p>estimated number of 550,962 Bulgarians who have received certain types of financial support by the agency. Four of the seven target groups are related to child support: mothers taking care of children up to one year of age; families with children in first grade during the 2021/2022 school year; families taking care of children with permanent disability; families using social support for prevention and integration of children who live with relatives or foster families. The campaign is part of the Food and Basic Material Assistance Program 2021 – 2027 (<i>Програма за храни и основно материално подпомагане 2021-2027</i>).</p> <p>In 2021, the Ombudsman of the Republic of Bulgaria (<i>Омбудсман на Република България</i>) published two specialised reports: on the impact of COVID-19 crisis on the rights and interests of children⁷⁹ and on the impact of the anti-epidemic measures on the rights of vulnerable groups of children.⁸⁰</p> <p>The first report analyses the children's rights and the impact of emergency measures on them based on the complaints and signals received by the Ombudsman, as well as on the monitoring of the public environment. The report's main finding is that the pandemic had a particularly negative effect on the well-being of children, especially the most vulnerable children and those living in poverty. The Ombudsman recommends new measures to ensure equal opportunities, especially for children in a disadvantaged or vulnerable situation.</p> <p>The second report focuses on the impact of the anti-epidemic measures on the rights of specific vulnerable groups of children: children living in poverty and segregation (Roma children); children using community-based social services; and children living in residential care services (crisis centres, family type accommodation centres, centres for accommodation of unaccompanied asylum seeking children, etc.). The main anti-epidemic measures (isolation, deprivation of access to schools, change of working regime of social services) is reviewed in the context of the corresponding provisions of the UN Convention on the Rights of the Child. The report is developed using the Child Rights Impact Assessments (CRIA) methodology.</p>
<p>Measures to protect children from violence</p>	<p>The National Legal Aid Bureau (NLAB) (<i>Национално бюро за правна помощ, НБПП</i>) implements a project on improving access to justice for people living below the poverty line with a special focus on women, children and Roma, funded by the Norwegian Financial Mechanism 2014-2021.⁸¹ Under the project, mobile groups provide free of charge legal aid to people living below the poverty threshold, living in remote areas and Roma in the regions of Varna, Stara Zagora and Veliko Tarnovo. By the</p>

⁷⁹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), The children and COVID-19 – the impact of COVID-19 crisis over the rights and interests of the children in the Republic of Bulgaria (*„Деца и COVID-19 – въздействие на кризата върху правата и интересите на децата в Република България“*), May 2021.

⁸⁰ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), Impact assessment of the measures against the spread of COVID-19 on the rights of vulnerable groups of children in Bulgaria (*Оценка на въздействието на мерките срещу разпространението на COVID-19 върху правата на уязвимите групи деца в България*), September-October, 2021.

⁸¹ For more information, see the [website](#) of the Norwegian Financial Mechanism.

	<p>end of June 2021, the mobile groups of lawyers and mediators delivered 433 consultations concerning mainly problems related to divorce and custody as a consequence of domestic violence and violence against women and children.⁸²</p> <p>The Psychology Department of the Institute for Population and Human Studies of the Bulgarian Academy of Science (<i>Институт за изследване на населението и човека към Българската академия на науките</i>) presented a Programme for prevention and intervention of aggression and violence at school (<i>Програма за превенция и интервенция на агресията и насилието в училище</i>), funded by the Ministry of Education and Science (MES) (<i>Министерство на науката и образованието, МОН</i>).⁸³ It can be applied in all post-primary and secondary schools in the country. The programme is based on a survey on the motives, factors and forms of aggression, carried out among 992 pupils and 115 teachers from different towns. The programme was piloted in five schools in Sofia, Burgas and Lovetch. As of May 2021, the programme team has trained over 250 school psychologists and pedagogical counsellors from 202 schools in 86 towns and villages.</p> <p>The government adopted the annual National programme for prevention and protection from domestic violence for 2021 (<i>Национална програма за превенция и защита от домашно насилие за 2021 г.</i>).⁸⁴ It envisages measures such as: sustaining the 24-hour hotline for consultations and complaints operated by the State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>); information campaigns on prevention of different forms of violence against children; support services such as shelter centres; development of integrated consultation services, etc.</p> <p>In August 2021, the State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>) published a monitoring report on the implementation of the Coordination Mechanism in Cases of Violence in 2020.⁸⁵ The report registers a decrease in the number of cases dealt with by the Mechanism's intra-institutional teams from 1,530 in 2019 to 1,240 in 2020. The prevalence of physical violence dominates during the last</p>
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⁸² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2021), 'Deputy Ministers Maria Pavlova and Ivan Demerdzhiev opened the centers for free legal advice to people living below the poverty line' (*Заместник-министрите Мария Павлова и Иван Демерджиев откриха центрoвете за безплатни правни консултации на хора, живеещи под прага на бедност*), press release, 24 June 2021.

⁸³ Bulgaria, Bulgarian Academy of Science (*Българска академия на науките*) (2021), 'A programme for prevention and intervention of aggression and violence at school is offered by scientists from the Bulgarian Academy of Sciences' (*Програма за превенция и интервенция на агресията и насилието в училище предлагат учени от БАН*), press release, 29 July 2021.

⁸⁴ Bulgaria, Council of Ministers (*Министерски съвет*), National programme for prevention and protection from domestic violence for 2021 (*Национална програма за превенция и защита от домашно насилие за 2021 г.*), 7 May 2021.

⁸⁵ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2021), Monitoring of the implementation of the Coordination Mechanism for Violence 2020 (*Мониторинг на прилагането на Координационния механизъм при насилие – 2020 г.*), 4 August 2021.

three years, followed by sexual abuse and bullying. The cases of online abuse have fallen from 19 in 2019 to five in 2020.

The Bulgarian Safe Internet Centre, which operates a hotline against illegal or harmful online content or behaviour, published its annual activity report for 2020. The report registers an increase of the number of signals, received through the hotline, from 8,825 in 2019 to 17,885. Of these, 17,081 cases concerned child pornography, 16 – child erotic and 19 – deception of children. A total of 680 signals have been forwarded to the General Directorate “Countering organised crime” (GDCOC) (*Главна дирекция „Борба с организираната престъпност“*, ГДБОП) of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*), 17 026 – to partner organisations, three – to other competent national institutions and in two cases the removal of the harmful content was requested.⁸⁶

In May 2021, UNICEF Bulgaria published a study on the prevalence of different forms of violence against children.⁸⁷ The study shows that 47 % of children in Bulgaria have experienced any form of violence with emotional violence dominating with 45.9 %, followed by physical violence (31.2 %), sexual abuse (15.6 %) and neglect (10.5 %). About 34.8 % of children admit they feel in danger at school, at home or in the community.

A survey among children and young persons (average age of respondents 20 years), carried out as part of the European Child Guarantee pilot programme in Bulgaria, shows that the lack of support from their families is the biggest challenge faced by children from minority groups (pointed by 27 % of the respondents). The other obstacles that make children from minority groups decide to leave school earlier are mocking and harassment (18 %), the need to work (17%), language barriers (16%) and learning difficulties combined with the lack of teachers willing to help them compensate the knowledge gap (16%).⁸⁸

In January 2021, the non-governmental organisation Social Activities and Practice Institute (SAPI) (*Институт за социални дейности и практики, ИСДП*) announced the beginning of the REVIS project, which aims is to prevent, combat and respond to peer violence among children and to create space for children to become social influencers to develop solutions to the problem.⁸⁹ The project is implemented in Hungary, Romania, Croatia, Serbia and Bulgaria and is funded by the European Union’s Rights, Equality, Citizenship Programme 2014-2020.

⁸⁶ Bulgarian Safe Internet Centre (*Български Център за безопасен интернет*) (2021), Annual activity report of the National Centre for Safe Internet Safenet.bg ([Годишен отчет за дейността на Национален център за безопасен интернет Safenet.bg](#)), 2021.

⁸⁷ Yarrow, E. and Hedges, S. (2021), [Study of violence against children in Bulgaria](#), UNICEF.

⁸⁸ UNICEF (2021), Financial difficulties and harassment are the main difficulties in accessing school, U-Reporters believe ([Финансови затруднения и тормоз са основните трудности пред достъпа до училище, смятат U-Репортерите](#)), Sofia, UNICEF Bulgaria, 1 September 2021.

⁸⁹ Social Activities and Practice Institute (*Институт за социални дейности и практики*) (2021), Prevention and response to peer violence among children at school age ([Превенция и отговор на насилието сред деца в училищна възраст](#)), 15 January 2021, Press release.

	<p>The non-governmental organisation Parents Association (Асоциация „Родители“) has also raised awareness about online threats to children, publishing regularly information about issues such as the dangerous challenges children take online and measures for their prevention.⁹⁰</p> <p>In 2021, the media reported cases of children accepting a challenge, presumably coming from TikTok, consisting of lying down on zebra crossings in the town of Gorna Oryahovitsa. Local police was reported to take preventive measures and search to identify the children.⁹¹ No information is available on the results of the police measures.</p> <p>The media also reported on life-threatening situations of children swallowing small magnetic pellets after watching TikTok video tutorials on how to use them as non-permanent piercing.⁹² No further measures were taken besides the appearance in the media of doctors warning about the dangers magnetic balls pose to children and urging for their ban from the commercial networks.</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>Bulgaria has still not fully transposed Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The parliament did not manage to discuss or vote the draft amendments to the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>), which were aimed to complete the transposition process,⁹³ before it was officially dismissed in March 2021. The draft was not re-submitted in any of the next two parliaments, both of which were dismissed shortly after their election. A new round of parliamentary elections took place in November 2021. In order to be discussed and voted by the newly elected parliament, the draft needs to be re-submitted by the government.</p>
Policy developments	<p>The urgent need of reforms in the area of juvenile justice was one of the key findings in the annual report of the Ombudsman acting as National Preventive Mechanism. The report was presented in February 2021 and covers the year 2020. According</p>

⁹⁰ Parents Association (Асоциация „Родители“) (2021), ‘Internet challenges and children’ ([‘Интернет предизвикателства и децата’](#)), blogpost, 27 August 2021.

⁹¹ Ilieva, Z. (2021), ‘Dangerous challenge in TikTok: Children lie on walkways’ ([‘Опасно предизвикателство в TikTok: Деца лягат върху пешеходни пътеки’](#)), *Bulgarian National Television*, 26 August 2021.

⁹² Bulgarian National Radio (Българско национално радио) (2021), ‘Danger to the life of a child who has swallowed magnetic balls as a game in TikTok’ ([‘Опасност за живота на дете, погълнало магнитни топчета като игра в TikTok’](#)), *Bulgarian National Radio*, 20 August 2021.

