



04/12/2014

RAP/RCha/BUL/13(2015)

EUROPEAN SOCIAL CHARTER

13th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF BULGARIA

- Follow up to Collective Complaints No. 31/2005, 41/2007, 46/2007, 48/2008
- Complementary information on Articles 11§3 and 14§1 (Conclusions 2013)

Report registered by the Secretariat on

4 December 2014

CYCLE 2015

THIRTEENTH NATIONAL REPORT

For the period January 1st 2010 — December 31st 2013
Submitted to the Council of Europe by the Government of the Republic of Bulgaria in
accordance with article C of the European Social Charter (revised)
regarding the measures for the implementation of the adopted provisions thereof.

Content:

Introduction.....p. 3

Follow-up to Collective Complaints v. the Republic of Bulgaria

Complaint ERRC v. Bulgaria No. 31/2005.....p. 4

Complaint No 41/2007- Mental Disability Advocacy Center (MDAC) v. Bulgaria.....p. 12

Complaint ERRC v. Bulgaria No. 46/2007.....p. 26

Complaint ERRC v. Bulgaria No. 48/2008.....p. 30

ESCh (rev.) provisions

Article 11 – The right to protection of health.....p. 33

- Article 11, paragraph 3;

Article 4 – The right to benefit from social welfare services.....p. 36

- Article 14, paragraph 1;

Introduction

This Report was prepared after consultation and cooperation with the competent authorities. In accordance with Article C of the ESCh (rev.), the Report was agreed with the national representative organizations of employers, employees and workers.

The Bulgarian national currency is BGN (lev) and its exchange rate is fixed to the euro at 1,95583 BGN per 1 EUR (0,511292 EUR per 1 BGN).

The Bulgarian government remains available for any additional questions or clarifications that could arise in the process of review of this Report.

Follow-up to Complaint ERRC v. Bulgaria No. 31/2005

The Committee refers to its decision on the merits of 18 October 2006, in which it concluded "(i) that the situation concerning the inadequate housing of Roma families and the lack of proper amenities, constitutes a violation of Article 16 of the Revised Charter taken together with Article E" and (ii) "that the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them, constitute a violation of Article 16 of the Revised Charter taken together with Article E."

The Committee takes note of the information communicated by the Government on measures taken by the Bulgarian authorities to bring the situation into conformity with the Charter, as appended to the Resolution CM/ResChS(2007)2, adopted by the Committee of Ministers on 5 September 2007. It also takes note of the information contained in the report. However, as no relevant information appears in these documents, in order to assess whether the situation is in full conformity with Article 16 of the Charter as regards adequate housing of Roma families and proper amenities, as well as legal security of tenure and conditions accompanying eviction of Roma families, the Committee asks the next report to provide full information on the implementation of the relevant legislation and housing aid programmes at local and at national level or other relevant measures. In the meantime, it considers that the situation is still not in conformity with the Charter on this point.

The Ministry of Regional Development presents information on activities/projects planned and implemented in 2012 and 2013 under Operational Programme "Regional Development" (OPRD), as well as measures stipulated within Operational Programme "Regions in Growth" 2014-2020 that contribute to the fulfillment of the targets of the National Roma Integration Strategy of the Republic of Bulgaria (NRISRB), especially of the targets set forth under priority "Improving the housing conditions", as follows:

1. Information with regard to **task 6. "Building and providing social housing" to Priority 3 "Housing Conditions" under NRISRB (2012-2020).**

Actions/measures undertaken since 2011:

A fundamental contribution to the implementation of this task has been provided by grant scheme BG161PO001/1.2-02/2011 "Support of modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups" within Priority Axis 1 "Sustainable and Integrated Urban Development", Operation 1.2. "Housing Policy" under OPRD.

The main target of the scheme is to contribute to the social inclusion of disadvantaged and vulnerable population groups by improving their standard of living and a general improvement of the quality of the housing of urban communities.

Specific targets:

- To provide modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups;
- To ensure social inclusion, spatial integration and equal access to adequate housing conditions of disadvantaged and vulnerable population groups;

Financial support under the scheme – **BGN 15,659,106.46**

The model for implementation of the scheme is based on determination of pilot projects selected by an interdepartmental working group to the Council of Ministers for preparation of a concept for an integrated project under Operational Programme "Human Resources Development" 2007-2013 and Operational Programme "Regional Development" 2007-2013 for building housing for disadvantaged population groups and for preparation of a mechanism for coordination with other horizontal policies financed with EU funds.

The selected pilot municipalities implement integrated projects for sustainable social housing, which mandatorily include a combination of an investment component (building social housing or repairing/reconstructing existing social housing, energy efficiency measures, etc.), financed under grant scheme BG161PO001/1.2-02/2011 under OPRD and activities for provision of education, employment, healthcare, social inclusion of the target group, financed under Operational Programme “Human Resources Development”.

Grant scheme BG161PO001/1.2-02/2011 was initiated on 30 August 2011 by means of a procedure for direct provision of grants with selected specific beneficiaries: the municipalities of Burgas, Vidin, Devnya and Dupnitsa, as well as stand-by beneficiaries in the event of provision of sufficient financial support: 1. Varna, 2. Peshtera and Tundzha.

Permissible activities for financing under the scheme are:

- Building new housing intended for social housing on plots that are 100% municipal property, which shall house representatives of the target group.
- Repairing, reconstructing and renovating existing housing, 100% municipal property, intended for social housing.
- Delivering appropriate equipment and furniture for the above stated buildings/rooms, related to the provision of basic living conditions;
- Improving the access of persons with disabilities to the above stated buildings/rooms.
- Measures for development of the adjoining surroundings of the newly-built/renovated social housing, etc., is permissible under this scheme.

In 2012 by resolution of the Head of the Managing Authority of OPRD 3 project proposals with a total grant amount of BGN 10.3 million were approved:

No.	Applicant	Name of project proposal	Total project amount, BGN	Grant amount (100%), BGN	Additional own contribution, BGN	Project duration in months
1.	Municipality of Vidin	Modern social housing in the town of Vidin	3,992,592.19	3,992,592.19	n/a	24
2.	Municipality of Devnya	Support of modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups on the territory of Municipality of Devnya	1,406,112.76	1,378,729.40	27,383.36	20
3.	Municipality of Dupnitsa	A Home for Everyone	4,905,947.82	4,905,947.82	n/a	24
4	Municipality of Burgas	With letter dd. 12.04.2012 of the mayor of Municipality of Burgas the project proposal was withdrawn.				

On 24.10.2013 under grant scheme BG161PO001/1.2-02/2011 the first stand-by beneficiary – Municipality of Varna – was invited to submit a project proposal with a

total project amount of up to BGN 3,890,038.55 and with a deadline for application under the scheme on 16 December 2013.

Effect of the measure

On 28.06.2012 the grant contracts with the municipalities of Vidin and Dupnitsa were signed and the contract with Municipality of Devnya was signed on 18.01.2013.

The stipulated interventions within the contracts signed are as follows:

- **Municipality of Vidin** – the project aims at reconstructing 50 homes in 9 existing one-storey blocks of flats and building 30 homes in 4 new two-storey two-family buildings for 280 representatives of disadvantaged population groups, including Roma people.
- **Municipality of Dupnitsa** – the project aims at building 150 new homes in 15 one-family and multi-family residential buildings for 460 representatives of disadvantaged population groups, including Roma people.
- **Municipality of Devnya** – the project aims at reconstructing 33 homes in an existing building for 165 representatives of disadvantaged population groups, including Roma people.

As of now the projects are in the implementation phase.

Housing – Operational Programme “Human Resources Development”

Since the second half of 2013 the “INTEGRA” grant scheme has been in the implementation phase. The overall task of the scheme is related to improving the quality of life and the permanent integration of the most marginalized communities by applying an integrated approach.

The specific targets of the scheme are aimed at:

- Support of the integration on the labor market of marginalized groups;
- Provision of access to education and training;
- Support of social inclusion by improving the access to social services and healthcare;
- Improving the existing models and practices for social inclusion and permanent desegregation of the most marginalized groups.

The implementation of the targets will be achieved on the basis of an integrated approach, for which purpose the capabilities under two operational programmes – Operational Programme “Human Resources Development” 2007-2013 and Operational Programme “Regional Development” 2007-2013 – have been used in a mutually complementary manner. Especially the “INTEGRA” scheme complements the interventions within procedure BG161PO001/1.2-02/2011 “Support of modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups” under Operational Programme “Regional Development” 2007-2013. Within the procedure it has been envisaged to provide modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups. On the other hand, for the people placed in social housing under the procedure under Operational Programme “Regional Development” 2007-2013 the so-called “**social package**” will be provided under the “INTEGRA” scheme – mutually complementary services in four main directions – “Access to employment”, “Access to education”, “Social inclusion” and “Measures for permanent desegregation”.

As of now under the “INTEGRA” scheme contracts has been concluded in the total amount of BGN 4,814,043.03 with three municipalities – Vidin, Dupnitsa and Devnya. As a result of the implementation of the projects, whose duration is until 2015, the following results are expected:

- a total of 850 people to receive intermediary services on the labor market, out of which approximately 400 people to start working, including 270 people to start working in the field of social economics;
- approximately 1,100 children to take part in activities aimed at prevention of early school leaving and/or reintegration in the educational system;
- to improve the access to social services of approximately 150 people.

The three municipalities will implement the planned project activities in partnership with schools and non-government organizations. If necessary, their efforts will be supported by the employees of the territorial directorates of the National Employment Agency, the Agency for Social Assistance, the State Agency for Child Protection, the regional health inspectorates and other government bodies.

Effect of the measures

As of now it is impossible to evaluate the effect of the measures since the project activities under the “INTEGRA” scheme will be implemented almost until the end of 2015, and the very implementation of the projects commenced in October 2013.

Plans for 2014-2020

The pilot model imposed with the “INTEGRA” scheme will be extended into the next programme period. For this purpose, in the event that in the Integrated Plans for Urban Regeneration and Development, which will be financially supported under the new Operational Programme “Regions in Growth” 2014-2020 (co-financed by the European Regional Development Fund), the municipalities identify measures for building social housing with the purpose of social inclusion of marginalized communities, under Operational Programme “Human Resources Development” 2014-2020 (co-financed by the European Social Fund) there will be an opportunity to provide support for easier access to employment, social and health services for the target groups.

Plans for 2014-2020 within Operational Programme „Regions in Growth” 2014-2020:

With regard to the progress with the integration of the Roma population in the member states within Operational Programme „Regions in Growth” 2014-2020 (OPRG 2014-2020), for which the Ministry of Regional Development is responsible, the following has been envisaged:

In the field of employment and social inclusion Operational Programme „Regions in Growth” 2014-2020 contributes both for implementation of the Council’s country-specific recommendations and for fulfillment of the national targets under Europe 2020, namely:

- **Investment Priority 4: “Investing in health and social infrastructure”**, which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and recreational services and the transition from institutional to community-based services” of Priority Axis 1 „Sustainable and Integrated Urban Development“, as well as Priority Axis 3: “Regional Social Infrastructure”, are directly aimed at achieving specific results under the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020 and the National Roma Integration Strategy of the Republic of Bulgaria, as well as the part “to improve accessibility and effectiveness of social services, especially for children and the elderly” in reply to the Council’s Country-specific Recommendation 3 – Employment and Social Inclusion, as well as at achieving the national target for reducing poverty, by providing adequate living conditions to the vulnerable population groups and improving the quality of the social infrastructure and therefore of social services as well.

In view of the support of marginalized groups, including the Roma, OPRG 2014-2020 is directly related to Priority 3 “Housing Conditions” under the National Roma Integration Strategy of the Republic of Bulgaria 2012-2020 (see Appendix No. 5).

During the next programme period OPRG 2014-2020 will support infrastructural measures for Roma integration within Priority Axis 1: “Sustainable and Integrated Urban Development“; the activities are directly aimed at implementing the country-specific recommendation “Social Inclusion by Investing in Urban Social Infrastructure” by providing adequate living conditions to the vulnerable population groups.

