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EUROPEAN SOCIAL CHARTER

17th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF BULGARIA

Article 7, 8, 16, 17 and 27

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

APPROVED.

Minister of Labour and Social Policy:

BISER PETKOV

SEVENTEENTH NATIONAL REPORT

For the period from 1 January 2010 to 31 December 2017,

submitted by the Government of the Republic of Bulgaria to the Council of Europe in accordance with Article C and Article D of the European Social Charter (revised)

on the measures for implementation of its adopted provisions

Contents:

Introduction

This Report has been made after consultation and in cooperation with the competent authorities.

In accordance with Article C of the ESC (rev.), the Report has been coordinated with the representative organisations of employers and of workers and employees.

The Report contains information on the implementation of the following provisions of the ESC (rev.): Article 7, paragraphs 1-10; Article 8, paragraphs 1-5; Article 16; Article 17, paragraph 2; Article 27, paragraphs 2 and 3.

The Bulgarian national currency is Bulgarian lev (BGN) and its exchange rate is pegged to the euro at BGN 1.95583 for 1 EUR (0.511292 EUR for 1 BGN).

The Bulgarian party remains available for any further questions or clarifications that might arise during the review of this Report.

Article 7 – The right of children and young persons to protection

Paragraph 1 – Prohibition against employment of persons under 15 years of age

2018 Report

Development of the legislation

The legal framework for employment of underage persons and exceptionally minors under 14 years of age is laid down in the Child Protection Act, the Labour Code (LC), the Ordinance on the employment of persons who have not attained the age of 15 years (Adopted by Council of Ministers Decree No 72 of 30 December 1986, promulgated, SG No 8/30.01.1987, in force since 1.01.1987, amended and supplemented, No 59/9.07.1993, amended, No 35/10.04.2001, in force since 31.03.2001) and Ordinance No 6 of 2006 on the conditions and procedure for granting employment permit to persons under 18 years of age (issued by the Minister of Labour and Social Policy and the Minister of Health, promulgated, SG No 64/8.08.2006, amended and supplemented, No 46/ 2015, No 64/2017).

In the reference period (1 January 2010 - 31 December 2017), no amendments were made to the legal framework presented in the previous national report, with the exception of Ordinance No6 and these amendments are described below with reference to Article 7, paragraph 2.

According to the Conclusions, the Committee has taken into account the measures undertaken by the Bulgarian authorities and it considers that the situation in Bulgaria is in line with Article 7, paragraph 1 of the Charter. However, the Committee reiterates its request for detailed information on the results and actual impact of the measures and initiatives presented in the report.

In relation to this request of the Committee, we provide the following information regarding the results of the control activity of the General Labour Inspectorate Executive Agency (GLI EA) and the actual impact of the implemented measures and initiatives.

The control over the observance of the provisions protecting the work of persons under the age of 18 years is a constant priority in the control activity of the General Labour Inspectorate EA. In each inspection carried out by the Agency, the lawful employment of persons who have not attained the age of 18 years is also controlled where such persons are found on the sites controlled.

It is established from the analysis of the control activity of General Labour Inspectorate EA and in particular from the nature of the work for which employment permits for persons under the age of 18 years are most often requested that such persons are employed with employment contracts prevailingly for retail, restaurant and hotel activities. These are activities performed predominantly by small and medium-sized enterprises where the nature of work allows for seasonal hiring of labour force without serious qualification requirements and in good working conditions.

In 2010, the requested employment permits for persons under the age of 18 years were 1,908. A total of 1,834 permits were granted by the General Labour Inspectorate. Out of these, 100 permits were granted to persons under the age of 16 years. In the same year, a total of 114 violations of the provisions protecting the work of persons who have not attained 18 years of age were detected in a total of 46,736 inspections performed throughout the year. The EA 'GLI' reported about two cases of underage persons working without permit.

In 2011, the requested employment permits for persons under the age of 18 years were 1,838. The General Labour Inspectorate granted a total of 1,802 permits, out of which 65 were to persons who had not attained the age of 16 years. In 2011, a total of 84 violations of the provisions protecting persons under the age of 18 years were detected in a total of 53,195 inspections performed throughout the year. One case of an underage person working without a permit was reported.

In 2012, the requested employment permits for persons who have not attained 18 years of age were 1,733. A total of 1,667 permits were granted, out of which 98 for persons under the age of 16 years. In 2012, a total of 84 violations of the provisions protecting the work of persons under the age of 18 years were detected in a total of 56,431 inspections performed throughout the year. The reported cases of underage persons without permits were 25.

In 2013, the requested employment permits for persons under the age of 18 years were 1,632. The permits granted were 1,600, out of which 92 were granted to persons under 16 years of age. In 2013, a total of 50 violations of the provisions protecting the work of persons under the age of 18 years were detected in a total of 55,952 inspections performed throughout the year. The reported cases of underage without permits were 27.

In 2014, the requested employment permits for persons under the age of 18 years were 2,079. A total of 2005 permits were granted, out of which 108 were granted to persons under 16 years of age. In 2014, a total of 90 violations of the provisions protecting the work of persons under the age of 18 years were detected in a total of 52,543 inspections performed throughout the year. The reported cases of underage persons without permits were 43.