⁹³ Bulgaria, National Assembly (Народно събрание) (2020), Draft Amendments and Supplements to the Criminal Procedure Code ([Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 10 November 2020.

	<p>to the report, 'the reform of juvenile justice in Bulgaria continues to be in its nascent stage' and there are 'no adequate correctional and educational services in line with the leading standards of protection of the rights and interests of the child'. Based on these findings, the Ombudsman makes three main recommendations: to adopt a new strategy in the area of juvenile justice for the period 2021- 2030; to reform the system of juvenile justice and assess the need for introducing specialised judicial panels for hearing cases involving children; and to replace the current law governing the correctional procedures against children with criminal or anti-social behaviour (adopted back in 1958) with a new modern law on correctional measures for children. The Ombudsman also recommends closing down all boarding institutions and replacing them with a modern and effective measures for children, including restorative justice and preventive work, as well as creating a protective social system, including a network of support services for children in conflict with the law and their families.⁹⁴</p> <p>The need of a comprehensive juvenile justice reform was also highlighted by the non-governmental organisation National Network for Children (NNC) (<i>Национална мрежа за децата</i>, НМД). As a step in this direction, the organisation suggested the inclusion of the reform of juvenile justice in the National Recovery and Sustainability Plan of the Republic of Bulgaria (<i>Национален план за възстановяване и развитие на Република България</i>).⁹⁵</p>
Other measures or initiatives	<p>In 2021, the Bulgarian Center for Not-for-Profit Law (BCNL) (<i>Български център за нестопанско право</i>, БЦНП) published a report on child-friendly justice in Bulgaria.⁹⁶ The report presents the results of a study on the right to individual assessment of children who are either victims, or suspects or accused of committing a crime. The study was carried out among children and practitioners participating in criminal proceedings involving children (judges, police officers, lawyers, social workers, psychologists and psychiatrists). A total of 33 respondents from six locations in Bulgaria were interviewed. The report concludes that the two child-friendly justice directives (Directive 2012/29/EU and Directive 2016/800/EU) have limited impact on the situation of children in criminal proceedings and the best interest of children is rarely taken into account. The study is a part of the project Child-Friendly Justice: Developing the concept</p>

⁹⁴ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), [Annual report of the Ombudsman acting as National Preventive Mechanism 2020 \(Summary in English\)](#).

⁹⁵ Bulgaria, National Network for Children (*Национална мрежа за децата*) (2021), Statement by the National Network for Children on the National Recovery and Sustainability Plan of the Republic of Bulgaria ([Становище на Национална мрежа за децата относно Национален план за възстановяване и устойчивост на Република България](#)), 30 July 2021.

⁹⁶ Todorova, V., Stoychev, V., Dimitrova, M. and Shabani, N. (2021), [Can justice in Bulgaria be child-friendly? A Contextualized analysis of the steps, safeguards and the reluctance in terms of the implementation of Directive 2012/29/EU and Directive 2016/800/EU](#), Sofia, Bulgarian Center for Not-for-profit Law, 8 July 2021.

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

Bulgaria has still not fully transposed the Victims' Rights Directive. The draft amendments to the Criminal Procedure Code (*Наказателно-процесуален кодекс*), which were aimed to complete the transposition process,⁹⁷ were not adopted, because the parliament did not manage to discuss and vote them before its official dismissal in March 2021. The draft was not re-submitted in any of the next two parliaments, both of which were dismissed shortly after their election. A new round of parliamentary elections took place in November 2021. In order to be discussed and voted by the newly elected parliament, the draft needs to be re-submitted by the government.

In April 2021, the non-governmental organisation Center for the Study of Democracy (CSD) (*Център за изследване на демокрацията, ЦИД*) published a report on crime registration in Bulgaria. The report concludes that victims, who report a crime, do not always receive sufficient information about either their rights or the procedures for resolving their case. Instead, the police rather expect victims to find a way to inform themselves. As a solution to this problem, the report suggests the introduction of an electronic system for automatically informing victims about their rights immediately after they have reported the crime. The report also recommends that the competent authorities send regular provision to victims about the progress and outcome of the investigation.⁹⁸

⁹⁷ Bulgaria, National Assembly (*Народно събрание*) (2020), Draft Amendments and Supplements to the Criminal Procedure Code ([Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 10 November 2020.

⁹⁸ Bulgaria, Center for the Study of Democracy (*Център за изследване на демокрацията*) (2021), Crime Registration in Bulgaria ([Регистрация на престъпленията в България](#)), Sofia, Center for the Study of Democracy.

7.2 Measures addressing violence against women

On 13 January 2021, the government opened a procedure for public consultation on the draft amendments to the Protection against Domestic Violence Act (*Закон за защита от домашното насилие*), developed by the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) in 2020.⁹⁹ The Protection against Domestic Violence Act (*Закон за защита от домашното насилие*)¹⁰⁰ provides for a set of protection measures imposed by the court upon motion by the victim, including prohibition for the offender to approach the victim, removal of the offender from the common home, and specialised programmes for victims and offenders. The proposed amendments add to the circle of victims, who can seek protection under the law, women who are supposedly pregnant from the perpetrator as well as the spouse or former spouse of the perpetrator. New protection measures are also proposed, including: ban on perpetrators to contact the victim by phone, e-mail, regular mail, fax or any other means of communication; referral of children to specialised services for child victims; obliging perpetrators to attend addiction treatment programmes; and ban on perpetrators to obtain a permit to possess or use a weapon (or revocation of the permit, if such was already issued). The proposed amendments further suggest authorising public prosecutors to initiate proceedings for issuing protection orders. On institutional level, the amendments suggest the setting up of National Commission for Prevention of and Protection against Domestic Violence (*Национална комисия за превенция и защита от домашното насилие*). The commission will be responsible for the co-ordination, monitoring and evaluation of policies and measures for preventing domestic violence and for improving the co-operation among relevant institutions and organisations. The proposed amendments also suggest: development of a co-ordination mechanism for assistance and support to victims of domestic violence; creation of central register of domestic violence cases; introduction of prevention and protection programmes and specialised protection services (24/7 hotline, consultation centres, crisis centres and protected shelters); improvement of proceedings for imposing protection measures (extension of the deadline for filing a request for protection measure, removal of reconciliation and mediation procedures, increased sanctions for repeated violations); and legal definition of economic and psychological violence, as well as factual co-habitation (to ensure better coverage of all forms of violence). The draft also suggests amendments to the Criminal Code (*Наказателен кодекс*), including: removal of the rule that only 'systematic' acts of domestic violence are prosecuted as criminal offences;

⁹⁹ Bulgaria, Council of Ministers (*Министерски съвет*) (2021), Draft Amendments and Supplements for the Protection against Domestic Violence Act ([Законпроект за изменение и допълнение на Закона за защита от домашното насилие](#)), 13 January 2021.

¹⁰⁰ Bulgaria, Protection against Domestic Violence Act ([Закон за защита от домашното насилие](#)), 29 March 2005, last amended 27 December 2019.

criminalisation of marital rape; and criminalisation of all forms of economic and psychological domestic violence.

The National Programme for Prevention and Protection against Domestic Violence for 2021 (*Национална програма за превенция и защита от домашно насилие за 2021 г.*) was adopted in May 2021.¹⁰¹ The programme traditionally includes sections on institutional and organisational measures, prevention, training and qualification, protection and rehabilitation of victims, legislative measures, and monitoring and evaluation.

In 2021, several non-governmental organisations launched new projects on prevention of domestic violence and support to victims. The projects are funded by the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*). Among the newly launched initiatives are "For Love without Violence" (*„За любов без насилие“*) of the Bulgarian Fund for Women (*Български фонд за жените*),¹⁰² 'Centre for Prevention of Domestic Violence' (*„Център за превенция на домашното насилие“*) of the Crime Prevention Fund – IGA (*Фонд за превенция на престъпността – ИГА*),¹⁰³ "Helping hand: Prevention and protection from domestic violence for all – providing emergency psychological, social and legal assistance during the pandemic in the Republic of Bulgaria" (*„Протегнатата ръка: Превенция и защита от домашно насилие за всички – осигуряване на спешна психологическа, социална и юридическа помощ по време на пандемията в Република България“*) of the Alliance for Protection of Gender-based Violence (*Алианс за защита от насилие основано на пола*),¹⁰⁴ "For a Life without Violence during and after the Pandemic" (*„За живот без насилие по време и след пандемията“*) of the Bulgarian Gender Research Foundation (BGRF) (*Български център за джендър изследвания, БЦДИ*),¹⁰⁵ and others.

In March 2021, the non-governmental organisation Open Society Institute – Sofia (OSIF) (*Институт Отворено общество – София*) published a report on the public

¹⁰¹ Bulgaria, Council of Ministers (*Министерски съвет*) (2021), National Programme for Prevention and Protection against Domestic Violence for 2021 ([Национална програма за превенция и защита от домашно насилие за 2021 г.](#)), 7 May 2021.

¹⁰² Bulgaria, Bulgarian Fund for Women (*Български фонд за жените*) (2021), ['Bulgarian Fund for Women launches the 'For Love without Violence' project with the support of the Ministry of Justice'](#), press release, 25 August 2021.

¹⁰³ Bulgaria, Crime Prevention Fund – IGA (*Фонд за превенция на престъпността – ИГА*) (2021), 'Project "Centre for Prevention of Domestic Violence' (['Проект „Център за превенция на домашно насилие“](#))', press release, 17 August 2021.

¹⁰⁴ Bulgaria, Alliance for Protection of Gender-based Violence (*Алианс за защита от насилие основано на пола*) (2021), 'Helping hand: Prevention and protection from domestic violence for all – providing emergency psychological, social and legal assistance during the pandemic in the Republic of Bulgaria' (['Протегнатата ръка: Превенция и защита от домашно насилие за всички – осигуряване на спешна психологическа, социална и юридическа помощ по време на пандемията в Република България'](#)), press release, 23 August 2021.