The investments will be realized on the territory of 67 towns (beneficiaries under Priority Axis 1: “Sustainable and Integrated Urban Development”) within the impact areas of the Integrated Plans for Urban Regeneration and Development (IPURD). Activities will be supported for providing modern social housing for vulnerable, minority and socially disadvantaged groups as well as other disadvantaged population groups by building, reconstructing, repairing and expanding the social housing that will house representatives of the target group.

In addition to that, concentrating the support under Priority Axis 1 within the impact areas under IPURD of the towns-beneficiaries additionally contributes to the fulfillment of the recommendation because representatives of disadvantaged population groups are often concentrated in the social impact areas – people living in poverty, Roma people or other minority groups.

The Operational Programme envisages at least 5% of the total budget of Priority Axis 1 to be directed for activities for municipal social infrastructure within IPURD. In compliance with the criteria for selection of operations, the projects with the highest potential for social inclusion will be financed. The envisaged budget under OPRG 2014-2020 for Priority Axis 1: “Sustainable and Integrated Urban Development” is in the amount of EUR 852,231,918 – 61.90% of the budget of the programme, out of which EUR 45,158,654 have been envisaged for social infrastructure.

In view of the recommendations given by the European Commission, as well as with regard to better demarcation and complementarity with the Rural Development Programme, for towns of level 1 through 3 financing of projects is allowed as per groups of activities “Areas with Potential for Economic Development”, “Social Infrastructure”, as well as municipal educational infrastructure outside the impact areas under IPURD, within the municipal territory. The activities financed under this exception cannot exceed 20% of the limit of the relevant town determined in advance under Priority Axis 1.

Priority Axis 4 “Regional Social Infrastructure” aims at social inclusion by investing in social infrastructure on the territory of the entire country for achieving the targets set in the sector documents for social policy, especially deinstitutionalization of children with disabilities and elderly people, such as the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria” (2010) and the National Strategy for Long-term Care. Activities will be supported under the Priority Axis for building, repairing and reconstructing centers which provide services to children at risk; building centers for family-type accommodation and the yard adjoining thereto for children at risk; building, repairing, reconstructing and renovating housing for protected homes; building, repairing, reconstructing and renovating housing for social services in the community; building, reconstructing and repairing infrastructure for provision of services for early childhood development to children and their families; improving the access of persons with disabilities to the above stated buildings, etc.

Information with regard to **task 9 “Building/reconstructing the social infrastructure for the purposes of education, culture, etc.” to Priority 3 “Housing conditions” under NRISRB (2012-2020).**

Actions/measures undertaken since 2011

From its very establishment Operational Programme “Regional Development” 2007-2013 takes into consideration the situation of the Roma population and the infrastructural problems which the Roma integration is faced with. Under two priority axes, namely – Priority Axis 1 “Sustainable and Integrated Urban Development” and Priority Axis 4 “Local Development and Cooperation” under OPRD, problems related to providing appropriate infrastructure that is adequate to the needs are solved.

By means of specific criteria for selection of projects the operational programme promotes infrastructural initiatives oriented toward the educational and social problems of the Roma minority, supports investment measures for preservation of the Roma cultural identity

and creates conditions for integration of disadvantaged population groups by means of improving the physical and living environment.

A key criterion for selection of projects is taking into consideration the needs of disadvantaged population groups, including the Roma, and their social inclusion. It shall be taken into account that the projects that are being implemented under OPRD as of now are not aimed solely and exclusively at the Roma but at all identified marginalized groups on the target territories.

The following grant schemes under OPRD are aimed at financing of infrastructural activities oriented directly or indirectly toward the Roma, related to repairing, reconstructing and renovating **educational, social and cultural infrastructure**:

Educational infrastructure schemes:

- Scheme BG161PO001/1.1-01/2007 “Support for provision of appropriate and cost-effective educational, social care and cultural infrastructures contributing to the development of sustainable urban areas”, Component 1 “Educational infrastructure”
- Scheme BG161PO001/1.1-02/2008 “Support for providing of adequate and effective educational infrastructure contributing to the development of sustainable urban agglomeration areas”
- Scheme BG161PO001/1.1-09/2010 “Support for the implementation of energy efficiency measures in the municipal education infrastructure in urban areas”
- Scheme BG161PO001/4.1-01/2007 “Support for provision of appropriate and cost-effective educational infrastructure contributing to sustainable local development”
- Scheme BG161PO001/4.1-03/2010 “Support for the implementation of energy efficiency measures in municipal educational infrastructure of 178 small municipalities”

Social infrastructure schemes:

- Scheme BG161PO001/1.1-01/2007 “Support for provision of appropriate and cost-effective educational, social care and cultural infrastructures contributing to the development of sustainable urban areas”, Component 2 “Social infrastructure”
- BG161PO001/1.1-03/2008 “Support for providing of adequate and effective social infrastructure contributing to the development of sustainable urban agglomeration areas”
- BG161PO001/1.1-04/2008 “Support for providing of adequate and effective infrastructure of labor offices contributing to the development of sustainable urban agglomeration areas”

Cultural infrastructure schemes:

- Scheme BG161PO001/1.1-01/2007 “Support for provision of appropriate and cost-effective educational, social care and cultural infrastructures contributing to the development of sustainable urban areas”, Component 3 “Cultural infrastructure”
- Scheme BG161PO001/1.1-05/2008 “Support for appropriate and efficient state cultural infrastructure contributing to the development of sustainable urban areas”

Effect of the measure

In 2012 the following number of projects was completed under the above stated schemes, which projects reported positive effect on the Roma, and the following results were achieved:

- For building/reconstructing educational infrastructure sites. 32 projects were completed in 2012 in the total amount of verified costs of BGN 60,461,352.10, under which projects a total of 127 educational sites were reconstructed and a population of 36,707 benefited from them, out of which 6,948 are Roma people.

- For building/reconstructing social infrastructure sites. 18 projects were completed in 2012 in the total amount of verified costs of BGN 18,827,519.00, under which projects a total of 60 social sites were reconstructed and a population of 157,829 benefited from them, out of which 23,992 are Roma people.
- For building/reconstructing cultural infrastructure sites. 16 projects were completed in 2012 in the total amount of verified costs of BGN 25,802,629.05, under which projects a total of 46 cultural sites were reconstructed and a population of 815 015 benefited from them, out of which 23,655 are Roma people.

For the period 01 January – 30 September 2013 the following number of projects was completed under the above stated schemes, which projects reported positive effect on the Roma, and the following results were achieved:

- For building/reconstructing educational infrastructure sites. 57 projects were completed for the period 01 January – 30 September 2013 in the total amount of verified costs of BGN 89,429,152.86, under which projects a total of 248 educational sites were reconstructed and 8,407 Roma people benefited from them.
- For building/reconstructing cultural infrastructure sites. 2 projects were completed for the period 01 January – 30 September 2013 in the total amount of verified costs of BGN 1,186,332.00, under which projects a total of 2 cultural sites were reconstructed and 123 Roma people benefited from them.

Plans for 2014-2020 – Operational Programme “Regions in Growth” 2014-2020

In the field of education and healthcare Operational Programme “Regions in Growth” 2014-2020 contributes both for implementation of the Council’s country-specific recommendations and for fulfillment of the national targets under Europe 2020, namely:

- Investment Priority 3 “Investing in education, skills and lifelong learning by means of building educational and training infrastructure” of Priority Axis 1 “Sustainable and Integrated Urban Development”, as well as Priority Axis 2 “Regional educational infrastructure” under the operational programme, directly addresses the part of the Council’s Country-specific Recommendation 4 “To improve the access to inclusive education for disadvantaged children, especially the Roma” by applying measures for provision of accessible architectural environment for persons with disabilities, as well as achieving **the national target of reducing the share of early leavers of the educational system and increasing the share of 30-34-year-olds with completed higher education**, by improving the quality of the educational infrastructure and therefore of the educational process as well, providing opportunities for full-day education and extracurricular activities and overall increase of the learners’ motivation due to the better environment.

The activities under **Priority Axis 1 “Sustainable and Integrated Urban Development”** are directly aimed at achieving the specific target of Investment Priority 3, namely “Reducing the number of early school leavers by investing in urban educational infrastructure”. Activities are envisaged for building, reconstructing and repairing municipal educational institutions; energy efficiency measures and energy studies, as well as measures for improving the access for persons with disabilities. 67 municipalities have been selected for specific beneficiaries for sites in the impact areas for the towns from levels 1, 2 and 3 and in the entire urban territory in the towns from level 4 pursuant to IPURD. A specific target group, on which a special focus has been placed, is the representatives of those age groups of the Roma population, which has the lowest educational status and a limited access to educational services. The indicative budget envisaged for urban educational infrastructure under OPRG 2014-2020 is in the amount of EUR 77,375,499.

In view of the recommendations given by the European Commission, as well as with regard to better demarcation and complementarily with the Rural Development Programme,

for towns of level 1 through 3 financing of projects is allowed as per groups of activities “Areas with Potential for Economic Development”, “Social Infrastructure”, as well as municipal educational infrastructure outside the impact areas under IPURD, within the municipal territory. The activities financed under this exception cannot exceed 20% of the limit of the relevant town determined in advance under Priority Axis 1.

The activities under **Priority Axis 4 „Regional educational infrastructure“** are directly aimed at achieving the specific target of the Investment Priority, namely “Reducing the number of early school leavers by investing in urban educational infrastructure”. One of the reasons for early school leaving is precisely the poor educational infrastructure, limited opportunities to receive vocational education, lack of capacity for full-day activities at school. Activities will be supported for building, reconstructing and repairing state and municipal schools of national and regional importance, as well as of higher educational institutions, including the yard and dormitories adjoining thereto; implementing energy efficiency measures and renewable sources, energy studies, improving the access for persons with disabilities, etc. Ministry of Education and Science, Ministry of Agriculture and Food, Ministry of Culture and Ministry of Physical Education and Sports have been selected for specific beneficiaries for the schools’ state property attached to the relevant ministries, higher educational institutions and municipalities for municipal educational infrastructure of national and regional importance. The indicative budget envisaged for state educational infrastructure under OPRG 2014-2020 is in the amount of EUR 77,375,499.

Priority Axis 3 “Regional health infrastructure” under OPRG 2014-2020 has a direct contribution to the implementation of the recommendation in the part “To provide effective access to healthcare” by support of investments in health infrastructure, which will contribute to improving the quality and accessibility of health services for the population, as well as for achieving the national target for reducing poverty and promoting social inclusion.

The existing problems in healthcare bring to the foreground the need to provide equal opportunities for access to health services for the people, to increase the quality of health services by modernizing the health infrastructure and to equip healthcare institutions with new and more modern medical equipment.

The investments in health infrastructure shall be integrated with the other priorities in healthcare and shall be directed toward all levels of the national healthcare system according to the needs of the population and the principles for selecting the towns for integrated development, as well as with the measures for healthcare outside those towns.

Providing access to services and mostly access to basic health, educational and social services is a key instrument for overcoming the effects of poverty and social exclusion.

The activities under **Priority Axis 3 “Regional health infrastructure”** are directly aimed at delivering appropriate equipment, furniture and building and repairing works: for emergency care institutions (including ambulances), for buildings/rooms of hospitals, which have resources and potential for carrying out diagnostics and treatment of oncological diseases, for buildings/rooms of state and municipal medical institutions in compliance with the National Health Strategy until 2020, action plan and the General Plan on Hospital Care, as well as activities for implementing energy efficiency measures and structural reinforcements of buildings and improving the access for persons with disabilities. The envisaged specific beneficiaries are the Ministry of Health for regional health infrastructure and municipalities for municipal health infrastructure. The indicative budget envisaged for regional health infrastructure under OPRG 2014-2020 is in the amount of EUR 55,071,529.