In 2015, the requested employment permits for persons under the age of 18 years were 2,709. A total of 2,605 permits were granted by the GLI, out of which 92 were granted to persons under 16 years of age. In the same year, a total of 89 violations of the provisions protecting the work of persons under the age of 18 years were detected in the total of 50,229 inspections performed throughout the year. The reported cases of underage persons without permits were 48.

In 2016, the requested employment permits for persons under the age of 18 years were 5,283. In 2016, EA 'GLI' granted a total of 5,009 permits, out of which 90 were granted to persons under 16 years of age. In 2016, 207 violations of the provisions protecting the work of persons under the age of 18 years were detected in a total of 48,053 inspections performed throughout the year. The reported cases of underage persons without permits were 99.

In 2017, the requested employment permits for persons under the age of 18 years were 7,240. In 2017, a total of 6,938 permits were granted, out of which 144 were granted to persons under the age of 16. In 2017, a total of 210 violations of the provisions protecting the work of persons under the age of 18 years were detected in a total of 45,645 inspections performed throughout the year. The reported cases of underage persons without permits were 95.

Article 7 – The right of children and young persons to protection

Paragraph 2 – Prohibition against employment of persons under 18 years of age in occupations regarded as dangerous or unhealthy

2018 Report

Development of the legislation

The legal framework for employment of underage persons and exceptionally minors under 14 years of age is laid down and regulated in the Child Protection Act, the Labour Code (LC), Ordinance on the work of persons under 15 years of age and Ordinance No 6 on the work of persons under the age of 18 years (issued by the Minister of Labour and Social Policy and the Minister of Health, promulgated, SG No 64/8.08.2006, amended and supplemented, No46/2015, No64/2017).

In the reference period (1 January 2010 - 31 December 2017), the following amendments relevant to the employment of persons under the age of majority were made to the current legal framework, which was described in detail in the previous report:

Ordinance No 6 of 2006 on the conditions and procedure for granting employment permit to persons under the age of 18 years **has extended the scope of protection** with regard to occupations prohibited for persons under the age of 18 years in accordance with the amendments to European law on the protection from chemical agents (Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L 65/1, 5.03.2014)) and clarifications have been made with references to the national legislation on protection against risks related to biological agents and in rail transport. Thus, the scope of the protection has been extended and detailed in view of clear criteria for implementation of the relevant provisions of the Ordinance (SG, No 46/ 23.06.2015).

Amendments and supplements relating to **the administrative procedure concerning employer's request for permit** issued by the Labour Inspectorate for employment of a person who has not attained the age of 18 years were made with the amendments of 2017 (SG, No 64/ 08.08.2017). An opportunity for the employer to submit documents electronically has been envisaged, as well as a procedure by which the Inspectorate may require additional information and the removal of incompleteness in the submitted documents. The amendments aim at reducing the administrative burden by introducing an electronic form for filing documents in compliance with the provisions of the Electronic Document and Electronic Signature Act. The period in which the Director of the Territorial Directorate of the Labour Inspectorate or the official authorised thereby has to decide on the request has also been reduced – from 14 to 7 days after its submission or from the date of removal of established incompleteness or irregularities.

According to the Conclusions on the previous national report, the Committee has considered that the situation in Bulgaria is in line with Article 7, paragraph 2 of the Charter and has requested the provision of information on the results and actual impacts of the measures and initiatives presented in the report (such as pilot projects funded by the International Labour Organisation for monitoring child labour in Bulgaria as well as the programmes that are planned and implemented at national and/or regional level by the General Labour Inspectorate

in order to strengthen the control of compliance with the rules for protection of the labour of persons under the age of majority) and updated information on the number of inspections performed with regard to the employment of persons aged between 15 and 18 years in a dangerous or unhealthy workplace, the irregularities detected and the sanctions imposed.

As regards the information requested by the Committee on established violations related to the occupation of persons aged between 15 and 18 years in a dangerous or unhealthy workplace, it should be noted that out of the abovementioned total number of inspections carried out within the reference period, 101 violations of the prohibition against the performance of certain types of work by persons under the age of majority, laid down in Article 304 (1) of the LC, were found. There also were 65 violations in which the work of underage persons did not comply with the granted permit.

With regard to the violations found, the control authorities have implemented coercive administrative measures requiring from employers to adapt the workplaces of underage persons to the legal requirements. In the case of graver forms of non-compliance with the regulatory requirements, the control authorities have drawn up acts establishing administrative violations. On the basis of the drafted acts, penal decrees have been issued, imposing pecuniary sanctions on the employers for the established violations, ranging from BGN 1,500 to BGN 15,000.