¹⁰⁵ Bulgaria, Bulgarian Gender Research Foundation (*Български център за джендър изследвания*) (2021), 'For a Life without Violence during and after the Pandemic' (['За живот без насилие по време и след пандемията'](#)), press release, 3 September 2021.

attitudes towards equality between men and women and violence against women. The report is based on the results of a national representative survey carried out in 2018 among 1,179 respondents aged 18 years and over (vis-à-vis a planned sample of 1,200 respondents) through standardised face-to-face interviews.¹⁰⁶ According to the survey results, 30 % of respondents agree with the statement that violence against women is a personal problem and should be solved within the family (vis-à-vis 63 % of respondents who disagree), 7 % agree that it is acceptable for a man to forbid the woman to see certain friends and relatives (vis-à-vis 87 who disagree), and 9 % agree that it is acceptable for a man to hit a woman if she has provoked him (vis-à-vis 87 % who disagree). For most of the questions the share of those who disagree is higher among persons with higher level of completed education, women, younger people and people living in the capital or in big cities.¹⁰⁷ In November 2021, Open Society Institute – Sofia (OSIF) (*Институт Отворено общество – София*) published a second report on the same topic, comparing the findings of the first report with the results of a new survey conducted in October 2021 (1,000 face-to-face standardised interviews with respondents aged 18 years and over). The report highlights the positive change in the public attitudes towards domestic violence as the share of respondents who agree that violence against women is a personal problem and should be solved within the family falls from 30 % to 16 %, while the share of those who think that it is acceptable for a man to hit a woman decreases from 9 % to 4%.¹⁰⁸

¹⁰⁶ Bulgaria, Open Society Institute – Sofia (*Институт Отворено общество - София*) (2021), Public attitudes towards equality between men and women and violence against women ([Обществени нагласи към равенството между мъжете и жените и насилието над жени](#)), Sofia, Open Society Institute – Sofia.

¹⁰⁷ Bulgaria, Open Society Institute – Sofia (*Институт Отворено общество - София*) (2021), Public attitudes towards equality between men and women and violence against women ([Обществени нагласи към равенството между мъжете и жените и насилието над жени](#)), Sofia, Open Society Institute – Sofia.

¹⁰⁸ Bulgaria, Open Society Institute – Sofia (*Институт Отворено общество - София*) (2021), Public attitudes towards violence against women in 2021 ([Обществени нагласи към насилието над жени през 2021 г.](#)), Sofia, Open Society Institute – Sofia.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

On 15 February 2021, the government adopted an Action plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the rights of people with disabilities (2021-2026) (*План за действие за изпълнение на заключителните препоръки към Република България, отправени от Комитета на ООН за правата на хората с увреждания 2021-2026*). The document lists all recommendations, which have already been implemented, and suggests a plan for the implementation of those, which are either not implemented or in process of implementation. In response to the general recommendations of the Committee, Bulgaria has committed to ratify the Optional Protocol to the CRPD by 2026. The state also commits to reform the medical expertise legislation to align it with the needs of people with disabilities as a measure for aligning the national legal framework to the human-rights based model of disability. As of 2026, Bulgaria is also expected to amend its anti-discrimination law and completely ban the refusal to provide reasonable adjustments for people with disabilities in all spheres of social life. In addition, the plan envisages measures in response to a total of 43 policy recommendations on specific rights, such as the rights of women and children with disabilities, accessibility, situations of risk and humanitarian emergencies, access to justice, personal security, independent living and inclusion in the community, personal mobility, freedom of expression and access to information, education, etc.¹⁰⁹

Following the adoption in 2020 of the National Strategy for People with Disabilities 2021 – 2030 (*Национална стратегия за хората с увреждания 2021 – 2030*),¹¹⁰ in July 2021 the government presented for public consultation a plan for its implementation during 2021 and 2022. The plan envisages preparatory measures to harmonise the national legislation with the European Accessibility Act, including a concept for the harmonisation approach, a draft harmonisation plan and a table of compliance with the directive, which should be prepared by the end of 2022. Other measures in the plan include: improving accessibility of transport (projects

¹⁰⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the rights of people with disabilities (2021-2026) ([План за действие за изпълнение на заключителните препоръки към Република България, отправени от Комитета на ООН за правата на хората с увреждания 2021-2026](#)), 12 February 2021.

¹¹⁰ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for People with Disabilities 2021 – 2030 ([Национална стратегия за хората с увреждания 2021 – 2030](#)), 22 December 2020.

related to the rail, air and urban transport); funding for improving the accessibility of private buildings; expanding the coverage of free sign language translation for people with hearing disabilities; implementing personal development trainings for ICF-CY assessment and intersectoral approach involving educational, health and social system experts; ensuring the necessary package of medical activities for early diagnostics and timely intervention for preventing long-term disability; increasing the quality of health services; repairing the buildings and equipment in emergency centres; expanding the number of integrated health and social services supporting children and families; improving the access to employment of people with disabilities and guaranteeing their rights at the labour market, sustaining the existing mechanisms for support of the economic activities of people with disabilities and developing an online training platform for people with disabilities; and supporting projects for improving the access to sports, cultural and recreational events.¹¹¹ In August 2021, the plan was discussed at a meeting of the National Council for Persons with Disabilities (NCPD) (*Национален съвет за хората с увреждания, НСХУ*) and received unanimous support.¹¹²

In July 2021, the government approved a Report on the implementation of the Action Plan for the period 2019 – 2020 of the National Strategy for People with Disabilities 2016 – 2020 (*Доклад за изпълнението на План за действие за периода 2019 – 2020 г. за изпълнение на Националната стратегия за хората с увреждания 2016 – 2020 г.*). The report covers all policy and practical measures for implementing the previous strategy, which expired in the end of 2020. It is divided into six sections following the six priorities defined in the strategy: accessible environment, transportation and communications; equal access to education; effective access to quality healthcare; employment conditions; adequate support for living in the community; access to sport, recreation, tourism and participation in public life.¹¹³

¹¹¹ Bulgaria, Council of Ministers (*Министерски съвет*), Draft Action Plan for the period 2021-2022 for implementation of the National Strategy for People with Disabilities 2021-2030 ([Проект на План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за хората с увреждания 2021-2030](#)), 15 July 2021.

¹¹² Bulgaria, National Council for Persons with Disabilities (*Национален съвет за хората с увреждания*) (2021), Protocol No 8/23.08.-25.08.2021 of a procedure held in absentia from 23.08.2021 to 25.08.2021, pursuant to Art. 12 of the Regulations for the activity and organisation of the National Council for People with Disabilities, the procedure for recognition of national representation of the organisations of and for people with disabilities and the control for the observance of the criteria for national representation ([Протокол № 8/23.08.-25.08.2021 от проведена процедура по неписъствено заседание от 23.08.2021 г. до 25.08.2021 г. включително, по реда на чл. 12 от Правилника за дейността и организацията на Националния съвет за хората с увреждания, реда за признаване на национална представителност на организациите на и за хора с увреждания и контрола за спазването на критериите за национална представителност](#)), 25 August 2021.

¹¹³ Bulgaria, Council of Ministers (*Министерски съвет*) (2021), Report on the implementation of the Action Plan for the period 2019 – 2020 of the National Strategy for People with Disabilities 2016 – 2020 (*Доклад за изпълнението на План за действие за периода 2019 – 2020 г. за изпълнение на Националната стратегия за хората с увреждания 2016 – 2020 г.*), 8 July 2021.

In April 2021, the government adopted a National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 (*Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.*),¹¹⁴ followed in November 2021 by the Action Plan to the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 (*План за действие към Националната стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.*)¹¹⁵ and the Financial plan to the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 (*Финансов план към Националната стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.*).¹¹⁶ This package of policy documents introduces a basal reform shifting the paradigm from a medical approach based on biological models and approaches to a complex bio-psycho-social and human rights-based approach in decision-making in the form of a “therapeutic alliance” understood as “an equal union between mental health patients and their families, and professionals”. The strategy lists a set of community-based and stationary structures, which will replace and complement the existing services. The action plan and the financial plan lay down the concrete steps for conducting the reform and specify the bodies responsible for each step, the terms for their implementation, the financial resources and the performance indicators.

Two other policy documents, adopted in 2021, address the situation of people with disabilities with a focus on children: the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*)¹¹⁷ with the plan for its implementation for 2021 and 2022,¹¹⁸ and the Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021

¹¹⁴ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 ([Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.](#)), 23 April 2021.

¹¹⁵ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan to the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 ([План за действие към Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.](#)), 2 November 2021.

¹¹⁶ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 ([Финансов план към Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.](#)), 2 November 2021.

¹¹⁷ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 31 December 2020.

¹¹⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan for the period 2021-2022 for implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021.

– 2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021 – 2030*).¹¹⁹

In line with the European Child Guarantee, the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*)¹²⁰ and the plan for its implementation for 2021 and 2022¹²¹ identify children with disabilities as a particularly vulnerable to poverty group, together with the children living in institutions. Adults with disability are also considered to be at higher risk of poverty and in need of financial assistance and compensation of disability-related expenses. The strategy acknowledges the existing gender inequality, particularly at the labour market, where women are more likely to have part-time or temporary work because of responsibilities related to taking care of small children or persons with disability. The proposed measures are divided into eight priorities: integration to the labour market; equal access to quality early and school education; equal and effective access to quality healthcare; equal and accessible social and integrated services and support; effective and targeted financial and in-kind support; improved living conditions; and application of the partnership and innovation approach to social inclusion policies.

The Employment Strategy of the Republic of Bulgaria 2021-2030 (*Стратегия по заетостта на Република България 2021-2030 г.*), adopted in June 2021, does not envisage measures specifically aimed at people with disabilities, but includes them among the target groups of measures for integrating socially vulnerable groups into the labour market, including by offering life-long training and qualification. The government commits to offer incentives to employers recruiting people with disabilities and to subsidise new workplaces and protected employment. Another measure envisages financing of projects and activities that promote entrepreneurship and cooperatives of people with disabilities.¹²²

The Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021 – 2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021 – 2030*)

¹¹⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021 – 2030 ([Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021 – 2030](#)), 24 February 2021.

¹²⁰ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 31 December 2020.

¹²¹ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan for the period 2021-2022 for implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021.

¹²² Bulgaria, Council of Ministers (*Министерски съвет*), Employment Strategy of the Republic of Bulgaria 2021-2030 ([Стратегия по заетостта на Република България 2021-2030 г.](#)), 21 June 2021.

suggests measures for supporting children with disabilities in education. It envisages further development of the personal development support for children with special needs, which will be expanded to provide customised support corresponding to the children's personal needs. More precisely, the strategy envisages the implementation of functional evaluation of children's special needs, development of specialised programmes for psychomotor, cognitive and language development, expanding the supporting educational equipment in schools, providing free of charge educational resources for all pupils with sensory impairments, and introducing adapted open resources for pupils with special needs (Goal 5.5).¹²³

In terms of accessibility, the Ministry of Regional Development and Public Works (MRDPW) (*Министерство на регионалното развитие и благоустройството, МРРБ*) issued a Regulation for determining the requirements for accessibility and universal design of the elements of the accessible environment in the urban area and of the buildings and facilities (*Наредба № РД-02-20-2 от 26.01.2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията*). The regulation sets the minimum accessibility standards for buildings and urban territories and defines the requirements for universal standards in building design that would not require any further adaptation for people with disabilities. Under the regulation, all investment projects for construction of public buildings and public areas should undergo accessibility assessment vis-à-vis a list of accessibility standards.¹²⁴

On 21 January 2021, the parliament adopted the Bulgarian Sign Language Act (*Закон за българския жестов език*). The purpose of the law is to recognise the statute of the Bulgarian sign language and to lay down the rules for its use in education for assisting students with hearing and visual impairments (and making it a separate subject in schools and kindergartens to facilitate its use during exams). The law envisages training for parents of children with hearing and visual impairments for using the sign language and development of different (electronic)

¹²³ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic framework for the development of education, training and learning in the Republic of Bulgaria 2021 – 2030 ([*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021 – 2030*](#)), 24 February 2021.