Follow up to the Complaint No 41/2007- Mental Disability Advocacy Center (MDAC) v. Bulgaria

The Committee recalls that in its Decision on the Merits of 3 June 2008 of the Complaint No 41/2007, Mental Disability Advocacy Center (MDAC) v. Bulgaria it held unanimously that there was a violation of Article 17§2 of the Revised Charter because children with moderate, severe or profound intellectual disabilities residing in HMDCs did not have an effective right to education.

In this decision, the Committee considered that the progress made in effectively guarantying the right for children with disability to education was patently insufficient and the measures taken did not fulfil the three criteria established by the Committee - i.e. a reasonable timeframe, measurable progress and financing consistent with the maximum use of available resources.

More specifically, the Committee noted that only 2.8% of the children with intellectual disabilities residing in HMDCs were integrated in mainstream primary schools, which was extremely low whereas integration should be the norm. Mainstream educational institutions and curricula were not accessible in practice to these children. There also appeared to be insufficient evidence to show real attempts to integrate these children into mainstream education.

The Committee noted that only 3.4% of children with intellectual disabilities residing in HMDCs attended the special classes set up for them. Despite the fact that special classes should not be the norm but only an exception to mainstream education, the figure was very low and demonstrated that special education was not accessible to children with intellectual disabilities residing in HMDCs.

The Committee considered that the activities pursued by intellectually disabled children living in HMDCs who attend neither a mainstream school nor a special class could not be considered to be a form of education.

The Committee takes note of the information provided by the Permanent Representative of Bulgaria on 17 May 2010 concerning the follow up to this Complaint. According to this information, at present, 7 351 children with special educational requirements receive education in kindergartens and in general education schools, compared to 5 573 at the beginning of 2008, which is an increase of 31.9%. Only 1 165 of them are in a specialised institution for mentally disabled children.

In the light of the measures taken and announced in the follow up to the decision on the merits of the Complaint No 41/2007 as well as the Commissioner's observations, the Committee considers that the process that should lead towards a better integration of children with disabilities into mainstream schooling and thus towards the achievement of the goal of making education as accessible to them as to any other child, has been launched. The Committee wishes to be informed in the next report about the eventual outcomes of the measures taken in this process.

Ministry of Labour and Social Policy

The national policy for persons with disabilities is being implemented in pursuance of the targets set in the long-term strategy. In 2012 in compliance with the mechanism for monitoring the implementation of the guidelines for provision of equal opportunities to persons with disabilities, said mechanism set in the national long-term strategy, an update was made in the Strategy for Equal Opportunities for Persons with disabilities 2008-2015. The strategy was adopted by the Council of Ministers on 23.05.2012 and outlines the specific measures that have to be implemented in order to remove all barriers (psychological, educational, social, cultural, professional, financial and architectural) before the social inclusion and equal integration of persons with disabilities.

The Strategy for Equal Opportunities for Persons with disabilities 2008-2015 was adopted in pursuance of the recommendations of the Council of Europe, the good practices of the member states of the European Union, the principles in the UN Convention on the Rights

of Persons with Disabilities, the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, the UN Convention on the Rights of the Child, etc.

The strategy includes 8 targets, one of which is *guaranteed access to quality education for persons with disabilities* and includes the following directions:

In secondary education it is necessary to continue the application of the policy for inclusive education for children with special educational needs by means of:

- A unified methodology for complex pedagogical evaluation and recommendations for children with special educational needs.
- Building positive attitudes toward inclusive education in different communities – teachers, pupils, children and parents.

Establishing conditions that guarantee the integration of children with special educational needs in kindergartens and schools of general education by building a supporting environment that includes:

- accessible architectural environment pursuant to the requirements of the regulatory documents in that field.

- teams of specialists which, depending on the needs of the children and pupils, include teachers – special teachers, resource teachers, psychologists, speech and language therapists, speech and hearing rehabilitation therapists, etc., parents, guardians or trustees of the children and pupils with special educational needs.

- diagnostic, consulting and rehabilitation activities.
- special teaching resources and equipment, didactic materials, training aids, etc.
- individual educational programmes.
- educational programmes for the special subjects for children and pupils with hearing and visual impairment.

An optimized system for the special schools, as well as establishment of conditions for access to education for children with disabilities in specialized institutions.

Organizing awareness campaigns for the families of children with disabilities on the rights, obligations and opportunities for early inclusion of children in the educational system.

Evaluation by a commission of experts of children with disabilities placed in specialized institutions concerning their opportunities for education.

Development and adoption of a mechanism that gives an opportunity to support children with disabilities to continue their training and education.

Changing the attitudes of society toward children with disabilities /establishing positive attitudes to inclusive education in the teams in the schools and kindergartens, in children and pupils with and without disabilities and their parents, the general public/

- development of a communication strategy at a national and regional level to involve the media as partners in the process of changing the attitudes of society toward children with disabilities.

- educating journalists from national and local media on the issues of child protection.

In the sphere of higher education:

Updating the curriculums developed by higher educational institutions for education under pedagogical specialties, as well as for education for acquiring pedagogical qualification by persons with higher education under different specialties in order to ensure adequate knowledge and skills that are necessary to work with children and young people with permanent disabilities.

Development of educational programmes by higher educational institutions in compliance with the needs of students, post-graduate students and PhD students with permanent disabilities.

Providing accessible architectural environment in all higher educational institutions and in the buildings thereto.

Providing opportunities for traineeship in actual conditions for students with disabilities.

Providing stimuli (tax reliefs, funds for salaries) for employers who appoint trainees, as well as specialists with higher education, with permanent disabilities.

The Integration of Persons with Disabilities Act contains section II *Education and Vocational Training*. Teams for complex pedagogical evaluation and integrated education for children with disabilities are established to the regional inspectorates of the Ministry of Education and Science. Resource centers for integrated education with the Ministry of Education and Science are established to support the integrated education for children with disabilities.

The Ministry of Education and Science shall be obliged to provide:

- education for children with disabilities of preschool and school age in schools under Art. 26, paragraph 1, items 1-10 of the Public Education Act and in kindergartens under Art. 18 of the same act;

- supporting environment for integrated education for children with disabilities;
- early speech and hearing, speech and language therapeutic and psychological rehabilitation and rehabilitation of blind and partially sighted children;

- textbooks, training aids, modern technologies and technical equipment for education for children with disabilities under 18 years of age or until completing their secondary education;

- vocational training for children with disabilities and of persons with disabilities up to 29 years of age.

The Ministry of Education and Science creates opportunities for education for children who have special educational needs and who are not integrated in a joint educational environment.

Persons who have been afflicted with a disability after 16 years of age are entitled to an additional free training under programmes for general education and vocational education and training for adults, as well as to initial rehabilitation under specific programmes for forming basic skills.

The higher educational institutions provide:

- 1. supporting environment, special devices, appropriate educational materials and additional teacher's assistance, which support the process of educating and evaluating persons with disabilities;

- 2. preparation of specialists to work with persons with disabilities.

Vocational education for persons with disabilities is realized by the National Employment Agency; employers or employment bodies; the persons under Art. 18, paragraph 1, items 3 and 4 of the Social Assistance Act, who provide social services to persons with disabilities; specialized enterprises and cooperatives.

Government authorities and local-government authorities organize the structure and building of urban territories for the population, including for persons with disabilities, under conditions and procedures determined in the Spatial Development Act.

On 26.01.2012 the National Assembly of the Republic of Bulgaria ratified the **UN Convention on the Rights of Persons with Disabilities**, and in pursuance of item 4 of the Resolution of the Council of Ministers for ratification the Ministry of Labor and Social Policy developed an *Action Plan containing measures to align the Republic of Bulgaria's regulatory framework and policies in the field of persons with disabilities in conformity with the provisions of the Convention on the rights of persons with disabilities (2013-2014)* (Action Plan). The plan was adopted with Resolution No. 868 of the Council of Ministers on 19 October 2012.

The two-year Action Plan contains 10 strategic targets, such as operative targets; the activities for their fulfillment have been specified; the deadlines for fulfillment, the expected results, the indicators and the responsible institutions have been specified. The Action Plan includes taking actual steps toward the application of the UN Convention on the Rights of Persons with Disabilities, namely:

- Identifying the key areas that need legal reform and taking consistent steps toward introduction of the requirements of the Convention;
- Introducing a coordination mechanism and a mechanism for monitoring of the application of the Convention, with clearly defined functions, tasks and responsibilities;
- Building capacity among the employees and experts from different fields for application of the provisions of the Convention;
- Wide promotion of the principles of the Convention among the public and including the civil society in the process of its application;
- Regular updating of the activities on the implementation of the Convention and monitoring of its application.

The plan consists of three phases; Phase 1 includes actions on establishment of a group of experts for coordination, development of concepts for changes in the regulatory deeds and undertaking of actions for ratification of the additional protocol. Phase 2 consists of adoption of changes in Bulgarian legislation and introducing a coordination and monitoring mechanism for its application. Phase 3 is related to an increase in the capacity of the bodies on application of the Convention, its promotion among the public by means of a media campaign, round table, national conference and seminars. A large part of the activities set in the plan are already in the process of implementation. A working group of experts was established to coordinate the implementation of the Action Plan, which will prepare instructions for its work.

A concept for changes in the regulatory framework with regard to the application of Art. 24 "Education" of the UN Convention on the Rights of Persons with Disabilities has been developed and approved, which is in pursuance of the measure set in the Two-year Action Plan for application of the Convention.

In 2013 a working group of experts was established for preparation of the national report on the application of the UN Convention on the Rights of Persons with Disabilities. Art. 24 "Education" contains the following information, as follows:

The available regulatory framework establishes conditions for equal access to education and training for all children and pupils, including for children and pupils with special educational needs and/or with chronic illnesses. The right of education is regulated in Art. 53 of the Constitution and school training until 16 years of age is mandatory. Primary and secondary education in state and municipal schools is free of charge. The Public Education Act recognizes the right of every citizen to receive education and guarantees the receiving thereof without discrimination; no restrictions or privileges based on race, nationality, gender, ethnic or social background, religion and social status are allowed. Pursuant to the Integration of Persons with Disabilities Act the Ministry of Education and Science provides supporting environment for integrated education for children with special educational needs.

The Public Education Act regulates the integrated education for children with special educational needs and/or with chronic illnesses in kindergartens and schools. The opportunity for integrated education for children with special educational needs – with sensory disability, with physical disability, with multiple disabilities, with intellectual disability, with learning disabilities, with speech and language impairment – is guaranteed by means of establishment of a supporting environment in kindergartens and schools. Pursuant to the law kindergartens are obliged to accept children with special educational needs and/or with chronic illnesses and the same shall enter kindergartens and servicing units when all other possibilities for education in state and municipal ones have been exhausted and upon request of the parents or guardians expressed in writing. Children with special educational needs and/or with chronic illnesses shall be taught in an integrated manner in schools, which are obliged to accept them, as well as (as an exception) when all other possibilities for education in state and municipal schools have been exhausted and upon request expressed in writing.

Pursuant to Ordinance 1/2009 children and pupils with special educational needs are the children and pupils with different types of disabilities – sensory, physical, intellectual,

multiple, speech and language and learning disabilities. The number of pupils with special educational needs in primary stage of education for the 2013/2014 school year as of 15.09.2013 from 1st through 4th grade in special schools /special, for children with hearing impairment and for children with visual impairment/ - a total of 872, out of which 384 are girls. The number of pupils from 1st through 4th grade with special educational needs who are integrated in schools of general education is a total of 4,874, out of which 1,704 are girls.

The above stated Ordinance determines the state educational requirements; every pupil is provided with access to education under the curriculums of the relevant kindergarten or school and, if necessary, education under an individual educational programme and resource support shall be provided.

The policy for provision of equal access to education to all children under 18 years of age and until completion of secondary education is also implemented by providing scholarships to pupils after completed primary education, as well as provision of monthly scholarships to support pupils with permanent disabilities. The policy for comprehensive, accessible and quality preschool education and training and school education applies for all children and pupils, including for children and pupils with special educational needs and/or with chronic illnesses.