Article 7 – The right of children and young persons to protection

Paragraph 3 – Prohibition against employment of children for whom education is compulsory

2018 Report

Development of the legislation

The legal framework of compulsory education is laid down in the Pre-school and School Education Act (promulgated, SG No 79/13.10.2015, amended and supplemented, SG Nos. 98 and 105/2016, Nos. 58 and 99/2017, amended, No 24/2018), the Vocational Education and Training Act and Ordinance No1 of 8 September 2015 on the conditions and procedures for conducting training through work (dual system of training) (promulgated, SG No 70/11.09.2015). The legal framework of employment of persons under the age of majority and exceptionally minors under 14 years of age is laid down in the Child Protection Act, the Labour Code, the Ordinance on the work of persons under 15 years of age, Ordinance No 6 on the work of persons under the age of 18 years.

In the reference period (1 January 2010 – 31 December 2017), the following amendments were made with regard to the employment of persons under the age of majority.

According to the Pre-school and School Education Act, school education is compulsory until the age of 16, starting in the year in which the child becomes 7 years of age (Article 8 (2)). School education may start also in the school year which begins in the year in which the child becomes six years of age at the parents' choice and provided that the child is ready for school, as certified under the terms and conditions laid down in the state education standard for pre-school education. In this case it is compulsory until the age of 15. The beginning of school education may be postponed by a school year, when the child's health condition prevents him or her to go to the first grade under the terms and conditions laid down in the state education standard for pre-school education, the period of compulsory education being respectively extended until the age of 17.

Pursuant to the Vocational Education and Training Act, school vocational education and training is carried out after the acquisition of at least primary education and may also be carried out on the basis of training through work (dual system of training). Training through work (dual system of training) is a specific form of vocational training for acquiring professional qualification. The training through work (dual system of training) is organised and carried out in accordance with the Vocational Education and Training Act, the Labour Code and Ordinance No 1 of 8 September 2015 on the conditions and procedure for carrying out training through work (dual system of training. The Labour Code (Articles 230-233) provides for a contract of employment with a condition of training at work. The contract specifies the forms, place and duration of the training, the compensation that the parties owe to each other in case of non-performance, as well as other issues related to the implementation of the training. The duration of the training is determined in accordance with the school curriculum.

Employers may sign contracts of employment under Article 230 (1) of the LC only with persons who have attained the age of 16 years, regardless if they are pupils or not.

In respect of each pupil or person who is not enrolled in education, the employer shall apply for employment permit under Ordinance No 6 of 2006 on the conditions and procedure for granting employment permit to persons under the age of 18 years.

The contract of employment with a condition of training for pupils in vocational schools is concluded under the conditions of Chapter XV, Section I of the LC, which contains the provisions for special protection of persons under the age of majority. According to Article

301 (1) - (2) of the LC, the minimum employment age is 16 years. Employment of persons who have not attained the age of 16 years is prohibited. As an exception, persons aged between 15 and 16 years may be employed in work which is light and is not dangerous or hazardous to their health and proper physical, mental and moral development and the performance whereof would not be detrimental to their regular attendance at school or to their participation in programmes for vocational guidance or training.

In this respect, the prohibition against employment of children for whom education is compulsory is guaranteed by the current provisions of the Labour Code and the abovementioned ordinances on the protection of the labour of persons under the age of majority, which have been presented in previous reports.

The Committee has postponed its conclusion under Article 7§3 until it obtains the requested information on the following issues:

With regard to the Committee's request for more detailed information in the next report on the criteria for determination of situations in which work hampers school attendance and on the actions taken by the Labour Inspectorate to ensure that children for whom education is still compulsory are not employed in work that would deprive them of the full benefit of their education:

The Ordinance on the work of persons under the age of 15 sets out the employment procedure and the working conditions of persons under the age of 15 years, who may be employed in the field of arts pursuant to Article 301 (3) of the LC.

The right to obtain compulsory education is guaranteed by the requirement for development of an individual daily regimen corresponding to the regimen established for the pupils of the respective age in the educational institutions. Additional activities, such as workouts, rehearsals, participation in performances, etc., shall comply with this regimen. The prohibition against work for more than 4 hours a day and the prohibition against work after 8:00 p.m. are an additional guarantee for the provision of sufficient time for preparing for school and for complete recreation. Other provisions relating to the limitation of the workload of persons under 15 years of age who participate in circus or theatrical performances require that these young persons shall participate only in the first part of the performances. The participants in theatrical, ballet or other performances who have not attained the age of 15 years shall appear at the venue of the performance not earlier than 30 minutes before their appearance on the stage. The performance manager shall provide a separate room for the stay and preparation of these persons for the performance under the supervision of a specially appointed adult employee. Respectively, these rules shall apply to persons under 15 years of age who participate in film making. The participation of persons under 15 years of age in performances or films after 8:00 p.m. is prohibited.

As an exception, persons aged between 15 and 16 years may be employed in work which is light and is not dangerous or hazardous to their health and proper physical, mental and moral development and the performance whereof would not be detrimental to their regular attendance at school or to their participation in programmes for vocational guidance or training. (Article 301 (2) of the LC). According to Article 302 of the LC, it may happen after a thorough medical examination and assessment that this would not impede their development and with the permission of the Labour Inspectorate in each particular case. In this respect and upon issuing employment permit for such persons, the inspectorate shall, based on the submitted documents, take into account their possibility to attend school.

In relation to the issue of permits, labour inspectorates may check the conditions in which persons under the age of majority will work.