¹²⁴ Bulgaria, Ministry of Regional Development and Public Works (*Министерство на регионалното развитие и благоустройството*), Regulation No РД-02-20-2 of 26.01.2021 for determining the requirements for accessibility and universal design of the elements of accessible environment in the urban area and of the buildings and facilities ([*Наредба № РД-02-20-2 от 26.01.2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията*](#)), 12 February 2021.

systems of communication. The law also provides for the inclusion of the Bulgarian sign language in the curricula of universities offering education to teachers.¹²⁵

Following the adoption of the Bulgarian Sign Language Act (*Закон за българския жестов език*) the government presented a draft regulation laying down the rules for acquiring the professional qualification "translator from and to Bulgarian sign language" and for licensing the translators. As of October 2021, the draft is still not adopted.¹²⁶

In July 2021, the government adopted amendments to the Regulation on the Medical Expertise (*Наредба за медицинската експертиза*). The new rules allow people with certain health conditions to receive a lifelong certification of reduced working capacity. Before the amendments, such persons had to periodically renew their certificates by visiting the respective territorial expert medical commission (ТЕМС) (*Териториална експертна лекарска комисия, ТЕЛК*).¹²⁷ The Ombudsman welcomed the amendments but called more clarity in relation to the criteria for their application.¹²⁸

In 2021, new cases of alleged corruption have been revealed in relation to the certification of reduced working capacity. In September 2021, the police carried out a series of operations in Sofia¹²⁹ and Silistra¹³⁰ and arrested several persons (chairpersons of territorial expert medical commissions and intermediaries) suspected of issuing false certificates.

In 2021, Bulgaria organised three consecutive rounds of parliamentary elections (in April, July and November) and presidential elections (together with the third one of parliamentary elections). The Election Code (*Изборен кодекс*)¹³¹ allows for

¹²⁵ Bulgaria, Bulgarian Sign Language Act (*Закон за българския жестов език*), 21 January 2021.

¹²⁶ Bulgaria, Council of Ministers (*Министерски съвет*), Draft regulation for acquiring qualification in the profession "Translator from and into Bulgarian Sign Language" (*Проект на Наредба за придобиване на квалификация по професията „Преводач от и на български жестов език“*), 29 January 2021.

¹²⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 225 of 12 July 2021 amending and supplementing the Regulation on the medical expertise (*Постановление № 225 от 12 юли 2021 г. за изменение и допълнение на Наредбата за медицинската експертиза*), 12 July 2021.

¹²⁸ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), 'The ombudsman called for more transparency about the changes in the lifelong ТЕМС' (*‘Омбудсманът поиска повече прозрачност за промените в пожизнения ТЕЛК’*), press release, 8 July 2021

¹²⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2021), 'Specialised operation of the GDCOC' (*‘Специализирана операция на ГДБОП’*), press release, 17 September 2021.

¹³⁰ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2021), 'A scheme has been revealed for issuing false medical certificates' (*‘Установена е схема за издаване на неистински медицински заключения за явяване пред ТЕЛК срещу заплащане’*), press release, 24 September 2021.

¹³¹ Bulgaria, Election Code (*Изборен кодекс*), 5 March 2014, last amended 13 July 2021, Article 37.

people with permanent disabilities (people with more than 50 % reduced working capacity certified by a medical commission) to vote from home through the so-called "mobile ballot box" (a mobile team with a ballot box visits the persons in their homes). Those, who wish to benefit from this option, have to file an application to the local electoral commission. The specific rules for this procedure are adopted by the Central Election Commission (CEC) (*Централна избирателна комисия, ЦИК*) for each round of elections. For the elections in April, the option of voting through mobile ballot boxes was available to both people with permanent disabilities and people in isolation due to COVID-19, which were visited by the same teams.¹³² During the elections in July, people with disabilities and those in isolation due to COVID-19 were visited by different for preventive reasons (persons with permanent disability, who were at the same time in quarantine or isolation due to COVID-19, were visited by the team responsible for persons in quarantine or isolation).¹³³ Despite the detailed rules, the Ombudsman received numerous complaints related to lack of accessible information on the voting rules for people with different types of sensory disabilities. Another problem during the elections was the impossibility to completely preserve the secrecy of the vote of persons with visual impairments.¹³⁴

An amendment to Regulation No 9 of 10 December 2019 on determining the package of health services guaranteed by the budget of the National Health Insurance Fund (*Наредба № 9 от 10 декември 2019 г. за определяне на пакета от здравни дейности, гарантиран от бюджета на Националната здравноосигурителна каса*) removed the restriction for people with mental health issues aged 18 years and over to receive dental care under general anesthesia.¹³⁵

In September 2021, UNICEF together with the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) and the Regional Center for Support of the Inclusive Education Process in Sofia (*Регионален център за подкрепа на процеса на приобщаващото образование*) launched an online

¹³² Bulgaria, Central Election Commission (*Централна избирателна комисия*) (2021), Decision No 2274-НС ([Решение № 2274-НС](#)), 20 March 2021.

¹³³ Bulgaria, Central Election Commission (*Централна избирателна комисия*) (2021), Decision No 350-НС ([Решение № 350-НС](#)), 30 June 2021.

¹³⁴ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), 'The ombudsman called for more transparency about the changes in the lifelong TEMС' (['Омбудсманът поиска повече прозрачност за промените в пожизнения ТЕЛК'](#)), press release, 8 July 2021

¹³⁵ Bulgaria, Ministry of Healthcare (*Министерство на здравеопазването*), Regulation No of 10 December 2019 on determining the package of health services guaranteed by the budget of the National Health Insurance Fund ([Наредба № 9 от 10 декември 2019 г. за определяне на пакета от здравни дейности, гарантиран от бюджета на Националната здравноосигурителна каса](#)), 10 December 2019, last amended 1 October 2021.

resource platform with video teaching materials and resources developed by specialists and teachers for children with special educational needs.¹³⁶

On 4 November 2021, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued a public statement on Bulgaria addressing the persistent lack of implementation of long-standing recommendations of the CPT concerning the situation of persons placed in social care institutions and psychiatric hospitals in Bulgaria.¹³⁷ The statement criticised the repeatedly observed issues of physical ill-treatment in institutions, observed practices of seclusion and mechanical restraint, poor hygiene, shortage of staff in some social care homes and psychiatric hospitals, lack of access to modern psychiatric treatment, lack of progress in deinstitutionalisation, and failure of family-type accommodation to integrate service users to the community.

8.2 CRPD monitoring at national level

In Bulgaria, the authorities under Article 33 of the CRPD are the Minister of Labour and Social Policy (*Министър на труда и социалната политика*), serving as co-ordination mechanism under Article 33(1), the Council for Oversight (*Съвет за наблюдение*), serving as a monitoring mechanism under Article 33(2), and the National Council for Persons with Disabilities, NCPD (*Национален съвет за хората с увреждания*, НСХУ), serving as platform for participation of civil society and persons with disabilities and their representative organisations under Article 33(3).

In July 2021, the presidency of the Council for Oversight (*Съвет за наблюдение*) passed from the Ombudsman to the Chairperson of the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията*, КЗД) as required by the People with Disabilities Act (*Закон за хората с увреждания*), which stipulates that the presidency and the administration of the council should be a joint responsibility of the two institutions and that they should rotate every two years.¹³⁸

In May 2021, the Ombudsman presented the Annual activity report of the Council for Oversight under the People with Disabilities Act for the year 2020 (*Годишен доклад за дейността на Съвета за наблюдение по Закона за хората с*

¹³⁶ UNICEF (2021), '[UNICEF launches the first Bulgarian online platform for additional support of children with special educational needs](#)', press release, 20 September 2021.

¹³⁷ Council of Europe, Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2021), '[Public statement concerning Bulgaria](#)', 4 November 2021.

¹³⁸ Bulgaria, People with Disabilities Act ([Закон за хората с увреждания](#)), 18 December 2018, last amended 11 December 2020, Article 12(4).

увреждания за 2020 г.). The report includes information about the issues discussed during the regular meetings of the council. According to the report, based on the complaints submitted to the council by people with disabilities, the main challenges during the reporting period were related to the COVID-19 pandemic and the resulting difficulties in using social and health services, the participation of children with disabilities in the educational process, and the access of people with disabilities to public services.¹³⁹

The National Council for Persons with Disabilities (NCPD) (*Национален съвет за хората с увреждания, НСХУ*), in its capacity of platform for participation of civil society, persons with disabilities and their representative organisations, held nine meetings in 2021 to discuss and decide on various legislative and policy initiatives, including on the rules for enabling people with sensory or motor disabilities to vote during elections.¹⁴⁰

¹³⁹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2021), Annual activity report of the Council for Oversight under the People with Disabilities Act for the year 2020 (*Годишен доклад за дейността на Съвета за наблюдение по Закона за хората с увреждания за 2020 г.*), 31 May 2021.