The strategy on reducing the number of early school leavers of the educational system (2013-2020) sets forth measures for preventing early school leaving and providing access to quality education for children and pupils with special educational needs; for establishment and effective functioning of accessible support centers for every child and pupil; for developing the capacity of the teachers from schools of general education and kindergartens to work with children and pupils with special educational needs, as well as of the specialists working with children and pupils for application of a unified methodology for evaluation of their educational needs; establishment of a pedagogical and specialized supporting environment for every child and pupil in order to provide inclusive education.

The policies for preventing early school leaving includes additional support, as well as employing pedagogical advisors and/or psychologists and/or resource teachers.

The Higher Education Act and its by-laws stipulate facilitated conditions for access for persons with disabilities, for support and their integration in the system of higher education – persons with permanent disabilities and reduced work capacity of 70% and above 70%, who successfully passed the entrance exam, shall be accepted under facilitated conditions and under procedures determined by the rules on the operation of the higher educational institution. Students, PhD students and post-graduate students with permanent disabilities and reduced work capacity of 70% and above 70% are entitled to special reliefs, which are regulated in the rules of the higher educational institution and are exempt from payment of tuition fees in state higher educational institutions. Students with permanent disabilities, students with two parents with permanent disabilities and students with one parent with permanent disabilities are entitled to scholarships, which are granted from the beginning of the first year of study or from the beginning of the month following the month during which grounds have arisen for receiving the same and are paid for 12 months, separately for each month. The scholarships are granted without adherence to the restriction for average mark not lower than Good /4.00/. The procedures and conditions for granting scholarships are regulated in a decree of the Council of Ministers dd. 2000. According to the data provided by higher educational institutions to the Ministry of Education and Science the number of students with disabilities in a full-time course of study in the state higher educational institutions, who have been provided with scholarships under the procedures and conditions of Decree of the Council of Ministers for the 2012-2013 academic year, is 717 scholarship students for the fall semester and 746 scholarship students for the spring semester.

In compliance with the Ordinance on Use of Student Dormitories and the Canteens in Dormitories of Higher Educational Institutions and of “Studentski Stolove i Obshtezhitiya” EAD, in which accessible environment for persons with disabilities has been build, shall

house students, PhD students and post-graduate students with disabilities, as well as from other higher educational institutions. Students with 70% and above 70% reduced work capacity shall be placed in student dormitories without classification and shall pay during the entire year 30% of the amount of the monthly rent, as well as 30% of the due semester deposit.

The Ministry of Education and Science undertakes actions and measures in view of the use of sign language upon educating children with hearing impairment. At this stage the curriculums of special schools for children with hearing impairment (for the initial stage of primary education and for the lower stage of secondary education) includes the study of sign language in the classes of optional subjects in view of using it as an auxiliary tool upon teaching and learning the study material. In pursuance of the Action Plan for application of the Convention a group of experts is to be established, which will make an analysis and give proposals for regulating the use of sign language.

According to data from the regional inspectorates on the education in state and municipal schools and kindergartens, as of 2012 accessible architectural environment has been build, as follows: ramps in 912 schools and kindergartens; adapted sanitary facilities in 1,268 schools and kindergartens; adjoining infrastructure in 472 schools and kindergartens; elevators in 39 schools and kindergartens.

Ministry of Education and Science and State Agency for Child Protection

Policy of inclusive education for children with special educational needs

The notion “special educational needs” was determined in the regulatory deeds of the Ministry of Education and Science /Art. 2 of Ordinance No. 1 dd. 23 January 2009/. Children who encounter different difficulties in their education can have special educational needs due to:

- sensory disability (visual or hearing impairment);
- physical disability;
- intellectual disability;
- speech and language impairment;
- specific learning disabilities;
- emotional or behavioral disorders;
- communication disorders;
- chronic illnesses that lead to special educational needs;
- multiple disabilities

The Public Education Act regulates the integrated education for children with special educational needs and/or with chronic illnesses in schools. Only as an exception, when all other possibilities for education in state and municipal schools have been exhausted and upon request of the parents or guardians expressed in writing, children with special educational needs and/or with chronic illnesses can enroll in special schools and servicing units /Art. 27, paragraph 4 of the Public Education Act/. Pursuant to Art. 17, item 2 of the Integration of Persons with Disabilities Act the Ministry of Education and Science provides supporting environment for integrated education for children with disabilities. According to the health status of the children with sensory, physical, multiple, intellectual and speech and language disabilities /§ 3a, item 2 of the Additional Provisions of the Rules of Application of the Public Education Act/ the opportunity for integrated education and establishment of supporting environment in schools is guaranteed.

The approach of the integrated education for children with special educational needs is applied for all children with identified special educational need, regardless of whether they are raised in a family environment or in specialized institutions for children

Ordinance No. 1 dd. 23 January 2009 on the education for children and pupils with special educational needs and/or with chronic illnesses determines the state educational requirements for educating the children and pupils with special educational needs and/or with chronic illnesses.

Every child and pupil with special educational needs and/or with chronic illnesses shall be provided with access to education under the curriculums of the relevant kindergarten or school and, if necessary, education under an individual educational programme and resource support shall be provided.

A supporting environment shall be provided for the education for children and pupils with special educational needs and/or with chronic illnesses, which includes:

- accessible architectural environment
- teams of specialists which, depending on the needs of the children and pupils, include teachers – special teachers, resource teachers, psychologists, speech and language therapists, speech and hearing rehabilitation therapists, etc., as well as parents, guardians or trustees of the children and pupils with special educational needs. For children and pupils with special educational needs, who are placed in a specialized institution for children, the team shall also include a specialist determined by the director of that institution;
- diagnostic, consulting and rehabilitation activities;
- special teaching resources and equipment, didactic materials, training aids, specialized software, etc.;
- individual educational programmes;
- educational programmes for the special subjects for children and pupils with hearing impairment – individual formation and development of spoken language, speech development, musical stimulations, phonetic rhythm and motor skills, speech and substantive work;
- educational programmes for the special subjects for the children and pupils with visual impairment – visual assistance, orientation and mobility and useful skills.

The parents/guardians of the children participate in the preparation of the individual educational programme for the child (Art. 26, paragraph 2, item 6 and item 10 of Ordinance No.1/23.01.2009). This is aimed at finding the most suitable form of education for each child and to guarantee his/her best interest. That ordinance also exercises the control over the admission to special schools in order to avoid admitting children without disabilities therein.

Pursuant to the above stated by-law, the teams in the kindergartens and schools to support the education of the children and pupils with special educational needs shall develop individual educational programmes, which shall include one or several subjects from the relevant curriculum. The programmes are in compliance with the individual needs and the potential of each child or pupil.

The individual educational programme shall be developed in compliance with the following basic principles:

- observing the rights of the child or pupil;
- individual approach upon planning the activities with a stress on the abilities, skills and strength of the child or pupil;
- complex impact of the planned activities;
- team work upon the implementation of the program;
- phasing of the planned activities;
- continuity and systematicity of the planned activities;
- provision of consent and opportunity for selection by the child, pupil or his/her family on the basis of information about the planned activities provided in advance.

By order of the heads of the regional inspectorates on education all teams for complex methodological evaluation at the regional inspectorates on education shall include doctors and representatives from the Child Protection departments.

In 2012 the Ministry of Education and Science started the project BG051PO001-4.1.07 **“Inclusive Education”** under Operational Programme “Human Resources Development”, which aims at further developing the integrated education and preparing the educational system for the challenges of inclusive education. Inclusive education is a

process of recognizing and meeting the multiple educational needs of all learners, including children with special educational needs. Scheme BG051PO001-4.1.04 “Support for the education for children and pupils with special educational needs” was also implemented.

The common target of the project is to provide a supporting environment for equal access to education and for opening the educational system in view of implementing inclusive education.

The specific targets set are as follows:

- early finding of children at risk of learning difficulties and their successful inclusion in preschool and school education, successful socialization and integration;
- increasing the role of the schools of general education for building inclusive educational environment and for providing quality education in conformity with the individual needs of each pupil;
- increasing the capacity of the special schools for children with sensory disabilities in view of building a functional model of operation in order to support the inclusive education for children and pupils with sensory disabilities;
- building a new model of organization and functioning of the schools for children with intellectual disabilities of the boarding-house type;
- creating positive attitudes in the teachers’ and parents’ community toward inclusive education for achieving an integration effect;
- Providing a supporting environment by psychologists, resource teachers, speech and language therapists and/or other specialists for children and pupils who are without parental care and use residential care services included in the process of deinstitutionalization.

With resolution dd. 14 July 2010 the Council of Ministers adopted National Programme on Guaranteeing the Rights of Children with Disabilities 2010-2013, whose target was to contribute to the implementation of the measures of the Bulgarian government for improving the living conditions of children with disabilities and their families. The programme is also in pursuance of the recommendations of the European Committee of Social Rights to the Council of Europe, which were announced in its resolution dd. 11 October 2008.

The main emphasis in the National Programme on Guaranteeing the Rights of Children with Disabilities is the care for children with disabilities by establishing optimum conditions for developing their personal potential and equal social inclusion as a prerequisite for equal opportunities for all children.

The main priority in the strategic document was guaranteeing the equal access for children with special educational needs to quality education and preparation in view of their full social inclusion

The targets set by the government institutions on implementing the priority are: providing accessible architectural environment for children with special educational needs in kindergartens, schools and servicing units; developing a National Strategy on Inclusive Education and Supporting Environment; providing timely early inclusion in the educational system of children with disabilities; providing support to the staff engaged in schools and kindergartens with work with children with special educational needs; providing an opportunity to all children to be included in the educational system, etc.

Pursuant to the effective legislation offices for resource support shall be established and equipped in every kindergarten and every school where children with special educational needs are educated.

Under project BG051PO001-4.1.07 “Inclusive Education” under Operational Programme “Human Resources Development”, co-financed by the European Social Fund, 84 pilot schools of general education (3 per each of the country’s regions) have been approved, in which 84 resource offices have been furnished and equipped with the necessary equipment. 84 psychologists, 175 resource teachers, 60 speech and language therapists, 3 teachers for

children with visual impairment and 10 speech and hearing rehabilitation therapists have been employed in those schools. By means of the formed teams of specialists a model for successful inclusion in the educational and school environment of 1508 pupils with special educational needs has been developed. According to data of the Ministry of Education as of 31.12.2013, by means of support from the resource centers and by means of the activities under project “Inclusive Education”, 12,251 children and pupils are being educated in an integrated manner in 2,072 kindergartens and schools, supported by a total of 1,599 specialists – resource teachers, psychologists, speech and language therapists, speech and hearing rehabilitation therapists, teachers for children with visual impairment.

Under the same project in the pilot 4th Special School in the city of Sofia daily specialized transport has been provided from the home to the school and back under four routes for 50 children with special educational needs.

There is specialized transport for children with special educational needs in:

- ❖ Municipality of Pazardzhik has provided a mini-bus to transport the children attending a day-care center for children with disabilities from and to their homes;
- ❖ for children with special educational needs from the town of Lovech and from another 34 small settlements transport has been provided to the day-care center, the full-day kindergarten, the school and the resource center;
- ❖ Municipality of Lom has provided specialized transport – a mini-bus to the special school for children with disabilities on the territory of the town of Lom;
- ❖ Municipality of Silistra – transport has been provided for children with special educational needs from their homes to the day-care center, full-day kindergarten, the school and back;
- ❖ transport has also been provided in “Elin Pelin” Primary School in the village of Purvomaytsi, where children with special educational needs are being educated in an integrated manner;
- ❖ Municipality of Gorna Oryahovitsa has provided a mini-bus to transport the children with disabilities from their homes to a day-care center for children with disabilities – to the town of Gorna Oryahovitsa and back;
- ❖ Municipality of Varna provides every year specialized transport for children, pupils, young people and students with intellectual and physical disabilities who regularly attend standard educational institutions and rehabilitation institutions. Resource center – Varna provides transport for children with special educational needs to the specialized offices of speech and language therapists and psychologists and, if necessary, an assistant;

The state policy in the field of education is aimed at the establishment of conditions for developing inclusive education, which is a process for accepting and supporting the individuality of every child or pupil. For that purpose this process will find its statutory regulation in the draft version of the new education act, as well as in by-laws.