The data on the applications submitted and employment permits granted by the EA 'GLI' have been presented above with reference to Article 7, paragraph 1.

As regards work during school holidays, the Committee, in particular, asks whether the rest period lasts for at least two consecutive weeks during the summer holidays. It also asks what are the rest periods during the other school holidays.

Holidays and non-school days in the 2017/2018 school year

Commencement and end date of school holidays, except for summer holidays, in the 2017/2018 school year:

1 November 2017 – 5 November 2017 inclusive – autumn school holidays

23 December 2017 – 2 January 2018 inclusive – Christmas holidays for 1st to 12th grade

3 February 2018 – 6 February 2018 inclusive – Inter-term holidays for 1st to 12th grade

31 March 2018 – 9 April 2018 inclusive – Spring holidays for 1st to 11th grade

Non-school days:

21 May 2018 – State Matriculation Exam (SME) in Bulgarian Language and Literature and National External Assessment (NEA) for the 7th grade in Bulgarian Language and Literature

23 May 2018 – second SME and NEA for the 7th grade in Mathematics

25 May 2018 – a non-school day, which is an attendance day on the occasion of the Day of Bulgarian Education and Culture and the Slavonic Alphabet

Commencement of the second school term of the 2017/2018 school year:

7 February 2018 – 1st to 12th grade

End of the second school term of the 2017/2018 school year:

15 May 2018 – 12th grade (13 school weeks)

1 June 2018 – 1st to 4th grade (14 school weeks)

15 June 2018 – 5th to 7th grade (16 school weeks)

29 June 2018 – 5th to 7th grade (18 school weeks for the forms in the sports schools)

29 June 2018 – 8th to 11th grade (18 school weeks).

The school year for the pupils from the 5th to the 11th grade, who finish their classes on 29 June, begins respectively on 1 September for pupils in sports schools and on 15 September for pupils in all other schools.

Article 174 of the LC (supplemented, SG No 100/1992, amended, No 18/2011, in force since 1.03.2011, No 54/2015, in force since 17.07.2015) provides with regard to the use of leave by underage persons that the employees under the age of 18 shall use their leave during the summer and, if they wish so, at other times of the year, except in cases where the employer grants the paid annual leave to the worker or employee even without the latter's consent during an idling of more than 5 working days, where all workers or employees use leaves simultaneously, as well as in the cases, where the worker or employee, following an invitation by the employer, would have failed to request his or her leave by the end of the calendar year for which it is due (Article 173 (4) of the LC). According to Article 305 (4) workers or employees who have not attained the age of 18 years are entitled to an extended paid annual leave in the amount of not less than 26 working days, including during the calendar year in which they attain the age of 18 years.

Upon conducting the training through work (dual system of education), the employment contract of pupils in vocational schools shall define the forms, place and duration of the training. The duration of the training shall be determined in accordance with the school curriculum. The Pre-school and School Education Act envisages that the curriculum shall allocate the school time during the school year. The number of school weeks in one school year and their allocation by grade shall be determined by the state educational standard for the curriculum. The school terms and their duration, the duration of the school week, the duration of the school hours as well as the holidays shall be determined by the state educational standard for organisation of the activities in the school education.

On the Committee's observation that allowing children to work before the beginning of the classes in the morning is in principle contrary to Article 7§3.

In addition to the information provided with reference to Article 7§3, the provisions of paragraph (4) of Article 140 of the LC should also be taken into consideration, according to which night work is prohibited for workers or employees who have not attained the age of 18 years. Night work is the work performed from 10:00 p.m. to 6:00 a.m.; and for workers or employees who have not attained the age of 16 years – from 8:00 p.m. to 6:00 a.m.

Article 7 – The right of children and young persons to protection

Paragraph 4 – Working hours of young persons under the age of 18 years

2018 Report

Development of the legislation

The legal framework of employment of persons under the age of majority and exceptionally minors under 14 years of age is laid down in the Child Protection Act, the Labour Code, the Ordinance on the work of persons under 15 years of age and Ordinance No 6 of 2006 on the conditions and procedure for granting employment permit to persons under the age of 18 years.

No amendments were made to the legal framework during the reference period, except for those referred to in paragraph 2, but they do not affect the duration of working time.

The Committee postponed the conclusion under Article 7§4 when it considered the previous report and requested that the next report should contain information on the practical situation and on other measures taken by the government to counteract violations and to ensure that the working hours of the persons who have not attained the age of 18 years are limited in accordance with their needs for development and vocational training.

In relation to the above request, we provide the following information.

Within the reference period, a total of 8 violations of the prohibition against overtime work by persons who have not attained 18 years of age were found. The most frequent violation was work by persons under the age of 18 years over the agreed part-time – 4 or 6 hours.

The number of violations of the legal length of the full working time for persons under the age of 18 years for the period under consideration was 31. They refer to work on an 8-hour working day instead of a 7-hour working day.

The legal restrictions concerning the length of working time of underage persons are mainly violated by employers in hotels and restaurants, businesses operating in the field of commerce, production of food and beverage and clothing. The commission of such violations also predetermines the long-term nature of the labour inspectorate's priorities in the abovementioned economic activities.