¹⁴⁰ For more information, see the [website](#) of the council.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Открити в училище
Title (EN)	SOT. Schools Out
Organisation (original language)	Фондация „Билитис“, Cavaria VZW – Белгия, ILGA Portugal – Португалия, Centro Risorse LGBTI – Италия, Университет в Бреша – Италия
Organisation (EN)	Bilitis Foundation, Cavaria VZW – Belgium, ILGA Portugal – Portugal, LGBTI Resource Centre – Italy; University of Brescia – Italy
Government / Civil society	Civil society
Funding body	European Commission, European Union’s Rights, Equality and Citizenship Programme 2014-2020

Reference (incl. URL, where available)	Bulgaria, Bilitis Foundation (Фондация „Билитис“) (2021), School's Out , project website.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 November 2020 – ongoing (expected finishing date 31 October 2022)
Type of initiative	Awareness raising, training
Main target group	Schools (e.g. school senior management, teachers, youth)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The School's Out project aims to create a better school environment for LGBTI students by increasing the knowledge of teachers on including LGBTI topics in classes and how to address the issue of school bullying. It deals with the challenges LGBTI and gender that non-conforming students face in schools, by training teachers and guiding schools on how to implement LGBTI and gender inclusive policies. The main objective of the project is to advance an evidence-based approach for guiding schools to create a LGBTI inclusive environment. The envisaged approach is described as the Inclusive School Cycle Programme. To develop this programme, the project seeks to map good practices on school inclusion in the partnering countries: Belgium, Bulgaria, Italy and Portugal; to develop tools and training resources to improve the inclusion of LGBTI students; and to promote awareness and outreach through training and poster campaign.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The envisaged guiding methodology and supplementary tools (e.g. training and e-learning resources, awareness-raising materials) for making schools more LGBTI inclusive could be used by schools in different countries.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The envisaged Inclusive School Cycle Programme is intended to serve as a diagnostic tool. As such, it could be applied for identifying strengths and limitations that schools face in promoting the effective inclusion of LGBTI students, addressing gender and LGBTI-related bullying, and incorporating LGBTI and gender issues in their curricula. The supplementary training and awareness-raising resources can support the implementation of the Programme in a holistic manner.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice could be measured in terms of the number of schools that apply the Programme, the number of teachers that participate in training and e-learning activities and access relevant resources, the number of youth who get involved in the poster campaigns or decide to start their own similar campaign.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is aimed at encouraging LGBTI persons, who have suffered from discrimination, harassment or violence to report the incident through an online platform. This model is transferrable to any other settings and/or Member State in view of the similar problems faced by LGBTI in many countries in Europe as well as globally. The Inclusive School Cycle Programme can be used by stakeholders in different countries to tackle obstacles to fostering a more LGBTI school environment.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The envisaged Inclusive School Cycle Programme could be used for conducting regular school inclusion scans so that relevant steps and policies can be implemented accordingly. Some of the results of the practice can also be measured as indicated above.</p>

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Намери друг начин
Title (EN)	Find another way
Organisation (original language)	Център за изследване на демокрацията, Дистинкт груп, Фондация „Приложни изследвания и комуникации“
Organisation (EN)	Center for the Study of Democracy, Distinct Group, Applied Research and Communications Fund
Government / Civil society	Civil society
Funding body	European Commission, European Union’s Civil Society Empowerment Programme

Reference (incl. URL, where available)	Bulgaria, Center for the Study of Democracy (<i>Център за изследване на демокрацията</i>) (2021), YouthRightOn , project website
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2020 – April 2021
Type of initiative	Awareness raising campaign
Main target group	Young people aged between 14 and 19 years
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	“Find Another Way” is an online communication campaign, developed as the main impact tool of the YouthRightOn project. The campaign messages, objectives and target groups are based on evidence from a diagnostic study conducted in the initial phase of the project. The study, based on a national representative survey among youth 14-19 years of age and mapping of far-right online content, identified the main far-right narratives most often spread on social media, the level of resonance of these ideas among youth aged 14-19, the contributing factors as well as the characteristics and online behavior of the target group. Focus groups were then conducted to deepen our understanding of the target group and generate specific ideas of alternative messages. The campaign was running until the end of April 2021 through various channels, challenging the target audiences’ perceptions and emotional connectors, facilitating discussion, provoking curiosity, encouraging awareness and dispelling misinformation and thus resulting in changes in attitude.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The concept of the campaign is transferrable to other settings and member states, but, in order to achieve the desired impact, the specific messages and the persons delivering them have to be chosen from the setting or member state, in which it is implemented.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The campaign generated a dedicated community of followers in all the channels, in which it was running, which is a precondition for its sustainability in the long run.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the campaign was measured through a variety of tools: monitoring of posts reach, online survey, focus groups and final impact assessment conducted by external evaluation. For more information, see Bulgaria, Center for the Study of Democracy (<i>Център за изследване на демокрацията</i>) (2021), Resilient Youth against Far-Right Extremist Messaging Online (YouthRightOn): Dissemination report, Sofia, Center for the Study of Democracy</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The campaign is transferrable to other settings and member states with similar problems, but it needs to be adapted in terms of content and participants in order to effectively engage the young people in another country.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The campaign was based on the results of a diagnostic study conducted in the initial phase of the project. The study was based on a national representative survey and focus groups with respondents from the main target group of the campaign (youth 14-19 years of age). Through an online survey and another series of focus groups the target group was also actively involved in the assessment of the campaign.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice was evaluated through a combination of different tools: monitoring of posts reach, online survey, focus groups and final impact assessment conducted by external evaluation. The results are summarised in an evaluation report, which presents the achieved results vis-à-vis a set of indicators and highlights the achievements and lessons learned. For more information, see Bulgaria, Center for the Study of Democracy (Център за изследване на демокрацията) (2021), Resilient Youth against Far-Right Extremist Messaging Online (YouthRightOn): Dissemination report, Sofia, Center for the Study of Democracy</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	Проект за подобряване на майчиното и детско здраве „С грижа от 0 до 3“
Title (EN)	Maternal and Child Health Improvement Project "With Care from 0 to 3"
Organisation (original language)	Сдружение „Клуб на нестопанските организации – Търговище“, Сдружение „ЛАРГО“ – Кюстендил, Сдружение „Жажда за Живот“ – Сливен, Сдружение „Национална мрежа на здравните медиатори“, Фондация „Здраве и социално развитие“ (Хесед), Сдружение „Знание – Ловеч“, Сдружение „Бъдеще за децата“ – Казанлък, Сдружение „Фонд за превенция на престъпността – ИГА“ – Пазарджик, Сдружение „Инициатива за равни възможности“ – София, Женско ромско сдружение „Хаячи“ – Нови Пазар, Фондация „Бъдеще“ - Ракитово
Organisation (EN)	Association "Club of non-profit organizations - Targovishte", Association "LARGO" – Kyustendil, Association "Thirst for Life" – Sliven, National Network of Health Mediators Association, Health and Social Development Foundation (Hesed), Knowledge Association – Lovech, Association "Future for Children" – Kazanlak, Association "Crime Prevention Fund - IGA" – Pazardzhik, Association "Initiative for Equal Opportunities" – Sofia, Hayachi Roma Women's Association - Novi Pazar, Future Foundation – Rakitovo
Government / Civil society	Civil society
Funding body	Trust for Social Achievement (<i>Тръст за социална алтернатива</i>)

Reference (incl. URL, where available)	Bulgaria, Maternal and Child Health Improvement Project "With Care from 0 to 3" (Проект за подобряване на майчиното и детско здраве „С грижа от 0 до 3“), project website.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	March 2021 – ongoing
Type of initiative	Awareness raising, education, outreach
Main target group	Pregnant women and children from 0 to 3 years from vulnerable communities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Eleven non-profit organisations joined forces in an informal platform to support the policies for mothers' and children's health in vulnerable communities. Within this initiative, the partners expand the expertise of civil society and local health institutions specialists in early childhood development and work with vulnerabilities; analyse the situation at local level in the fields of healthcare, nutrition, early education and safe family environment, and search for best practices; build up advocacy capacity among communities; and raise the awareness among communities about the importance of early childhood development.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The principle of NGOs working at local level which notice similar problems to join together for awareness raising and policy-making is transferable. Another transferable element is the informal network approach, which allows for better coordination while taking into account the different profile of individual members.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The initiative brings together practitioners into an informal network with long-term policymaking and attitude-changing goals, which need sustainable action to be accomplished.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The goals of the practice, although much needed and specifically targeted, are difficult to measure, mostly because they concern an area, in which data collection of output information is insufficient (for example, data is on number of pregnant women with no ID documents or nutrition data about small children is not collected). Nevertheless, long-term impact can be measured by monitoring the number of children with long-term health conditions, the number of children involved in early education and care, etc.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is not country-specific and can be implemented in any other setting where similar needs have been identified.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice has envisaged impact assessment criteria for each of its fields of operation: health, nutrition, early education and safe family environment. Some of the indicators are: lower number of women who give birth without medical tracking of pregnancy; number of women with no health insurance who get access to prenatal care; implementation of patronage care in the vulnerable communities; number of families, which gain access to health and social services.</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Осигуряване на най-висока степен на защита на неприкосновеността на личния живот и личните данни, чрез иновативни инструменти за малки и средни предприятия и граждани – SMEDATA II
Title (EN)	Ensuring the Highest Degree of Privacy and Personal Data Protection through Innovative Tools for SMEs and Citizens – SMEDATA II
Organisation (original language)	Комисията за защита на личните данни (координатор), „АПИС ЕВРОПА“ АД, Съюз на юристите в България, “Ernst and Young” – България, Европейска асоциация на жените юристи – България, Университет “Roma Tre” – Италия
Organisation (EN)	Commission for Personal Data Protection (project coordinator), “APIS Europe” JSC, Union of Bulgarian Jurists, “Ernst and Young” – Bulgaria branch, European Women Lawyers Association – Bulgaria branch, Roma Tre University – Italy
Government / Civil society	Government and civil society
Funding body	European Commission, European Union’s Rights, Equality and Citizenship Programme 2014-2020
Reference (incl. URL, where available)	Bulgaria, Commission for Personal Data Protection (<i>Комисия за защита на личните данни</i>) (2021), Ensuring the Highest Degree of Privacy and Personal Data Protection through Innovative Tools for SMEs and Citizens – SMEDATA II , project website