By means of 28 resource centers for support of the integrated education for children and pupils with special educational needs, during the 2012-2013 school year 1,267 resource teachers, psychologists, speech and language therapists and speech and hearing rehabilitation therapists were provided for resource support for the integrated education for 10,743 children and pupils with special educational needs in a total of 1,988 kindergartens and schools, out of which 649 are kindergartens.

Supporting environment was provided for carrying out the external evaluation and the state matriculation exams for all pupils with special educational needs. In 2013 coordination was performed and activities were realized for providing a supporting environment (including teachers, advisors and extended exam duration) for participation in the national external evaluation of a total of 74 pupils with visual impairment.

Under project BG051PO001-4.1.07 “Inclusive Education” 4 sample programmes were developed for working with children from 4 to 6 years of age who are at risk of learning

difficulties. They will be approbated in the 25 pilot kindergartens selected under the project, in which teams of specialists – a speech and language therapist and a psychologist – will work.

According to the information provided by the Ministry of Education and Science the preparation of an individual educational programme in relation to the needs of each child with special educational needs has been provided.

During the validity period of the National Programme funds were provided for purchasing materials in the schools where children with special educational needs were educated.

By means of the formed teams of specialists and by means of the provided modern technical, supporting and didactic materials a model has been built for successful inclusion in the educational and school environment of pupils with special educational needs.

The Ministry of Education and Science has made a proposal to change the curriculums of the Bachelor's programmes for teacher's qualification, as well as a proposal upon accreditation of higher educational institutions, to include an indicator concerning the presence of mandatory subjects in those programmes, aimed at preparing teachers to work with children with special educational needs.

By the beginning of the 2011-2012 school year 9 higher educational institutions, which prepare specialists with teacher's qualification, have submitted information about included (mostly as optional) courses for work with children with special educational needs.

Through the resource center for support for the integrated education for children and pupils with special educational needs, a total of 562 trainings of teachers and specialists from kindergartens and schools of general education have been carried out.

Pursuant to an order by the Minister of Education, Youth and Science, during the period from October to the end of December 2010 a commission from the Ministry of Education with the participation of representatives of the State Agency for Child Protection studied the activities of the resource centers for support for the integrated education for children and pupils with special educational needs in nine regions in the country – Sofia City, Pazardzhik, Stara Zagora, Pleven, Lovech, Sliven, Yambol, Varna and Burgas.

In the course of the study a total of 345 kindergartens, schools of general education and vocational schools were visited, where approximately 2,000 children and pupils with special educational needs study. The activities for the statistical processing of the information and the analysis of the results from the study were carried out by the Bulgarian Psychological Society. Pursuant to the order by the Minister of Education, Youth and Science, by the end of December 2011 a summary report – an analysis for the study of integrated education – was prepared.

The data from the conducted study shows concentration of the number of specialists in the process of integrated education mainly in the initial stage of primary education and in the lower stage of secondary education. The complex needs of the child and pupil with special educational needs require the respective planning of funds, including differentiated ones, in view of securing the necessary funds for providing a team of specialists to work with the child or pupil. The data categorically show the importance of team work, which is directly linked to the effectiveness of the process of integrated education. All specialists and teachers who participate in the study have stated as an important condition for team work the cooperation and exchange of information about the child and pupil. The study gives the opportunity to conclude that the most delicate and complex is the work on the inclusion of the parents as partners, as well as on overcoming their opposition related to prejudice for labeling the children and pupils with special educational needs. Target-oriented activities are necessary, under which the kindergartens and schools shall increase their capacity for providing conditions for inclusive education and mostly with regard to the attitudes toward the children's difference. It can be concluded from the results obtained from the study that the role of the resource teacher turns out to be crucial in the process of integrated education.

All conclusions and recommendations made in the summary report-analysis are a point of reference upon developing the new regulatory deeds in the educational system.

The evaluation of the educational needs of children with disabilities placed in specialized institutions shall be performed by the teams for complex pedagogical evaluation to the regional inspectorates on education. In the evaluation card it has been recommended to include the children in an appropriate form of education – schools of general education (kindergartens; special schools), a home-styled class of a special school in the specialized institution.

Pursuant to Art. 6a of the Rules on Application of the Public Education Act the teams for complex pedagogical evaluation in the regional inspectorates on education have the authority to request information about children with special educational needs from the homes for children without parental care, from the homes for children and young people with intellectual disabilities and from the homes for medical and social care for children, in order to evaluate their educational needs and direct them toward integrated education, or prepare a proposal to the Ministry of Education and Science for their education in special schools.

During the period September-November 2010 an evaluation was made by a multidisciplinary team of specialists of the needs of 1,797 children and young people from all of the 24 homes for children with intellectual disabilities and in 31 homes for medical and social care for children above 3 years of age.

Providing a supporting environment by psychologists and resource teachers was initiated for pupils without parental care using residential care services, who are included in the process of deinstitutionalization.

In 2013 two pilot schools were selected and approved, in which 12 children using residential care services are being educated. The approval of the schools is under the project BG051PO001-4.1.07 “Inclusive Education” and it is related to the readiness under the projects “Childhood for All” and “Support” of the State Agency for Child Protection for opening residential care services in the community. Upon opening new such services the stage-by-stage approval of pilot schools of general education under the project will continue.

The opportunities, procedures and conditions for continuation of the education for all children, including for children with disabilities, shall be regulated in the draft version of the Preschool and School Education Act, as well as in the Vocational Education and Training Act. The standard for inclusive education envisages intersectoral cooperation for providing the necessary services for children with special educational needs, including consulting and career orientation for continuation of their education in compliance with their needs and capabilities.

Deinstitutionalization of children with intellectual disabilities and inclusive education

An important part of reforming the system for caring for children in Bulgaria is the process of closing and reforming the specialized institutions for caring for children by means of introducing and approving alternative forms of care with regard to the children who are denied the opportunity to be taken cared of by their biological family.

The deinstitutionalization of the care for children and the opening of accessible, quality and sustainable services for children and their families takes an important place in **the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020** /adopted on 6 February 2013 by the Council of Ministers/ and **the National Development Programme: Bulgaria 2020** /adopted by Decree No. 1057 dd. 20 December 2012 of the Council of Ministers/; **Strategy for Educational Integration of Children and Pupils from Ethnic Minorities; Strategy for Reducing the Share of Early Leavers of the Educational System;**

One of the priorities set in the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020 is: “Removing the institutional model for care and developing intersectoral services for social inclusion”. In pursuance of this priority measures have been

envisaged, which are aimed at: providing sustainable, quality and accessible social services in the community; developing a network of service for children in a family or family-like environment; developing integrated services for early childhood development for children from 0 to 7 years of age and their families; developing innovative intersectoral services for children and families.

At **the beginning of 2010** the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria” was adopted, whose main target was closing all institutions for children within a period of 15 years. The strategy envisaged closing the standard type of specialized institutions and a qualitative change of policies supporting the family, which shall lead to risk prevention, including the risk of abandoning a child. During the past five years the Policy for Support for Children and Families is directed toward the introduction of an entirely new approach for children care aimed at prevention, early prevention, support for families and providing a family or family-like environment for every Bulgarian child.

At the end of 2010 the adopted Action Plan for implementation of the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria” specifies the activities, tasks, responsibilities and resources for implementation of the National Strategy. The Action Plan includes the development and implementation of five projects: “Project for deinstitutionalization of children from homes for children with disabilities”, “Project for deinstitutionalization of children from homes for medical and social care for children”, “Project for deinstitutionalization of children from homes for children without parental care”, “Project for foster care development” and “Project for career development of social workers”. The projects contain specific indicators and measures for progress reporting. They are financed under operational programmes “Human Resources Development”, “Regional Development” and “Rural Development” of the European Union and their value is more than EUR 100 million.

The process of deinstitutionalization started with the most vulnerable group of children, namely children with disabilities; in 2013 it entered a crucial stage, which caused a number of difficulties and challenges related to changing the attitudes of the community, the relocation of children from institutions to the new services, the need of constantly providing information about and of publicity concerning the measures undertaken, etc.

The project “Childhood for All” is a part of Operation “Not to Leave a Single Child Behind”, financed under Operational Programme “Human Resources Development” and aims at implementing a sustainable model for deinstitutionalization of children with disabilities who are placed in specialized institutions for children. The process started with a complex evaluation of the children and young people from homes for children and young people with intellectual disabilities; a part of it also covers the educational needs of the children. This evaluation is at the root of the subsequent activities under the project, which continue with removing the children from the institutions and directing them toward the new services in the community. An important motive in the selection of a service for the child, which service corresponds to its best interest, is the opportunity for access to education in compliance with his/her individual educational needs.

According to data from the National Statistical Institute, during **the 2012/2013 school year a total of 9,734 children/pupils** studied in an integrated manner in kindergartens, schools of general education and vocational schools, who were supported by 1,264 resource teachers and other specialists.

According to the database maintained in the State Agency for Child Protection, in the homes for children and young people with intellectual disabilities as of 31.12.2013 542 children and 602 young people were cared for. Out of the children in this target group who are in mandatory school age /under 16 years of age/, 125 attend a special school outside the institution, 195 attend a home-styled class in a special school in the institution, 29 attend a regular school in the settlement where they live; 12 attend a regular school outside the settlement where they live; 1 child is in a social educational and vocational center; an

individual form of study to a school of general education – 11 children; 24 children study in a primary school to a home for children with physical disabilities; 4 children study in a school for children with visual impairment, 2 children – in a special school for children with hearing impairment. For 64 of the children placed in homes for children and young people with intellectual disabilities the directors of the homes have indicated that they do not attend any school due to health reasons and due to frequent hospitalization their sitting before a team for complex pedagogical evaluation from the regional inspectorates on education under the Ministry of Education and Science has been postponed.

Project BG051PO001-4.1.07 “Inclusive Education” of the Ministry of Education and Science under Operational Programme “Human Resources Development”, which is co-financed by the European Social Fund, provides support for education in a standard educational environment for one of the most vulnerable groups – children and pupils with disabilities. By means of implementing inclusive education and building the new models stipulated in the project the access to education will improve, quality will improve and knowledge and skills will be acquired depending on the individual needs of every child, which will improve the chances for successful social inclusion and career success and ultimately (in a broad sense) will help the process of deinstitutionalization.

Two of the activities under the project “Inclusive Education” directly correspond to the process of deinstitutionalization – Activity 6 – “Providing a supporting environment of psychologists, resource teachers and other specialists for children and pupils who are without parental care and use residential care services and are included in the process of deinstitutionalization” and Activity 4 “Building a new model for organizing and functioning of the schools for children with intellectual disabilities (special schools) of the boarding-house type”.

Activity 6 “Providing a supporting environment of psychologists, resource teachers, speech and language therapists and/or other specialists for children and pupils who are without parental care and use residential care services and are included in the process of deinstitutionalization”

A supporting environment shall be built in suitable pilot kindergartens and pilot schools of general education, selected on the basis of certain criteria by the regional inspectorates on education and located near the centers for family-type accommodation and near the protected homes. The pilot schools and joint childcare centers/full-day kindergartens shall be approved with an order of the Minister of Education and Science.