A total of two violations of the provisions of Article 305 (1) of the Labour Code, which require from the employer to take special care of the work of persons who have not attained the age of 18 years by providing alleviated working conditions and opportunities for acquisition of professional qualification and for upgrading of the said qualification, were detected within the reference period.

For the removal of the abovementioned violations, coercive administrative measures have been applied. Employers have been subjected to administrative penalty liability .

During the reference period a total number of 8 violations of the prohibition of overtime labour by persons under 18 years of age were established. The violations refer mainly to working of persons under 18 years of age over the agreed part-time employment – 4 or 6 hours.

Coercive administrative measures were imposed with regard to the established violations – mandatory instructions by virtue of art. 404, paragraph 1, item 1 of Labour Code, which impose an obligation on the employers to abstain from admitting of overtime labour by persons under 18 years of age.

During the period under review a total number of 5 statements of administrative offences were issued for established violations of the prohibition of overtime labour of persons under 18 years of age. On the basis of these statements penal decrees were issued, by virtue of which pecuniary sanctions were imposed to employers - legal entities, sole proprietors and companies pursuant to the Obligations and Contracts Act or fines to employers – natural persons in the amounts from BGN 1500 to BGN 15 000.

Article 7 – The right of children and young persons to protection

Paragraph 5 – Fair remuneration

2018 Report

Development of the legislation

The legal framework of the right to fair remuneration for the employment of young workers and trainees is laid down in the Labour Code.

In the reference period (1 January 2010 – 31 January 2017), the following amendments related to traineeship were made:

The general rules for determination of labour remuneration also apply to young workers or employees, as presented in the previous national reports.
The Labour Code regulates a new type of employment contract – for Internship. According to Article 233a of the Labour Code (new, SG No 27/1914) Internship means performance of work under the guidance of the employer or a person authorized by the latter (mentor) for the purpose of acquiring practical skills related to the respective profession or specialty. The employer may conclude an on-the-job training employment contract with a person under 29 years of age, who is a high school or university graduate with no work or professional experience in his or her attained profession or specialty. The contract shall be concluded for work on a position corresponding to the qualification of the person. Such contract may be concluded only once with the same person. The Internship contract, in addition to the general terms and conditions for the content of an employment contract, shall specify the method and form of acquiring the practical skills in the process of fulfilment of the work obligations, the mentor's name and position, the duration of the contract, which may not be less than 6 and more than 12 months, as well as other conditions regarding the Internship (Article 233b of the LC). The Internship contract is a type of employment contract and the general rules for determination of the remuneration shall apply to trainees, i.e. their remuneration is determined in the way the remuneration of adult workers or employees is determined.
The minimum wage set by the Council of Ministers in accordance with item 1 of Article 244 of the LC is generally applicable to all persons hired under employment contract.
In year 2018, the determined new amount of Minimal Work Salary (MWS) of 510 BGN (261 EURO) marked a growth of 10.9% compared to year 2017. With the increase of the MWS, the purchasing power of the employed individuals with lowest income will increase, the meeting of the minimum life needs and the maintenance of the living standard of the individuals, hired at minimum working salary will be guaranteed.
A priority criterion for the MWS determination for the government is its net amount to be higher in comparison to the official poverty line for the country, which determines the so called "minimum living needs". The net minimal salary in year 2018, which the worker gets, after the deduction of the compulsory personal insurance contribution and tax burden over the acquired income is 396 BGN (202 EURO) which significantly exceeds the determined poverty line for year 2018 of 321 BGN (164 EURO).
The latest data, provided by NSI about labour market prove that the increase of the minimum work salary during the last three years does not have negative effect over the employment and unemployment rates.

The Committee concludes that the situation in Bulgaria is not in conformity with Article 7§5 of the Charter on the ground that it has not been established that the right of young workers and apprentices to a fair wage and other appropriate allowances is guaranteed in practice.

The minimum work salary, set for the country, is generally applicable. There is no special, legally determined, amount of the minimum work salary for young employees in Bulgaria.

The only exception is when the worker is hired as per On-The-Job Training Employment Contract. During the training, the worker or employee acquires remuneration according to the work performed, but not less than 90% of the minimum work salary, determined for the country, according to article 230, paragraph 5 of the Labour Code.

A special note must be made that the employer must take into consideration the protection provided for the adolescents, stated in articles 302-305 of the Labour Code, as regards the labour contract for training during the training itself and in the additional agreement after training completion.

In its conclusions, the Committee asks that the next report contain detailed figures on the wages or other appropriate allowances paid to young workers and apprentices In this respect, the Committee recalls that in accordance with the methodology adopted under Article 4§1, wages taken into consideration are those after deduction of taxes and social security contributions.

In case of a labour contract with training condition, the individual is subject to compulsory insurance, as per article 4 of the Social Insurance Code and article 40 of the Health Insurance Code on the gross labour remuneration acquired. The requirement for minimum insurance income should not be applied, because the student is still in study process and has not acquired the profession for which the insurance requirement is applied, at least on the minimum amount of the insurance income.