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2021 – ongoing (expected finishing date 30 June 2022)
Type of initiative	Awareness raising, training
Main target group	Small- and medium-sized enterprises (SMEs) and legal practitioners (with results expected to also benefit the public in general)
Indicate level of implementation: Local/Regional/National	National (also EU-wide)
Brief description (max. 1000 chars)	<p>SMEDATA II is a follow-up initiative to SMEDATA I which was implemented by a consortium led by the Bulgarian Commission for Personal Data Protection over the span of two years starting December 2018. SMEDATA I aimed to ensure the effective application of the General Data Protection Regulation (GDPR) through awareness, multiplying training and sustainable capacity building for SMEs and legal professionals. To this end, the project has developed a self-assessment and awareness tool which explains how GDPR requirements apply to SMEs in business context; and a software tool titled GDPR in Your Pocket (<i>GDPR в ТВОЯ ДЖОБ</i>), which seeks to introduce GDPR to citizens and SMEs in an easy-to-use and easy-to-understand way, and provide practical knowledge and advice with respect to rights and obligations under the new EU data protection law. SMEDATA II aims to further develop and upgrade the GDPR in Your Pocket tool by including additional relevant content and case law. As the overall goal of the project is to build capacity on data protection issues among management and expert staff of associations and other bodies representing SMEs, a series of multiplying training events is also envisaged. To enhance outreach across stakeholders, training content will be recorded and streamed.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The user interface of the mobile app GDPR in Your Pocket is already available in English, Bulgarian, and Italian, and will be also made available in German and French. The project methodology – i.e. the combination of training activities and development of open-source tools – can be used in different contexts and for different purposes.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice integrates training and awareness raising activities with tool development which makes it possible for stakeholders to remain engaged with the subject matter after the end of the project through the use of the online tools. Moreover, the project is using multiplying training which is considered as a powerful instrument for ensuring a sustainable, long-term effect of the project results.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice could partially be measured. For example, it is possible to keep track of the number of times that the app has been downloaded. It is also possible to keep track of the number of the people who have been trained.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The project methodology – i.e. the combination of training activities and development of open-source tools – can be used in different contexts and for different purposes. The mobile app, GDPR in Your Pocket, could be made available into different languages.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project consortium brings together representatives of different stakeholder, including government, business, legal practitioners, academia. This makes it possible to accommodate a range of different perspectives when upgrading the mobile app and planning and conducting training activities.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Some of project results could be quantified, e.g. it is possible to assess how widely the mobile app has been used by collecting data on downloads and their origins; it is also possible to keep track of the number of people who are trained.</p>

Thematic area	<p style="text-align: center;">RIGHTS OF THE CHILD</p> <p style="text-align: center;">Please provide a promising practice related to the topics addressed in the chapter.</p>
Title (original language)	Информационна кампания „Останете заедно“
Title (EN)	Information campaign "Stay Together"
Organisation (original language)	Министерство на правосъдието, Министерство на труда и социалната политика, Държавна агенция за закрила на детето
Organisation (EN)	Ministry of Justice, Ministry of Labour and Social Policy, State Agency for Child Protection
Government / Civil society	Government
Funding body	State budget
Reference (incl. URL, where available)	Bulgaria, Ministry of Justice (<i>Министерство на правосъдието</i>) (2021), 'Stay together: Information campaign of the Ministry of Justice for Bulgarian children and their families abroad' (<u>'Останете заедно: Информационна кампания на Министерство на правосъдието за български деца и техните семейства в чужбина'</u>), press release.

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2021 – ongoing
Type of initiative	Awareness raising
Main target group	Families with children who live or intend to live abroad
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The campaign aims at raising the awareness among parents with children, who live or intend to live abroad, about the principles of child protection policies when a Bulgarian child goes to another country. A package of information materials (video, banner, information on websites of different institutions and the Bulgarian consulates abroad) informs families that local legislation, not Bulgarian law, applies when it comes to the protection of their child. There is also information about the conditions, under which a child protection procedure can be initiated, and what measures will be implemented, including the cases when a child can be taken away from their parents.
Highlight any element of the actions that is transferable (max. 500 chars)	The entire campaign is transferrable to countries, from which many families with children migrate to other countries.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice was initiated in response to the increased number of signals received by national authorities from Bulgarian citizens living abroad, who asked for assistance in relation to the different child protection procedures in different countries. In the long run, the campaign can improve in the knowledge of parents about the international standards on child protection and different national child protection rules, which in turn can reduce the number of child protection procedures initiated against Bulgarian families abroad.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice can be measured by monitoring the number of initiated child protection procedures abroad and the number of support requests in relation to child protection received by the Bulgarian Ministry of Foreign Affairs. It will also help parents be more aware and observe the respective national child protection rules in the country, in which they have chosen to live.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>As a traditional awareness raising campaign, the practice can be replicated in other countries with similar problems.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Център за превенция на домашно насилие
Title (EN)	Domestic Violence Prevention Centre
Organisation (original language)	Фонд за превенция на престъпността – ИГА
Organisation (EN)	Crime Prevention Fund IGA
Government / Civil society	Civil society
Funding body	Ministry of Justice (Министерство на правосъдието)
Reference (incl. URL, where available)	Bulgaria, Crime Prevention Fund IGA (<i>Фонд за превенция на престъпността - ИГА</i>) (2021), 'Domestic Violence Prevention Centre Project' ('Проект „Център за превенция на домашно насилие“), press release, 24 August 2021.

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	17 August 2021 – 17 December 2021
Type of initiative	Victim support
Main target group	Victims and perpetrators of domestic violence
Indicate level of implementation: Local/Regional/National	Local (the project is implemented on the territory of Pazardzhik District)
Brief description (max. 1000 chars)	Under the project, the experts will provide services and support to victims and perpetrators of domestic violence at a Counselling Bureau (<i>Бюро за консултиране</i>) and through mobile teams. The services for victims include social, psychological and legal counselling, mediation and rehabilitation programmes. The services for perpetrators include a specialised programme for perpetrators and assessment of the risk of domestic violence. In the framework of the project's information campaign, promotional flyers have been disseminated among all institutions and organisations active in the field of prevention of domestic violence and/or victim support.
Highlight any element of the actions that is transferable (max. 500 chars)	Domestic violence support centres exist in many countries across the EU. The concept of creating a service hub bringing together experts and practitioners is provide support and assistance to victims (and perpetrators) is fully transferrable to other settings and countries.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is sustainable as long as it receives funding. The Bulgarian Ministry of Justice (MoJ) (<i>Министерство на правосъдието, МП</i>) operates a special funding scheme for supporting projects on prevention of and protection from domestic violence. Under the scheme, each year about 20 projects proposed by non-governmental organisations and social service providers receive financial support. The scheme is one of the options for sustaining the practice after the end of the project.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice can be measured by the number of users of the services (victims and perpetrators) provided in the framework of the project.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is fully transferable to any other setting or country as it is not country-specific and is not linked to national legal rules.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>There is no information to what extent the beneficiaries and stakeholders have been involved in the design and planning of the project. In terms of implementation, stakeholders (institutions and organisations working in the area of domestic violence) are participating in the initiative by dissemination information about the services provided by the Domestic Violence Prevention Centre.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Иновативни модели за грижи в общността за хора с хронични заболявания и трайни увреждания
Title (EN)	Innovative community care models in favour of people with chronic diseases and permanent disabilities
Organisation (original language)	Български червен кръст, Министерство на труда и социалната политика, Министерство на здравеопазването, Норвежка асоциация на местните и регионални власти
Organisation (EN)	Bulgarian Red Cross, Ministry of Labour and Social Policy, Ministry of Health, Norwegian Association of Local and Regional Authorities
Government / Civil society	Government and civil society
Funding body	Financial Mechanism of the European Economic Area 2014-2021
Reference (incl. URL, where available)	Bulgaria, Bulgarian Red Cross (2021), Innovative community care models in favour of people with chronic diseases and permanent disabilities , project website.

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>June 2019 – ongoing (expected finishing date 2023)</p>
<p>Type of initiative</p>	<p>Health support and assistance</p>
<p>Main target group</p>	<p>People aged 50 years and over with disabilities and chronic diseases</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Local: Northwest regions of Vratsa, Belogradchik and Montana</p>
<p>Brief description (max. 1000 chars)</p>	<p>The project implements an innovative ICT-based model for remote monitoring of chronic diseases – teleassistance/telecare, in the districts of Vratsa, Vidin and Montana. It aims to reach the most vulnerable members of the society and thus, adapted to their needs, to allow them to feel safe and stay in their own homes as long as possible. The system provides continuous, automatic and remote monitoring of real-time emergencies and lifestyle changes in order to manage the risks arising from the independent lifestyle of the elderly and other factors such as deteriorating health, lack of adequate medical care and social services in some settlements, etc. In this way, prevention of admission to social institutions and/or frequent hospitalisations of consumers for social reasons is carried out. The project also aims to develop effective models for social inclusion and integration of people with low education, the long-term unemployed, including representatives of the Roma community, by providing vocational training and creating employment opportunities in the field of health and social services.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The set of techniques used by the project team is universal and applicable in areas with hard-to-reach populations vulnerable to health risks and lack of assistance. Elements of the practice are transferred from a support system applied in Norway and adapted to the needs of the particular recipients and to the Bulgarian healthcare and social system.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice relies on the use of new technologies in support of older people. It is a cost effective practice that enables the provision of constant monitoring and health and social status support to vulnerable people in remote areas. It is also suitable for implementation within the existing infrastructure of health and social support institutions at local level.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice aims to reduce the number of people with health-related problems and hindered access to medical and social support, who apply for moving to residential social services (a possible impact indicator). The number of people, who request support from the integrated centres, could also be used as an indicator for measuring their impact: according to information from the website of the project, as of 2 July 2021, more than 850 people have become clients of the three operating centres. Furthermore, the project has created new job opportunities for the people living in the seven municipalities covered by the initiative.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice does not include any country-specific activities. People with disabilities and chronic diseases, as well as older people in any other setting or country can benefit from similar programmes.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Quantitative indicators are used for monitoring and assessment of progress, including the number of participating municipalities, the number of opened centres and the number of people benefiting from the project as either users (people with disabilities and/or chronic diseases) or employees (carers).</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	26 October 2021
Reference details	Bulgaria, Constitutional Court of the Republic of Bulgaria (<i>Конституционен съд на Република България</i>), Decision No 15 on constitutional case No 6/2021 (<i>Решение № 15 по конституционно дело № 6/2021 г.</i>), 26 October 2021
Key facts of the case (max. 500 chars)	Upon request of the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>), the Constitutional Court (CC) (<i>Конституционен съд, КС</i>) issued a binding interpretative decision on the definition and understanding of the term “sex” within the Bulgarian Constitution. The Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>) requested the interpretation in order to resolve a pending case, in which the applicant, a transgender man, challenged a decision of the municipal administration not to change the sex in his birth certificate from male to female. More specifically, the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>) asked the Constitutional Court (CC) (<i>Конституционен съд, КС</i>) to establish whether the term “sex” had further (e.g., psychological and/or social) dimensions in addition to its biological meaning.