Activity 6 includes the following main sub-activities:

- selection and appointment of psychologists, speech and language therapists and resource teachers by the directors of the pilot kindergartens and schools in the respective pilot municipalities;
- the work of the psychologists appointed in the pilot kindergartens and schools with the community in the settlement, with pupils, parents and teachers in kindergartens and schools for changing the attitudes and preparing the inclusion of the children from institutions;
- study and analysis by the appointed specialists of the overall evaluation (prepared by the regional team for deinstitutionalization) of the needs of the children and pupils;
- evaluation of the educational needs of children and pupils not covered as of now in the educational institutions, including children over 16 years of age;
- preparation of a plan for support for the education of every child, team work for discussing the prepared plans for support, updating (if necessary) and approval;
- preparation of a recommendation for the form of study for children over 16 years of age;
- preparation of educational modules conforming with the individual evaluations of the children in order to build self-dependence and life skills;

- preparation of documentation for every child, which contains an evaluation of his/her needs, a plan for support, documentation from team meetings concerning the child, studies, evaluations, a periodic reexamination of the evaluation and of the plan, etc.;
- participation in meetings of the regional teams for deinstitutionalization in order to harmonize the plan for support for personal development with the evaluation of the child's needs from the report under the project for deinstitutionalization;
- the inclusion of pupils in a respective form of study, which is more suitable for them, shall be done at The suggestion of the school's team and coordinated with the parent/guardian of every child. The suggestion shall be approved by the Teachers' Council;
- the following form of study are possible: daytime, individual and combined. Individual and group work can be done with pupils.
- it possible to make a class for children with multiple disabilities (4 -6 children), provided that one or two special teachers are appointed at the expense of the school's budget. The additional support by the three specialists – a resource teacher, a speech and language therapist and a psychologist shall be at the expense of the project.

For children whose health does not allow them to go to a kindergarten/school, the educational support can be provided by the specialists in the center for family-type accommodation itself.

Activity 4 “Building a new model of organization and functioning of the schools for children with intellectual disabilities (special schools) of the boarding-house type”

The new model of organization and functioning of the pilot school –“Professor Dimitar Katsarov” 4th Special School, city of Sofia – aims, on the one hand, at providing education in compliance with the modern requirements with regard to children with severe and with multiple disabilities and allowing the acquisition of knowledge and skills in compliance with the individual needs of every child, and on the other hand – at providing integrated services (art therapy, kinesitherapy, work with the family, specialized nutrition, daily specialized transport), which as a result can lead to excluding the boarding-house from the structure of the school and can ensure the provision of education without separation from the family environment.

For that purpose the following has been carried out in the pilot special school:

- 6 specialized offices for work with children with severe intellectual disabilities and with multiple disabilities have been newly built/repared and furnished with the necessary materials and equipment;
- 32 specialists for work with children with severe and with multiple disabilities – 5 psychologists, 4 speech and language therapists, 2 art therapists, 2 kinesitherapists, 1 social educator, 14 supervisors and 4 assistant supervisors, as well as an auxiliary staff of 3 persons, have been appointed;
- a draft version of a new educational plan has been developed for the children with severe and with multiple disabilities, said plan related to the new model of functioning of the school;
- software products have been provided – for work in the office of the speech and language therapist and in the office of the psychologist.
- specialized nutrition has been provided for the children in compliance with their health;
- daily specialized transport has been provided since the 2013/2014 school year.

Activity 2 “Providing conditions and support for transition from integrated to inclusive education”

This activity is also innovative in its spirit and philosophy because it establishes a new policy for the schools of general education, which shall independently take the initiative and

the responsibility and manage the implementation of inclusive education. In the practical experience and pursuant to the effective legislation the support for children and pupils with special educational needs, who are educated in an integrated manner, is implemented “from the outside” – through the state servicing units – the resource centers for support for the integrated education for children and pupils with special educational needs. In the 84 pilot schools of general education teams of specialists (84 psychologists, 181 resource teachers, 65 speech and language therapists, 3 teachers for children with visual impairment and 10 speech and hearing rehabilitation therapists) have been set up, as well as 84 resource offices have been equipped with the necessary equipment to support the education for children with special educational needs; a methodology for evaluation of the educational needs of children and pupils and guidelines on its application have been developed. A model for inclusive education for 1,654 pupils with special educational needs has been developed.

With Order No. RD 09-1277 dd. 20.08.2014 by the Minister of Education and Science the period for implementation of the project was extended until 31.08.2015.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 46/2007, decision on the merits of 12 March 2008)

The Committee recalls that, in its decision on the merits of 3 December 2008 of complaint No. 46/2007 lodged by the European Roma Rights Centre (ERRC) against Bulgaria, it found that there had been a violation of Article 11§1 of the Charter on the grounds that: (i) the authorities had failed to take appropriate measures to address the health problems faced by Roma communities stemming from their often unhealthy living conditions and difficult access to health services, and (ii) the medical services available for poor or socially vulnerable persons who had lost entitlement to social assistance were not sufficient. These were also the grounds of the conclusion of non-conformity in the reporting system in Conclusions 2009.

The Committee takes note from both the report and from the written information provided by the Bulgarian representative to the Governmental Committee (Governmental Committee, Report concerning Conclusions 2009, T-SG(2011)1 final), of several measures to improve medical services for socially vulnerable persons, including Roma:

- Under the “Health Strategy for persons in disadvantaged situation, belonging to ethnical minorities 2005 – 2015”, examinations by mobile medical cabinets including general and prophylactic, gynecological, children’s examinations are available. Many laboratory and biochemical tests as well as screening examinations for socially important illnesses were carried out. For the period of 2006 – 2009 altogether 80 000 examinations were made. These activities are part of the commitments for ensuring access to prophylactic and medical care for the health uninsured persons in disadvantaged situations.
- A key feature for the improvement of access of vulnerable groups including Roma to healthcare is the reinforced figure of the health mediator. The health care mediator is an intermediary between the community (generally neighborhoods with compact Roma population) and medical specialists providing care for that population. There are currently around 109 health mediators.
- Several projects under the PHARE Programme have been implemented in recent years with a view to improving access to healthcare of vulnerable groups of the population, with special focus on the Roma community.
- Improving the immunisation vaccination coverage rate for Roma children has been set as a priority for the country.

In the light of the above measures, the Committee considers that the process that should lead towards improved access to healthcare for socially vulnerable persons, including Roma, has been launched. It nevertheless asks the next report to indicate the implementation and outcome of these measures.

The policy of the Ministry of Health is aimed at establishing better conditions and providing equal access for all Bulgarian citizens to health services, regardless of their gender, age or ethnic or social background. Special attention shall be paid to improving the health services for disadvantaged population groups.

The adoption of the Health Strategy by the Council of Ministers in 2005 provided the opportunity to plan and utilize financial support every year, said financial support showing a significant increase over the years. Financial estimates were made for the funds necessary until 2015, which guarantees sustainability of the processes and continuation of the activities that were started during the previous years.

The activities and priorities set in the Health Strategy for disadvantaged persons who belong to ethnic minorities (2005-2015) are included in section "Healthcare" of the National Roma Integration Strategy of the Republic of Bulgaria 2012-2020 and the Action Plan thereto.

During the past few years the Ministry of Health annually allocated funds for carrying out prophylactic examinations and tests in settlements with predominantly Roma population, using the 23 mobile examination rooms provided under the PHARE Programme as follows: 5 rooms for general prophylactic examinations; 2 fluorography rooms; 2 mammography rooms; 3 echography rooms; 3 rooms for laboratory tests; 4 pediatric rooms and 4 gynecological rooms.

Activities performed during the period 2010-2013 with the mobile examination rooms are a total of 60,164 examinations and tests:

- 7,624 immunizations of children with incomplete immunization status;
- 5113 fluorography examinations;
- 14 002 gynecological examinations;
- 12 675 prophylactic examinations of children;
- 4 958 mammography examinations;
- 8 168 echography examinations;
- 7 624 laboratory tests.

All children and persons who were found to suffer from a disease after the completion of the examinations and tests were referred to the respective specialists for subsequent treatment.

Carrying out the examinations in the specified regions is preceded or accompanied by lectures, discussions and campaigns. The subjects discussed are in the field of contraception, sexually transmitted diseases, breast cancer, cervix carcinoma, healthy nutrition, immunizations, patient's rights, socially significant diseases, environment and health, osteoporosis and tobacco smoking. Increasing the health knowledge is done to a great extent with the help of information materials – brochures and leaflets which explain in plain words the respective health problem.

Another example for a good practice during the period 2010-2013 is the achievements with regard to health mediators. The position "health mediator" is included in the National Classification of Professions and Positions in the Republic of Bulgaria. The target of the mediator programme is: overcoming the cultural barriers in the communication between the Roma communities and the medical personnel at the different locations, overcoming existing discriminatory attitudes in the healthcare servicing of the Roma, optimization of the implementation of prophylaxis programmes among the Roma population, health education of the Roma and active social work in the community and especially with vulnerable Roma groups.

In 2010 and 2011 there were 105 health mediators working in 57 municipalities. In 2012 there were 109 health mediators working in 59 municipalities; in 2013 there are already 130 health mediators working in 71 municipalities. In 2014 with Decree No. 658 of the Council of Ministers dd. 31.10.2013 the number of health mediators is 150 in 79 target municipalities in 25 regions of the country.

The medical personnel regularly improves its knowledge of the specific health problems of the Roma population by means of improving the medical education curriculums of the medical universities and colleges.

Over the years the following good practice was approved: the Ministry of Health to interact with non-government organizations, with the number of the latter working in Roma communities constantly increasing.

During the period 2010-2013 there were seven National Conferences under the project “Initiative for Health and Vaccine Prophylaxis”, organized by the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministers, jointly with the Ministry of Health and the Health Commission to the 41st National Assembly of the Republic of Bulgaria, in partnership with: the National Network of Health Mediators in Bulgaria, the National Association of General Practitioners in Bulgaria, the Bulgarian Red Cross, the Bulgarian Association of Innovative Medicine, the Bulgarian Association of Vaccine Prophylaxis, with the support of GlaxoSmithKline and MSD.

These conferences strengthen the good cooperation between the main participants in the campaigns for prevention of vaccine-preventable diseases among the vulnerable groups. Health mediators have a principal role in implementing the prevention of different diseases and improving the health status of Roma communities specified in the Action Plan for implementation of the strategy.

In 2012 another 40 health mediators were trained by lecturers from the faculty of Public Health to the Medical University-Sofia, medical specialists and representatives from the non-government sector. The training of the health mediators is supported by the pharmaceutical company GlaxoSmithKline and it is a part of the activities under the project “Initiative for Health and Vaccine Prophylaxis”. Within 240 study hours the health mediators are introduced to the regulatory framework and the system for health services in Bulgaria, the patient’s rights and obligations, as well as they receive information about basic diseases /prevention, prophylaxis and treatment/.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 46/2007, decision on the merits of 3 December 2008)

In Complaint No. 46/2007 European Roma Rights Centre (ERRC) v. Bulgaria, decision on the merits of 3 December 2008, the Committee held that there was a violation of Article 11§§1, 2 and 3, in conjunction with Article E, and of Article 13§1. As regards Article 13§1, the violation concerned the insufficient medical services available for poor or socially vulnerable persons, inasmuch as persons not qualifying for social assistance or whose right to social assistance had been temporarily suspended were left without health coverage during the period that their social assistance was interrupted. In this respect, the report provides information on a number of initiatives taken to ensure equal access to medical care of all Bulgarian citizens, including Roma people. In particular, the Action Plan of the Health Strategy for disadvantaged persons from ethnic minorities 2005-2015 has led to the appointment of 109 health mediators; furthermore, under several PHARE programmes, more than 30 000 prophylactic examinations have been carried out and mobile gynecological and paediatric consulting offices have been set up and measures have been taken to ensure that pregnant women with no health insurance can give birth free of charge.