In relation to the above matter, presented by the Committee, it also can be stated, that Bulgaria determines official poverty line since year 2007. The official poverty line is an instrument, targeted on the satisfaction of the minimum living needs, such as calorie intake and consumption structure of food and non-food goods and services of the poorest part of the population. When the minimum work salary is determined, the satisfaction of the minimum living needs of the workforce with lowest income is guaranteed as the net amount of the minimum work salary exceeds the determined poverty line.

Information from the four-year national survey 'Wage Structure' – 2014)

Age (in completed years)	**Employed persons**	**Structure of employed persons**	**Gross monthly wage for *October 2014 (part-time workers or employees recalculated in full-time equivalents) BGN.**	**Relative share of the gross monthly wage compared to the average gross wage – in total for the country**
Total	2,256,988		801	100.0%
Under 20	9,892	0.4%	488	60.9%
20 - 29	352,908	15.6%	730	91.1%
30 - 39	553,776	24.5%	861	107.5%
40 - 49	588,312	26.1%	827	103.2%

50 - 59	541,288	24.0%	783	97.8%
60 and more	210,812	9.3%	748	93.4%

** October is taken as a representative month – a month which is least affected by absences due to the use of paid annual leave or public holidays.*

In its previous conclusions (2004, 2006), the Committee asked what the net value of the amounts paid to apprentices at the end of their apprenticeship was. The report does not contain the requested information, so the Committee repeats its question.

The net value of the remunerations paid is achieved after the deduction of the owed insurance contributions and the owed tax. So, for example, in year 2018, if an worker is hired at a minimum working salary of 510 BGN, the net amount of the minimum work salary is 396 BGN. The insurance contributions, on the account of the employee are 13.78% and the owed tax is 10%.

It is not available information about the net value of the sums which are paid to the trainees at the end of their training.

Article 7 – The right of children and young persons to protection

Paragraph 6 – Inclusion of the time spent in vocational training in the normal working hours

2018 Report

Development of the legislation

The legal framework is laid down in the Labour Code, the Vocational Education and Training Act, the Pre-school and School Education Act, Ordinance No 1 of 8 September 2015 on the conditions and procedure for carrying out instruction through work (dual system of instruction).

According to the Vocational Education and Training Act (VETA), training through work (dual system of training) is a form of partnership between an institution from the system of vocational education and training and one or several employers, which includes:

- practical training in real working environment, and
- training in an institution from the system of vocational education and training (a vocational high school, a vocational college or a center for vocational training).

The practical on-the-job training is carried out on the basis of a concluded employment contract between the trainee and the employer, containing a condition that training shall be performed in the process of work (Article 230 of Labor Code).

Training through work (dual system of training) is applied with:

- Persons aged 16+, enrolled in the educational system (students from grades XI and XII)
- Persons aged 16+ who are at the labor market.

In connection with the regulation of the dual system of training as a specific form of vocational training, the Employment Promotion Act (EPA) was amended, in effect from 1 August 2015, to introduce an incentive for the employers (Article 46a of EPA), which employ unemployed persons to train them through work (dual system of training), organized in accordance with the procedure and conditions of VETA.

30 unemployed persons were included in training through work (dual system of training) in 2017. Funds in the amount of BGN 350 thous. were ensured under the National Employment Action Plan 2018 for dual education of 80 persons, among them 50 persons newly recruited. Till the end of August 2018 another 42 unemployed persons were included in dual training under the incentive provided under the Employment Promotion Act.

The introduction of the dual system of training in Bulgaria is supported through a project - Swiss Support for the Introduction of the Principles of dual education in the Bulgarian Education System" (DOMINO project), financed under the Bulgarian-Swiss Cooperation Program. The project is implemented by the Ministry of Education and Science, in cooperation with the Ministry of Labor and Social Policy and the Ministry of Economy. The students involved in the dual system of training in the 2018/2019 school year were 1134 in 32 vocational high schools across the country, in 11 different professions. Partners were 170 companies in the area of machine-building, electrical engineering and energy sector, industrial electronics, transport technologies, mining industry, furniture manufacturing, food technologies and tourism. A Forum for Dual Education was created under the project, with the participation of representatives of all stakeholders – state institutions, branch and business organizations, local institutions, NGOs, employers. The aim was to conduct structured discussions, reaching consensus on key issues in the area of dual education, and developing

proposals on possible solutions. Many of the proposals for amendments made to the Vocational Education and Training Act came from discussions of the stakeholders within the framework of the Forum for dual Education.

In the reference period (1 January 2010 – 31 December 2017), the following amendments relevant to professional training of young persons were made.

In its Chapter Eleven 'Professional Qualification', the Labour Code sets forth the rights and obligations of employers and of workers, including young persons, related to the attainment, maintenance and improvement of professional qualification. In the reference period, new employment contracts for training in the workplace (formerly an apprenticeship contract) were implemented, which contain a traineeship clause. The information is presented with reference to §3 and §5. The report on the previous reference period has already stated that the Labour Code (Article 305 (3)) stipulates that "The working hours of employees under 18 shall be 35 working hours weekly and 7 hours daily for 5-day work week. In their weekly working hours shall also be included the time for acquiring professional qualification and for its development, in case this is implemented in the course of the work."