<p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p>	<p>The Constitutional Court established the meaning of the term "sex" based on the understanding applied by the constitutional legislator at the time of the adoption of the Bulgarian Constitution. More specifically, the court considered three "starting points": (i) the constitutional concept of marriage as a union between a man and a woman, (ii) the protection of maternity and family as provided under the Bulgarian Constitution, and (iii) traditional Bulgarian values, in particular those stemming from Orthodox Christianity. Based on these points, the court concluded that the term "sex" had only a binary biological meaning. The court held further that this understanding was part of the national constitutional identity and thus (still) valid for the Bulgarian society.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Constitutional Court (CC) (<i>Конституционен съд</i>, KC) clarified the definition of the term "sex" within the meaning of the Bulgarian Constitution. The court based its argumentation mainly on the meaning of the term as used by the constitutional legislator, arguing that social realities had not changed in a way that would justify a different view on the concept of "sex". According to the court, a new interpretation, including not only biological aspects but also psychological, social or cultural dimensions, would contradict the established constitutional meaning of the term "sex".</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The decision is binding with regard to the interpretation of the term "sex" within the meaning of the Bulgarian Constitution. The court clarified that – in light of the separation of powers – it did not have the competence nor intended to impose any obligations to the legislator to adopt regulations in relation to the legal status of binary transgender people or to the judicial authorities on how to decide upon requests regarding changing the legal sex of a person. However, the court noted that the established constitutional interpretation of the term "sex" did not lead to a positive obligation of the state to recognise the right of a person to change their legal sex to a sex that is different from their biological one.</p>
<p style="text-align: center;">Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„В обобщение Конституционният съд намира, че на поставения тълкувателен въпрос следва да се отговори, че понятието „пол“ в българската Конституция е възприето единствено в неговия биологичен смисъл.“ “In conclusion, the Constitutional Court holds that the interpretive question is to be answered that the term 'sex' within the Bulgarian Constitution is used solely with regard to its binary biological meaning.” Bulgaria, Constitutional Court of the Republic of Bulgaria (<i>Конституционен съд на Република България</i>), Decision No 15 on constitutional case No 6/2021 (<i>Решение № 15 по конституционно дело № 6/2021 г.</i>), 26 October 2021</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	19 May 2021
Reference details	Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 6066 on administrative case No 8633/2020 (<i>Решение № 6066 по административно дело № 8633/2020 г.</i>), 19 May 2021
Key facts of the case (max. 500 chars)	The case concerns ethnic segregation in school. A school principal was found guilty of discrimination for publishing an announcement on the school's website and Facebook page stating that the school was not going to enrol Roma pupils. The incident happened in 2018 in the city of Blagoevgrad, during the enrolment campaign for the school year 2018/2019. In her defence, the principal argued that the parents of Bulgarian children were refusing to enrol their children in the school after realising that the same school was accepting Roma children. This, according to the principle, could have led to secondary segregation (enrolling only Roma children due to lack Bulgarian children) and consequently to the closing of the school. The case was first submitted to the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>), which found the principal guilty of discrimination and harassment on the grounds of ethnicity. The commission's decision was challenged before two court instances: the local administrative court in Blagoevgrad and the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>). Both courts confirmed the decision of the equality body.
Main reasoning/argumentation (max. 500 chars)	The school principal did not denied publishing the announcement, but insisted that her actions were driven by a desire to prevent secondary segregation and ensure diversity by encouraging the parents of Bulgarian children to enrol them in the school. The court disagreed with the arguments of the principal and noted that her actions constituted segregation of students belonging to the Roma ethnic group by creating administrative barriers for their enrolment in the school. According to the court, the act had restricted the access to education of Roma children, violated their right to equal treatment and limited their opportunity to participate in public life.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The case clarifies the concept of school segregation. The court notes that no administrative barriers on the grounds of ethnicity should exist that prevent the choice of and equal access to school. The Roma children living in the respective neighbourhood were eligible for attending this particular school. Furthermore, according to the court, the principal's actions were not in compliance with the legal rules laying down the procedures for avoiding the formation of classes consisting of children from only one ethnic group. The court also notes that the announcement represents an act of harassment, because by emphasising on the Roma ethnic background of the children it can form negative public attitudes and stereotypes.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court confirmed the initially imposed financial fine of BGN 250 (approximately €125) as well as the administrative measure instructing the principle to ensure equal access to education for children and students from ethnic minorities and to refrain from actions that violate the right to education of the respective ethnic group.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„Изявлението е направено от жалбоподателката в качеството ѝ на директор на учебното заведение, който представлява училището и организира дейността му, поради което същото създава реална представа в адресатите му, че децата от ромски етнос няма да бъдат записани в училището, има дискриминиращ характер и не може да бъде оправдано със заявената от нея цел.“</p> <p>“The applicant made the statement in her capacity of a school principal, who represents the school and manages its activities; because of that, the statement creates a real impression on its recipients that Roma children will not be enrolled in the school, is discriminatory by nature, and cannot be justified by the purpose stated by the applicant.”</p> <p>Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 6066 on administrative case No 8633/2020 (<i>Решение № 5023 по административно дело № 13911/2019 г.</i>), 19 May 2020</p>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<i>No case law has been identified for this thematic area.</i>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	10 June 2021
Reference details	Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 7060 on administrative case No 3683/2021 (<i>Решение № 7060 по административно дело № 3683/2021 г.</i>), 10 June 2021
Key facts of the case (max. 500 chars)	The case is one of the many cases launched against the National Revenue Agency (NRA) (<i>Национална агенция за приходите</i> , НАП) after the massive data breach of July 2019, which led to the leak of personal data of more than 5 million Bulgarian nationals. The applicant claimed a compensation for non-pecuniary damages suffered as a result of the leak of their personal data. After the breach was publicly disclosed, the National Revenue Agency (NRA) (<i>Национална агенция за приходите</i> , НАП) launched an SMS service allowing individuals to check if their personal data were affected by the leak. The applicant used this service and learned that their personal data had been subject to unauthorised access. The situation caused the applicant stress, fear and anxiety about possible misuse of their personal data. For these negative emotions, the applicant filed a claim to the court asking for a financial compensation. The first instance court rejected the claim, but the Supreme Administrative Court (SAC) (<i>Върховен административен съд</i> , ВАС) repealed its decision and awarded compensation.

<p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p>	<p>The court concluded that the National Revenue Agency (NRA) (<i>Национална агенция за приходите, НАП</i>) had violated the domestic data protection legislation and Articles 24 and 32 of the GDPR by not implementing appropriate technical and organisational measures to ensure an appropriate level of security and not protecting individuals in relation to the processing of their personal data. The objection of the NRA that the agency should not be held responsible for the breach, because it was due to unauthorised access, which constituted a criminal offence, was not accepted. The court also disagreed with the conclusion of the first instance court that the applicant had not undertaken proactive measures to identify which of their personal data were leaked, which was interpreted as an indication that the applicant was not actually concerned by the potential consequences of the incident.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case is the link between the behaviour of the victim of the data protection violation and their right to claim compensation for nonpecuniary damages. According to the first instance court, after learning that they had been among the persons affected by the data leak, the applicant did not undertake any further measures to protect their interests, in particular they did not try to identify which of their data had been leaked. On the contrary, the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) concludes that the negative feelings and emotions of a person, whose rights have been violated, are strictly individual as are the measures such a person undertakes in response to the violation.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) repealed the decision of the first instance court and awarded to the applicant a compensation of BGN 300 (approximately €150).</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„Причиняването на усещане за тревога от нарушената сигурност на личните данни, за което по делото са събрани доказателства, е достатъчно, за да се ангажира отговорността на администратора на лични данни. Не е необходимо каквото и да е активно поведение на пострадалото лице, за да се приеме, че то действително е претърпяло негативни емоции. Евентуалното предприемане на активно поведение е средство за предотвратяване на евентуални неблагоприятни последици за лицето от неправомерния достъп до личните му данни. Липсата на такова не води до извод за липса на действително преживени негативни емоции. С оглед психологичната индивидуалност на всеки човек, отсъствието или наличието на активно поведение, е начин за справяне с преживения стрес, но не и доказателство за липсата на такъв.“</p> <p>“Causing a sense of concern about the breached security of personal data, for which evidence has been gathered in the case, is sufficient to engage the responsibility of the personal data controller. It is not necessary for the affected person to have any active behaviour to assume that they have actually suffered negative emotions. The undertaking of proactive behaviour is a means of preventing possible adverse consequences for the person from the illegal access to their personal data. The lack of such behaviour, however, does not lead to the conclusion that negative emotions were not actually experienced. In view of the psychological individuality of each person, the absence or presence of active behaviour is a way to deal with the experienced stress, but does not prove the lack of such stress.”</p> <p>Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 7060 on administrative case No 3683/2021 (<i>Решение № 7060 по административно дело № 3683/2021 г.</i>), 10 June 2021</p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	14 June 2021
Reference details	Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Decision No 68 on criminal case No 168/2021 (<i>Решение № 68 по наказателно дело № 168/2021 г.</i>), 14 June 2021
Key facts of the case (max. 500 chars)	The case concerns the manner, in which the courts take into account the age of child defendants when deciding on the punishment. A 17-year-old girl was found guilty of drug crime for possessing 1.28 grams of marijuana and 10.4 base percent of amphetamine. During her arrest, the defendant resisted the police, which was taken into account as an aggravating factor during the proceedings. The first instance court sentenced the defendant to five months of imprisonment suspended by one year (according to Bulgarian law a suspended prison sentence means that the punishment is executed only if the person commits another crime during the suspension period). The second instance court preserved the suspension period of one year, but decreased the duration of imprisonment from five to three months. The Supreme Court of Cassation (SAC) (<i>Върховен касационен съд, ВКС</i>), acting as third and last instance court, replaced imprisonment with probation on the grounds of, among other factors, the fact that the defendant was under 18 years of age.
Main reasoning/argumentation (max. 500 chars)	Before the court, the defendant’s mother, acting as legal representative of her child, argued that the punishment imposed by the first instance court was disproportionately severe and that the court had disregarded the multiple mitigating factors: the fact that the defendant was a child, her clean criminal record, the lack of previous correctional measures imposed for criminal or anti-social behaviour, the good personal characteristics, the facts that the defendant was simultaneously studying and working, played sports, and was in a difficult life situation in the period preceding the commission of the crime. The Supreme Court of Cassation (SAC) (<i>Върховен касационен съд, ВКС</i>) accepted the arguments of the defendant’s mother, concluding that the multitude of mitigating circumstances, including the child’s age, constituted sufficient grounds for replacing the prison sentence with a lighter punishment.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case is how the defendant’s age is interpreted when assessing the nature and gravity of the committed crime. According to the court, the fact that the defendant had turned 17 years just two months before the crime had undoubtedly affected her ability to properly assess the nature and social danger of the committed act. This, as well as the defendant’s emotional instability and susceptibility to manipulation and provocations (certified by a forensic psychologic examination), are mitigating circumstances that, according to the court, were underestimated by the first and second instance courts.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Supreme Court of Cassation (SAC) (<i>Върховен касационен съд, ВКС</i>) replaced the prison sentence issued by the first and second instance courts with a six-month probation sentence (with three mandatory probation measures: obligation to visit the probation office twice a week and sign in a special register, regular meetings with a probation officer, and inclusion in a social impact correctional programme.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„Не без значение е и възрастта на подсъдимата, отчетена в рамките на непълнолетието, предвид обстоятелството, че В. е навършила 17 години два месеца преди извършването на деянието, което несъмнено рефлектира върху оценъчната ѝ способност да преценява в пълнота обществената му опасност.“ “The age of the defendant, who is a juvenile, is not irrelevant too, given the fact that V. turned 17 years two months before the commission of the act, which undoubtedly reflected on her ability to evaluative and fully assess public danger of her actions.” Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Decision No 68 on criminal case No 168/2021 (<i>Решение № 68 по наказателно дело № 168/2021 г.</i>), 14 June 2021</p>