The Committee takes note of the different measures and initiatives described in the report and aimed at improving Roma integration and, in particular, their access to health care. It notes however that the report does not provide a comprehensive answer to the specific question of what medical assistance is available to people without resources not receiving social assistance (including people registered for employment since less than six months) or whose right to social assistance has been temporarily suspended (following for example a repeated refusal of a job offer). The Committee recalls that in its previous conclusion (Conclusions 2009) it noted that the types of

medical services available to all citizens outside the scope of mandatory health insurance were mainly confined to emergency care and obstetrical care for women and that the scope of Decree No. 17 of 31 January 2007 was limited to covering expenses for hospital treatment and did not include primary or specialised outpatient medical care that such persons might require. Therefore, bearing in mind that Article 13§1 of the Charter provides that persons without adequate resources should be granted treatment in the event of sickness, not necessarily emergency care, the Committee considered that the measures adopted by the Government did not sufficiently ensure health care for poor or socially vulnerable persons who become sick, thus amounting to a breach of this provision. As the report does not provide new elements clearly establishing that people not receiving social assistance is entitled to medical assistance, other than emergency care, obstetrical and hospital treatment, the Committee reiterates its question and holds that if such information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter. In the meantime, it reserves its position on this issue.

On 21.01.2013 an agreement was signed for a thematic “Fund for reforms related to the inclusion of Roma and other vulnerable groups” under the Bulgarian-Swiss Cooperation Programme. The main objective of the document is to support Bulgaria in promoting the social inclusion of the Roma in pursuance of the National Roma Integration Strategy of the Republic of Bulgaria by 2020. The thematic fund will provide the opportunity to fulfill the Programme “Promotion of Social Inclusion of Roma and Other Vulnerable Groups”.

The priority lines are two:

- “Improving the integration of Roma and other vulnerable groups in the healthcare and education system”. The strategic target of the intervention under this priority line is to support the integration of Roma children and women in the Bulgarian education and healthcare system, which will be achieved with specific projects and by including the good practices from the projects in sustainable policies.

- “Empowerment and awareness” aims at supporting the cultural integration and identity, the continuity and participation of the Roma in the processes for decision-making and establishing policies and priorities. This support will be provided for sustainable changes in the attitudes toward the inclusion of the Roma in the Bulgarian society.

The main focus is the financing of measures for preschool and school activities – encouraging the children to attend kindergartens and schools, supporting the parents in the process of encouraging the children, organizing supporting lessons and bilingual lessons, developing social skills, consulting the parents whose children do not attend school regularly, providing specialized assistance for children with special educational needs, increasing the quality of education in kindergartens and schools located in the big segregated neighborhoods and rural areas and attended predominantly by Roma children.

With regard to the health component the integrated services include mainly the element of the pre-hospital healthcare, such as regular medical examination of the target groups, prenatal and postnatal care and family planning, contribution to the measures for application of the immunization campaigns for children, as well as with regard to prevention of sexually transmitted diseases such as HIV/AIDS, other programmes aimed at improving the health status according to the specific needs of the respective community, contribution to increasing health culture and to providing access to health information. It is necessary to encourage the more active participation of general practitioners in order to facilitate the access of the Roma community to primary healthcare services, as well as establishing an efficient dialogue between general practitioners, authorities of the local self-government, regional health inspectorates, health mediators and non-government organizations active in this field.

The programme will be implemented by the municipalities. Potential partners depending on the type of the implemented activities can also be non-government

organizations, schools, universities, employers and their associations, professional unions, centers for specialized education, general practitioners and hospitals.

On 29.11.2013 the agreement for the implementation of Programme BG 07 “Public Health Initiatives“, financed under the Financial mechanism of the European Economic Area and the Norwegian Financial Mechanism, was signed.

Pursuant to the Memorandums for the Norwegian Financial Mechanism and the Financial mechanism of the European Economic Area and the Republic of Bulgaria the Programme Area “Public Health Initiatives” aims at improving public health and decreasing health inequalities with an emphasis on 5 areas:

- reproductive health;
- child healthcare;
- mental health;
- improving the management in the field of healthcare;
- specific challenges for the health of the Roma.

Decreasing the inequalities and improving the nation’s health is a very important target for Bulgaria because there are still restrictions to the access to healthcare services mainly for the Roma community and the population in rural and isolated areas.

With regard to the Roma the “Scholarship Programme for Roma Students Enrolled in Medical or Other Healthcare-related Studies” will be implemented. Providing financial support aims at increasing the qualification and education of young Roma in the field of healthcare so that they can apply their knowledge in their communities and play a role in overcoming the existing negative stereotypes toward the Roma. By providing health education, patronage and tutorship among Roma students in medical specialties the main healthcare challenges before the Roma community in Bulgaria will be overcome. The following is expected:

- increasing the number of Roma working in the field of healthcare as healthcare specialists;
- improving the access to and quality of healthcare services;
- decreasing the number of Roma without health insurance;
- improving the overall health status of the Roma;
- overcoming the negative attitudes toward the Roma community in the field of healthcare.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 48/2008, decision on the merits of 18 February 2009)

As regards the breach found in Complaint No. 48/2008 European Roma Rights Centre (ERRC) v. Bulgaria, decision on the merits of 18 February 2009, the Committee notes from the report that the provision limiting to 12 months the entitlement to social assistance was repealed in December 2009 with effect from January 2011. The Committee asks the next report to provide more information on the new rules in force and to confirm that social assistance can henceforth be provided for as long as the situation of need persists.

The Republic of Bulgaria pursues a clear and consistent policy in support of the groups exposed to the highest risk. It is in full compliance with the European values, principles and priorities, with the commitments and responsibilities undertaken and with the willingness to provide better social protection to the people who cannot cope by themselves in a difficult life situation. Despite the fact that the time restriction for receiving of monthly welfare benefits, said restriction contested in the complaint, in the context of the entire system for assistance has in no way created any risks for guaranteeing the rights of the people under Art. 13, paragraph 1 and Art. E of the European Social Charter (p), and that similar restrictions are applied and even extended in many European countries, Bulgaria conformed

to the conclusions of the European Committee of Social Rights by undertaking and implementing the adequate regulatory changes.

It shall be noted that the system for social assistance in Bulgaria has proved over the years to be sufficiently flexible and adaptable to changes in terms of the opportunities to react adequately in each specific case when the state has to assist persons and families who are in a critical situation. The principles and philosophy that are at its foot are a guarantee for correct purposefulness of the benefits and taking into account the specificity of each specific case. It establishes the necessary conditions and prerequisites for guaranteeing social protection as an important element of the mechanism of social inclusion of the groups at risk in the context of the set targets and priorities of Europe 2020 according to the financial capabilities of the state at any given time.

The philosophy of social assistance in Bulgaria is based on the fact that every Bulgarian citizen is entitled to social protection when due to health, age, social and other reasons beyond his/her control he/she cannot by him/herself or with the help of his/her family meet his/her life's basic needs. Social assistance is expressed with the provision of benefits and rendering of services. This right is also enjoyed by foreigners with a permit for permanent residence in the Republic of Bulgaria, foreigners who are given sanctuary, a refugee status or a humanitarian status, foreigners using temporary protection and persons for whom this has been envisaged in an international treaty under which the Republic of Bulgaria is a party. The provision of welfare benefits is financed by the state budget and it is not bound by social security and other contribution schemes.

Welfare benefits are granted after exhausting all possibilities for self-support and for assistance from the parties legally bound to provide it. The right of social assistance is bound to an appraisal of each individual case. It depends on income, property status, marital status, health status, employment status, age and other established circumstances and it is not limited in time. Welfare benefits are granted on the basis of a social report prepared on the basis of a social inquiry conducted at the homes of the persons and families, said inquiry establishing the presence of conditions for exercising the right of assistance.

The main emphasis in the conducted social policy is protection of the people with the lowest income – elderly people living alone, persons with disabilities, single parents and children at risk. For unemployed people of working age the emphasis is placed on making them active to look for and accept work instead of being dependent on the system of social assistance.

The protection of the people with low income is regulated with the Social Assistance Act, the Rules on the Application thereof and Ordinance No. RD 07-5/2008 of the Minister of Labor and Social Policy on the conditions and procedure for granting special-purpose welfare benefits for heating. Monthly, special-purpose and lump-sum benefits are granted under the Social Assistance Act. Monthly benefits are granted to the poorest persons and families whose income is under a defined differentiated minimum income. The basis for determining the right of monthly social assistance and the amount of the benefits is the guaranteed minimum income (as of now it is BGN 65). For each target group there shall be a comprehensive reporting of the following factors: age, health status, marital status, employment and educational status, as well as cohabitation with other persons or families, etc.

In order to stimulate responsible parenting and to promote educating the children, there are requirements for regular school attendance and carrying out the necessary immunizations and prophylactic examinations. In the cases when those requirements are not met, the amount of the benefits for them will be reduced considerably.

Special-purpose benefits are intended to assist persons and families in covering specific needs – payment of municipal rent (for elderly people living alone, persons who have graduated from a social educational and vocational center, parents raising their children alone) and free travel for people with permanent disabilities.

Lump-sum benefits are granted for covering incidental needs of health, utility, educational or other nature. The stress is placed on the specific social work and evaluation of each individual case in order to prepare an objective rating of the social, property and health status of the assisted persons and families.

Special-purpose welfare benefits for heating are also granted. They cover the heating during the winter months (5 months – November through March) for the people in the most severe social situation. The amount of the benefits is determined every year and it fully compensates the increase of the price of electricity.

Here it shall be noted that there were important regulatory changes in the programme for special-purpose energy assistance, which provide an opportunity to guarantee better protection for the most vulnerable social groups during the winter. The differentiated minimum income for heating was increased by BGN 15, i.e. by preserving the principle of a differentiated approach the income threshold is increased for all 16 groups at risk by BGN 15, which increased the scope of the programme for special-purpose energy assistance by a quarter.

The next change prior to the 2013/2014 heating season provided the Minister of Labor and Social Policy with the opportunity not to allow a decrease of the amount of the benefits if this is related to a decrease of the price of electricity. Thus, despite the determined lower price of electricity, the amount of the benefits will remain the same as it was during the previous heating season – BGN 65.72 per month. In essence this was an actual increase of the amount of the benefits.

A guiding principle in the policy pursued by the Bulgarian government was and still is to look for permanent, sustainable and long-lasting measures. This is also related to facilitating the access to assistance and compensation at 100% of the increase of price of electricity for people who receive special-purpose energy assistance. The changes made reflect the willingness to pursue a consistent policy to guarantee better protection for the disadvantaged people. These changes were the next step after the change made in the Ordinance in May 2013, which compensates the increase of pensions from 1 April last year. The objective is to assist more people from the low-income groups by extending the scope of the program. As a result of the regulatory changes made, the scope of persons and families entitled to special-purpose benefits for heating was additionally extended; for the 2013/2014 heating season benefits were granted to 251,876 persons and families – an increase by 19.5% in comparison with the 2012/2013 heating season. The increased access to energy assistance in 2014 will provide the opportunity for more persons and families to be included in the programme for special-purpose energy assistance.

In order to stimulate personal initiative and responsibility, unemployed people of working age shall have a minimum 6-month continuous registration in the Labor Office. Each assisted unemployed person shall be actively worked with in order to find career opportunities on the labor market, evaluating the need to register them in courses for professional qualification and requalification. This category of persons shall be obliged to do community service as a condition for assistance – 14 days with a 4-hour workday, if they are not included in employment programmes. In order to provide better social protection, since 1 January 2011 the restriction in the period for uninterrupted receiving of monthly welfare benefits by unemployed people of working age has been removed. Here it shall be noted that the presence of a time restriction for receiving monthly welfare benefits has not been an actual hindrance for the provision of social assistance to the persons and families who need the assistance of the state. This is confirmed by the dynamics of the number of assisted persons and families during the period 2009-2013. For example prior to the removal of the restriction on 1 January 2011 the number of assisted persons and families of working age is as follows: for 2009 – 63,986; for 2010 – 71,482. After the changes made and the removal of the restriction this number is as follows: for 2011 – 72,095; for 2012 – 72,784 and for 2013 – 76,865. These dynamics are a reflection of macroeconomic processes and not of the condition for granting welfare benefits to the entitled persons and families.