The terms and conditions for financing the dual system of training of unemployed persons are provided for in the Regulation on implementation of the Employment Promotion Act (EPA). An employer who wishes to use a preferential condition under the measure, has to lodge with Labor Office Directorate an application for opening a work place for dual education. Entitled to apply for subsidy are employers who have concluded contracts with a training institution (vocational high school or center for vocational training), in partnership with which the dual system of instruction shall be applied. Unemployed persons who satisfy the criteria for enrollment, announced by the training institution, shall be directed to participate in a procedure of selection under the terms and conditions of Ordinance No 1 of 8 September 2015 on the terms and conditions for organizing training through work (dual system of training), issued by the Minister of Education and Science. The employers shall conclude prior to the starting of the education, employment contracts with the approved candidates under Article 230 (1) of Labor Code. The education shall be organized by professions according to the List of Professions for Vocational Education and Training and it shall include practical training in a real work environment at the factory of the employer and theoretical training at the training institution – partner under the project.

The financing provided under the incentive measure is determined on an annual basis in the National Employment Action Plan. (the funds for remuneration of a trainee in 2018 amount to BGN 300).

In its Conclusions, the Committee concludes that the situation is not yet in compliance with Article 7§6 due to the fact that the report does not contain the information that enables the Committee to conclude that there has been an improvement in the factual situation.

With regard to the actual application of the provisions protecting the labour of persons under 18 years of age it shall be pointed out that the practice established as a result of performed inspections shows that the positions offered to the juvenile are for temporary, season employment, which do not require any special education and qualification. The insufficient education of part of the juvenile who wish to work and the low level of their awareness on the issues of labour safety require special care due to reasons of physiological and psychological nature. The risks are related mainly to lack of knowledge about the labour legislation and breaching of the health and safety requirements at work, which create risk of damages to health, harming labour regimes, working hours and rest, work in an environment, which is harmful to the health, physical and psychic development of children. Employment of persons under 18 years of age for working hours that exceed the statutory maximum, failure on the

part of employers to provide the necessary special care (provision of favorable working conditions and conditions for acquiring and improving of professional qualification) are typical prerequisites for risks relevant to the labour of juveniles.

With regard to the request for provision of data for number of performed inspections referring to observation of the working hours of juvenile workers and employees, it shall be pointed out that the controlling bodies of the Labour Inspectorate performed integrated control over the observation of labour legislation. Integrated inspections include control of conformity to the requirements referring to technical safety, labour hygiene and health at work, conditions of labour and labour law relations, including observation of the established working hours for all workers and employees. Executive Agency General Labour Inspectorate does not maintain a special data base that includes statistical information about the number of performed inspection that refer only to observation of the working hours of juvenile workers and employees in view of the applied integrated approach at performing of inspections.

The violations of statutory full working hours for the persons under 18 years of age established during the period under review are 31. The violations refer mainly to employment for 8-hour working day instead for 7-hour. Coercive administrative measures were imposed with regard to the established violations – mandatory instructions by virtue of art. 404, paragraph 1, item 1 of Labour Code, which impose an obligation on the employers to abstain from admitting of overtime labour by persons under 18 years of age.

During the period under review a total number of 2 statements of administrative offences were issued for established violations of the prohibition of overtime labour of persons under 18 years of age. On the basis of these statements penal decrees were issued, by virtue of which pecuniary sanctions were imposed to employers - legal entities, sole proprietors and companies pursuant to the Obligations and Contracts Act or fines to employers – natural persons in the amounts from BGN 1500 to BGN 15 000.

Article 7 – The right of children and young persons to protection

Paragraph 7 – Paid annual leave

2018 Report

Development of the legislation

The legal framework is established and laid down in the Labour Code (LC) and the Ordinance on working time, rest and leave (promulgated, SG No 6/1987, amended and supplemented, Nos. 31, 55 and 59/1991, Nos. 59 and 67/1993, No 38/1994, No 54/2001, Decision No 9353 of the Supreme Administrative Court of 2002 – No 103/2002; amended and supplemented, No 72/2004, Nos. 24 and 103/2005, No 96/2006, No 1/2007, Nos. 10 and 67/2009, No 21/ 2011, No 19/2012, No 110/2013 and No 63/2015, No 41/2017).

In the reference period – 1 January 2010 – 31 December 2017, no amendments were made with regard to paid annual leave of workers who have not attained eighteen years of age.

In its final conclusion (2006), the Committee asks whether young workers may waive their right to paid annual leave and whether this leave is terminated in the event of disease or accident. As the 2010 report does not contain information on these issues, the Committee reiterates its questions.

The Labour Code (amended, SG No 100/1992, supplemented, SG, No 108/2008) sets forth in Article 305 (4) that employees who have not attained 18 years of age are entitled to a basic paid annual leave of not less than 26 working days, including for the calendar year when they attain the age of 18 years.

According to sentence 2 of Paragraph (4) of Article 8 of the LC, the renunciation of labour rights, such as the right to leave, as well as the transfer of labour rights or duties, is void. In addition, Article 178 of the LC sets out prohibition against monetary compensation for paid annual leave, except in the case of termination of the employment relationship.