<p>Thematic area</p>	<p>ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.</p>
<p>Decision date</p>	<p>14 September 2021</p>
<p>Reference details</p>	<p>Bulgaria, District Court – Plovdiv (<i>Окръжен съд – Пловдив</i>), Decision No 338 on second instance civil case No 2071/2021 (<i>Решение № 338 по въззивно гражданско дело № 2071/2021 г.</i>), 14 September 2021, ECLI:BG:DC530:2021:20210502071.001</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>A man was found guilty of violence against his former wife, sentenced to a fine, and subjected to restrictive measures (ban to approach the victim and her home, workplace and the places of her social contacts and recreation). The defendant and the victim are former spouses, who divorced in October 2019. After the divorce they reunited and separated again several times. From their marriage the two had a small child, which was living with each of the parents for a certain period of time. In March 2021, during three separate meetings between the two, the defendant used violence against the victim both physically (by holding both her hands) and verbally (by insulting her before the child). Before the court, the defendant argued that he was provoked by the victim, who had hit him in the face during their first meeting and then left him their child without enough clothes. The court of first instance found the defendant guilty, sanctioned him to pay a fine, and banned him from approaching the victim for a period of nine months. The second instance court confirmed the amount of the fine, but decreased the duration of the imposed restrictive measures from nine to six months.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Before the court, the defendant argued that he was provoked by the victim, that not every conflict which goes beyond good tone should qualify as an act of domestic violence, and that the court should intervene only in exceptional and intolerable situations leading to profound emotional, mental and physical consequences. The court disagreed with these arguments noting that the behaviour of the victim could not justify the use of violence on the part of the defendant. According to the court, both the defendant and the victim have gone beyond the generally accepted rules and norms and their behaviour is morally reprehensible, especially when this is happening in front of their child. Nevertheless, the court concluded that the definition of domestic violence refers to any act of violence irrespective of its nature, intensity, or consequences for the victim.</p>

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case is the scope of the definition of domestic violence. Confronted by the defendant's argument that not all conflicting situations can be regarded as domestic violence the court interpreted the legal definition, noting that every act of violence can qualify as domestic violence irrespective of its nature, intensity and consequences for the victim.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The defendant was sentenced to pay a fine of BGN 200 (approximately €100) and ordered not to approach the victim and her home, workplace and places of social contacts and recreation for a period of nine months. The second instance court decreased the duration of the restrictive measures from nine to six months.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„Законът е дал легална дефиниция на домашно насилие и това е всеки акт на физическо, сексуално, психическо, емоционално или икономическо насилие, както и опитът за такова насилие, принудителното ограничаване на личния живот, личната свобода и личните права, извършени спрямо лица, които са били в семейна връзка. Законът не поставя никакви условия за характера и интензитета на насилието, или начина на отразяването му над пострадалото лице. Напротив, дадена е една широка легална дефиниция, в която се включват всякакви актове, осъществени от посочената категория лица, които излизат извън общоприетото поведение и се отразяват негативно на пострадалите. Или неоснователно е твърдението на жалбоподателя, че действията, които могат да бъдат квалифицирани по смисъла на ЗЗДН като домашно насилие трябва да са "изключителни и нетърпими ситуации, които водят до дълбоки емоционални психически и физически последици" както се сочи във въззивната жалба.“</p> <p>"The law has given a legal definition of domestic violence and it is any act of physical, sexual, mental, emotional or economic violence, as well as the attempt to commit such violence, the forced restriction of privacy, personal liberty and personal rights committed between persons who have been in a family relationship. The law does not set any conditions for the nature and intensity of the violence, or the manner in which it affects the victim. On the contrary, a broad legal definition is given, which includes any acts committed by the specified category of persons, which go beyond the generally accepted behaviour and have a negative impact on the victims. This means that the applicant's argument that the actions that can qualify as domestic violence within the meaning of the Protection against Domestic Violence Act must be "exceptional and intolerable situations that lead to deep emotional, mental and physical consequences" is unfounded."</p> <p>Bulgaria, District Court – Plovdiv (<i>Окръжен съд – Пловдив</i>), Decision No 338 on second instance civil case No 2071/2021 (<i>Решение № 338 по въззивно гражданско дело № 2071/2021 г.</i>), 14 September 2021, ECLI:BG:DC530:2021:20210502071.001</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	26 May 2021
Reference details	Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Ruling No 424 on civil case No 2989/2020 (<i>Определение № 424 по гражданско дело № 2989/2020 г.</i>), 26 May 2021
Key facts of the case (max. 500 chars)	The case concerns the application of the rules on guardianship for people with intellectual disabilities and mental health problems. A man suffering from paranoid schizophrenia was placed under limited guardianship in 1999 upon request of the prosecutor's office (limited guardianship means that the person can independently exercise only some of their rights, which for the rest they need the approval of the guardian). After that, he was accommodated in an institution for people with mental health problems and later moved to an institution for people with intellectual disabilities. In 2018, as a result of the deinstitutionalisation process, the person was accommodated in a protected house. This was done on the basis of a needs assessment, which concluded that it would be better for the person to live in family environment with "full involvement and participation in society". At that point, the man filed a request to the court to have his limited guardianship removed. The first and the second instance courts rejected the request and the case was brought before the third and last instance – the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>).

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The applicant claimed that the decisions of the first and second instance courts contradicted the CRPD by following the old “medical model” of disability and giving incorrect interpretation of the Persons and Families Act (<i>Закон за лицата и семейството</i>).¹⁴¹ According to the applicant, the conditions imposed by the courts for lifting the limited guardianship were “impossible” to meet. They were based on the results of a psychiatric examination, which the court accepted unconditionally, without examining the manifestation of the clinical symptoms of the disease in relation to the specific life situation of the person. According to the applicant, the concept of guardianship was considered a protection measure under Article 12 of the CRPD, but in practice it was used as a condition for enabling persons in need to receive basic services like housing, food and medication. This, according to the applicant, was not in compliance with the principles of the CRPD, because, according to the law, guardianship was not among the mandatory preconditions for using residential social services. In his application, the applicant included a list of 14 questions, some of which are: how do the rules on guardianship relate to Article 12 of the CRPD; how should the requirement of “taking care of one’s own business” (<i>„грижа за своите работи”</i>)¹⁴² be interpreted and what are the conditions for removing the guardianship in the sense of Article 12 of CRPD; should the courts consider the CRPD principles when hearing guardianship cases; what is the balance between protection and limitation of rights as a result of the guardianship; should the courts consider the areas of life affected by the disability and how will the guardianship protect them within these areas; should the courts check for, and give preference to, other opportunities for addressing the situation that do not necessarily include guardianship; should the courts explain how the guardianship will help the person or it is enough to just state it as a conclusion with no further justification; is it appropriate for courts to justify their decisions with statements claiming that persons with disabilities lack “basic capabilities” (<i>„елементарни годности”</i>) and is this language discriminatory; are courts obliged to offer reasonable adjustments when summoning a person with disabilities to testify in court.</p> <p>According to the second-instance court, the rules on limited guardianship were not in violation of Article 8 of the ECHR, because they allow persons with disabilities to choose where to live and what to do, while the consent of the guardian represents a guarantee for the protection of their interests. The court admits that the rules on guardianship do not fully comply with the CRPD, but are in line the Constitution and should be interpreted only in view of the protection of people with disabilities. In addition, considering the specific case, the court concluded that, in view of the applicant’s progressive mental condition, he needs support not only for making decisions, but also in relation to his daily activities, and therefore the guardianship has to be preserved.</p>
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<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Supreme Court of Cassation (SAC) (<i>Върховен касационен съд, ВКС</i>) admits that the national legislation does not take into account the requirements of the CRPD that the restrictions on persons with disabilities should be proportionate to their condition, apply for the shortest possible duration and be subject to regular review by an independent body. However, the court also notes that the legislation cannot be aligned with the Convention by simply not applying the respective provisions. Moreover, these provisions, according to the court, do not contradict the Constitution as long as they are applied solely for the purpose of protecting the person with disability, without limiting unnecessarily their other rights. The court further notes that at this stage the better protection of the rights of people with mental disabilities is a matter of competence of the parliament, which must adopt the relevant legislation. According to the court, even if the respective provisions are declared unconstitutional, this would not solve the problem but would rather create a legal vacuum.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Court of Cassation (SAC) (<i>Върховен касационен съд, ВКС</i>) confirmed the decisions of the first and second instance courts and dismissed the applicant's complaint.</p>

¹⁴¹ Bulgaria, Persons and Family Act ([Закон за лицата и семейството](#)), 9 August 1949, last amended 29 December 2002.

¹⁴² Article 5 of the Persons and Family Act (*Закон за лицата и семейството*) states: Juveniles and adults, who are unable to take care of their own business due to imbecility or mental illness, shall be placed under full guardianship and shall have no legal capacity. Adults suffering from such conditions, whose condition is not that severe to require full guardianship, shall be placed under limited guardianship. (*Непълнолетните и пълнолетните, които поради слабоумие или душевна болест не могат да се грижат за своите работи, се поставят под пълно запрещение и стават недееспособни. Пълнолетните с такива страдания, чието състояние не е така тежко, за да бъдат поставени под пълно запрещение, се поставят под ограничено запрещение.*)

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„За постигането на целите на конвенцията, при наличието на законови правила, допускащи отричане или накърняване на правата, признати по конвенцията, държавата следва да приеме всички необходими законодателни мерки за прилагане на тези права и да създаде законови гаранции за упражняването им.“</p> <p>“In order to achieve the objectives of the Convention, in the presence of legal rules, allowing for the rejection or infringement of rights, recognised by the Convention, the State should adopt all necessary legislative measures to implement these rights and to establish legal guarantees for their exercise.”</p> <p>Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Ruling No 424 on civil case No 2989/2020 (<i>Определение № 424 по гражданско дело № 2989/2020 г.</i>), 26 May 2021</p>
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