Article 11§3 - Prevention of diseases and accidents

Direct questions of the European Committee of Social Rights

The Committee concludes that the situation in Bulgaria is not in conformity with Article 11§3 of the Charter on the grounds that it has not been established that there are adequate measures in force for the prevention of road and domestic accidents.

With regard to road accidents:

I. In the short term:

1. Amendments in the Road Traffic Act for the purpose commissioning of mobile technical means for establishment of violations relating to road safety and making a bylaw regulating the use of automated means of control.
2. Adoption of a Decree for the establishment of the use of alcoholic, narcotic or other intoxicating substances which will repeal the current Decree № 30/2001 or a preparation of a new draft bylaw.
3. Inspection of the organization of traffic, signs and markings on the state and municipal road network together with the owners of the road. Inspection of the implementation of the requirements made by the territorial units in September for the disorders in the road network. Preparation of the main directions for the spring-summer season.
4. Introduction of an electronic system for reporting and change in the control tactics for certain types of violations, by actual commissioning of the Automated Information System (AIS) "Traffic Police" with a subsystem "Traffic Control" for management of duties.
5. Increase in the control activity against the reasons forming the majority of the violations – speed, entering into the oncoming lane, overtaking, legal disability, advantage and jaywalking.
6. Activation of measures and conduction of special operations to control pedestrians and their compliance with the Road Traffic Act (RTA), control over driving after the use of alcohol and drugs in small towns, resorts and third-class roads.
7. Thematic inspections on the organization and implementation of activities under the control of traffic in the summer touristic routes in the adjacent Regional Directorates of the Ministry of Interior (RDMI) in the following areas:
8. Creation of an organization and control for the introduction of a temporary organization and traffic safety in sections of the national road network in relation to the ban on movement of heavy vehicles, agricultural and farm machinery, tractors and specialized construction equipment on pre-holidays and holidays.

II. In the medium and long term:

1. Bringing prevention as a priority through the following measures and initiatives:
 - creation of organization for the use of the Internet to distribute educational information on traffic safety and holding discussions in Internet forums;
 - active inter-institutional cooperation and partnership with NGOs, non-profit organizations as well as national and local media under the preventive activity.
 - targeted awareness raising through the media on the status of road conditions, accidents occurred, trends in road accidents and measures to prevent adverse effects on regional and national level.
 - a joint program between the Ministry of Interior, the Ministry of Education and Science, the State Agency for Child Protection (SACP) and the Ministry of Regional Development aimed at protecting the lives and health of children in traffic;
 - additional training for drivers and pedestrians regarding the risk of occurrence of different types of road-traffic accidents –issuance and distribution of informational video

materials: videos, educational video films, publication of printed promotional materials – posters, leaflets, flyers, etc.

2. Conduction of targeted prevention campaigns focusing on the participants in the traffic at risk:

- **"Protect the pedestrian!" campaign in two parts – spring-summer season – May to September 2014; and autumn-winter season – October 2014 to March 2015.** The campaign includes provision through the of specific measures and recommendations for safe behaviour, distribution of information on traffic and the level of road accidents, briefings with journalists organized by the General Directorate of the National Police (GDNP) and RDMI and enhanced control of speed with shooting mobile systems in the areas of risky crosswalks in urban areas (organizing and conducting special police operations "Protect the pedestrian!" with an emphasis on control of the compliance with rules by pedestrians and drivers taking the advantage of crosswalks). Preparation of proposals to the owners of the roads and municipalities for securing the risky crosswalks. Organization of a national competition for children and adolescents – for photos and videos "Pedestrian at risk".

- **Traditional campaign "School Leavers" (May)** – for the establishment of an optimal organization of the traffic and control of vehicles transporting school leavers and accompanying them before, during and after prom parties; practical recommendations to school leavers, their families and friends for not falling into situations of severe accidents have been prepared and disseminated through the media.

- **Action "Holiday! Let's preserve the lives of children on the road" (June)** for reduction of the prerequisites for accidents with children and adolescents. Preparation of an executive letter to take control preventive measures to reduce the risk of accidents with children and adolescents and the driving by unlicensed adolescents of mopeds and motorcycles with attached "Practical Recommendations" to drivers, parents and children and adolescents to avoid risky situations for road accidents. **Presentation of the film "Young Europe" under the project "Icarus"** among students from 8th to 11th grade. The measures under the action continue throughout the summer holiday.

- **Action "Summer" – 2014 (July to September)** in order to create conditions to facilitate traffic and improve throughput on congested roads and reduce the typical prerequisites for road accidents during the active summer season. Emphasis on the management of two-wheel vehicles as an extension of the **campaign "Safety on two wheels"**. Includes enhanced control over high-risk drivers, mostly unlicensed, driving unregistered motorized two-wheelers; distribution of data from an analysis of traffic accidents. Creation of an organization by an executive letter and practical recommendations for protective behaviour by drivers and pedestrians for dissemination through the media.

- **Police action "Children start school! Let's protect them on the road!" (15-30.09.2014)** in order to prevent accidents with children at the beginning of the school year. Preparation of an executive letter with practical recommendations to prevent accidents with children and adolescents for dissemination through the media to the public.

- **Campaign "Winter"** in order to prepare all traffic participants for the upcoming winter. Order of preventive measures and recommendations to drivers and vulnerable road users – October 2014

- **Action** aimed at safety during the celebration of **December 8 – Students' Day, and Christmas and New Year** – December 2014

- Conduction of a **traditional training seminar with journalists** from national media working on the topic of road safety.

- **Preventive campaign with SACP** (12.05. - 23.06.2014) for delivering lectures in 10 kindergartens and 10 schools as a realization of the National plan to implement the National Programme for Child Protection – 2014 with a theme "Child safety - a shared responsibility and care".

- **Campaign "Drive tolerantly and responsibly"**, implemented in partnership with the "Open Youth" Association. The campaign is a part of a project with the same name, implemented within the international project AVENU, supported by General Directorate (DG) "Mobility and Transport" of the European Commission, and is targeted at young traffic participants on the road. The implementation of a specialized police operation using the "Comprehensive control" method with the SDI and RDMI and the dissemination of preventive information materials on road safety are envisaged.

3. Development jointly with the Specialized Administrative Directorate "Press Centre and Public Relations" (SADPPR) and distribution of a video, leaflets and stickers with a focus on two-wheeled vehicles and pedestrians on the risk of accidents for these road users.

4. Creation of an organization to recruit and train volunteers to conduct preventive lectures in schools. Methodology and themes will be developed by Road Police Department – GDNP and the Academy of the Ministry of Interior (AMI).

5. Implementation of the project "Establishment of a system of fixed and portable stationary installations to control speed mode and a single centre for processing of violations of speed, video surveillance and prevention of offenses under the Road Traffic Act" without the part concerning video surveillance, to be built at a later stage – 174 fixed cameras, 28 stationary portable devices and a single centre for processing of violations, in order to achieve the targets for reducing road accidents and the implementation of the "National Strategy for Improvement of Road Safety" 2011-2020

6. Priority equipment of territorial divisions of the traffic police with stationary portable devices (on a tripod) for speed control in order to effect control points on which the use of mobile devices is not possible.

7. Determining the control of the entire territory served by the RDMI, including the District Police Station and the units for "Road Crimes", by the heads of departments / sectors "Traffic Police" based on analysis of accidents, deaths and injuries.

8. Creation of a mechanism for specialized training of junior auto control staff beyond the planned academic year at the training centres of the AMI, together with the Bulgarian Red Cross and the Union of Bulgarian automobilists/car drivers (UAB).

9. Optimization of the procedure for the establishment of areas with a concentration of accidents and analysis of the distribution of accidents.

10. Continuation of activities under Component 4 "Traffic" under the Memorandum of Understanding and Police Cooperation between Bulgaria and the Kingdom of Netherlands in the part concerning the activities carried out by police officers who attend and investigate road accidents, by creating a single model for visit, treatment, investigation and reporting of serious road accidents.

11. Continuation of the cooperation with the services for road control from Greece and Romania in the border areas. Joint police operations on road safety organized by the European Traffic Police Network "Tispol" for simultaneous enhanced control in all countries in Europe over trucks and buses, the use of safety belts and child safety systems, speed and use of alcohol and drugs by the "Comprehensive Control" method.

12. Study of experiences and good practices in EU countries and raising awareness among the general public to adopt changes in the Road Traffic Act aimed at uncompromising administrative and punitive measures against violators of the law.

13. Active interaction and conduction of joint specialized police operations with other control bodies – "Automobile Administration" Executive Agency, for carrying out checks, on vehicles carrying out taxi activities, illegal shipments, trucks and buses, etc.

14. Establishment of an organization for performance of checks and gathering information on the condition of the road infrastructure and referral to owners of the road for securing risky road sections with the necessary horizontal road markings and signals, installation of metal safety fences on unsafe sections of dangerous curves, as well as taking all other measures relating to the improvement of road safety.

With regard to household injuries:

Implementation of Project BG051PO001-5.3.01 “Informed and Healthy”

Project BG051PO001-5.3.01 “Informed and Healthy” was implemented within Operational Programme “Human Resources Development 2007-2013”, Priority Axis 5 “Social inclusion and promotion of social economy”, area of intervention 5.3. “Employability through better health”. The total amount of the project is BGN 4,692,754.30. The duration the project is 48 months. It commenced on 21 May 2009 and ended by 21 May 2013. The overall target of the project is improving employability, increasing the duration of the active working lifetime of the population and maintaining a healthy workforce by increasing the level of knowledge, skills and motivation for a healthy way of life.

Information about the results from the project has been provided in Appendix No. 1 (page 20 and section VI – pages 85-94), Appendix No. 2 (pages 63-65, pages 72-73 and page 84), as well as on the following link:

<http://www.mh.government.bg/Articles.aspx?lang=bg-BG&pageid=470&home=true&categoryid=2566>

Article 14§1 - The right to benefit from social welfare services

Direct questions of the European Committee of Social Rights

The Committee concludes that the situation in Bulgaria is not in conformity with Article 14§1 of the Charter on the ground that it has not been established that the number of social services staff is adequate to users’ needs.

Decentralized management of social services was introduced in Bulgaria. The mayor of the municipality manages social services in the respective municipality that are activities delegated by the state and local activities, and employs the heads of these services except in cases of assignment of the management to social service providers listed in the register with the Social Assistance Agency. An employer of staff in a social service that is an activity delegated by the state and local activities, is its manager. Moreover, the mayor can assign the management of social services that activities are delegated by the state and local activities to social service providers listed in the register of the Social Assistance Agency by a competition or negotiation in the event of a single candidate.

It is important to note that, according to the annually adopted decisions of the Council of Ministers for adoption of standards for activities delegated by the state for the respective year in natural and amount indicators, the mayor of the municipality determines the number of staff in social services – activities delegated by the state, within the funds determined under the standards. The number of staff in social services is also consistent with the methodology for determining the positions of staff in specialized institutions and community-based services approved by the Minister of Labour and Social Policy. I would like to emphasize that the submission of information on the number of staff in social services is not a mandatory condition in the preparation of draft budgets of natural indicators, so the data provided by the Social Assistance Agency are not sufficiently comprehensive in view of the employed in social services. Also, no data is available for users and staff working in social services – municipal activity, as well as social services provided by private providers (Bulgarian physical persons registered under the Commercial Act, and legal entities as well as individuals engaged in commercial activities, and legal entities arising under the law of another Member State of the European Union or another country of the European Economic Area).

In 2008, a total of 29,506 persons benefited by social services, in which 12,208 employees were employed.

In 2009, a total of 30,976 persons benefited by social services, in which 12,429 employees were employed.

In 2010, a total of 31,061 persons benefited by social services, in which 12,445.5 employees were employed.

In 2011, a total of 34,046 persons benefited by social services, in which 13,233.5 employees were employed.

These data are provided by the Social Assistance Agency, but it should be borne in mind that they are not absolutely comprehensive in view of the foregoing considerations that municipalities have no obligation to provide such information.

Statistical data has been provided in Appendix No. 3 and 4.