Where during the use of paid annual leave, the worker or employee is granted another type of paid or unpaid leave, the use of paid annual leave shall be interrupted upon the worker or employee's request and the balance shall be used later by agreement between him or her and the employer (Article 175 (1) of the Labour Code). It follows from this provision that when temporary disability leave is used, including such resulting from employment injury, paid annual leave is interrupted.

The temporary incapacity to work leave is regulated in Article 162 of the Labour Code. Pursuant to this provision, the worker or employee is entitled to a leave for temporary incapacity for work due to general sickness or occupational disease, employment injury, for sanatorium treatment or for urgent medical examination or tests, quarantine, suspension from work prescribed by the health authorities, attendance of a sick or quarantined member of the family, urgent need to accompany a sick member of the family to a medical examination, test or treatment, as well as for taking care of a healthy child dismissed from a children's establishment by reason of a quarantine imposed on the establishment or on the child. The leave under the foregoing paragraph are granted by the health authorities. For the time of temporary disability leave, the worker or employee is paid a cash benefit within periods and in amounts specified by the Social Security Code. No prior contributory service is required for the acquisition of the right to temporary disability compensation by an underage worker or employee.

In relation to the above question of the Committee, we also provide the following information:

The violations of art. 305, paragraph 4 of Labour Code, regulating the right to extended annual paid leave for the juveniles established during the period under review are 314. The violations refer to stipulation of annual paid leave less than 26 working days under individual employment contracts signed between the employers and the persons under 18 years of age, including for the calendar year, in which these persons turn 18 years of age. In most cases the contract contain provision that envisages annual paid leave in the general size of 20 working days, neglecting the need of provision of special care for the juveniles and their need of sufficient time for rest and for education and professional qualification.

As regards the termination of sickness leave granted to a person under the age of majority, as well as to any worker or employee, it should be noted that paragraph 1 of Article 175 of the LC provides that where during the use of paid annual leave the worker or employee is granted another type of paid or unpaid leave, the use of paid annual leave shall be interrupted upon the worker's request and the balance shall be used later by agreement between the worker or employee and the employer. The balance of paid annual leave may be used immediately after the expiry of the temporary disability leave or at a later time. The time of use is determined by mutual consent of the parties for which the employee must submit an application and obtain a permission in writing from his or her employer accordingly.

Article 7 – The right of children and young persons to protection

Paragraph 8 – Prohibition of night work

2018 Report

Development of the legislation

The legal framework of night work is laid down in the Labour Code, the Ordinance on working time, rest and leave and the Ordinance on the work of persons under 15 years of age.

In the reference period (1 January 2010 – 31 December 2017), amendments were made to the legal framework as set out below.

As noted in the previous national report, night work is prohibited for workers and employees who have not attained the age of 18 years. In this regard, Article 140 (2) of the LC specifies that night work is the work performed between 10:00 p.m. and 6:00 a.m.; and for workers or employees who have not attained the age of 16 years – the work performed between 8:00 p.m. and 6:00 a.m. (amended and supplemented, SG No 54/2015). Pursuant to Article 140 (1) (1) of the LC, night work is strictly prohibited for workers or employees who have not attained the age of 18 years.

In its Conclusions, the Committee has made a request that the next report should contain detailed information on the practical situation and the measures taken by the government to counteract the violation of the rule prohibiting the performance of night work by persons who have not attained the age of 18 years. In relation to this request of the Committee, we provide the following information:

During the period under review there have been established 66 violations of the prohibition of employment in night work of persons under 18 years of age. In most cases the violations of the prohibition of night labour of juveniles refers to working of juveniles at 20:00 – 22:00 h time frame in the summer.

Coercive administrative measures were imposed with regard to the established violations – mandatory instructions by virtue of art. 404, paragraph 1, item 1 of Labour Code, which impose an obligation on the employers to abstain from admitting of overtime labour by persons under 18 years of age.

During the period under review a total number of 32 statements of administrative offences were issued for established violations of the prohibition of overtime labour of persons under 18 years of age. On the basis of these statements penal decrees were issued, by virtue of which pecuniary sanctions were imposed to employers - legal entities, sole proprietors and companies pursuant to the Obligations and Contracts Act or fines to employers – natural persons in the amounts from BGN 1500 to BGN 15 000.

Article 7 – The right of children and young persons to protection

Paragraph 9 – Periodic medical examination

2018 Report

Development of the legislation

The legal framework of employment of persons under the age of majority and exceptionally minors under 14 years of age is laid down in the Child Protection Act, the Labour Code, the Ordinance on the work of persons under 15 years of age, the Ordinance No 6 of 2006 on the conditions and procedure for granting an employment permit to persons under the age of 18 years, the Ordinance on working time, rest and leave and the Ordinance on preliminary and periodic medical examinations.

In the reference period (1 January 2010 – 31 December 2017), no amendments to the legal framework were made.

In its Conclusions, the Committee recalls that in its previous conclusions (2004, 2006), it found that the legal framework was in conformity with Article 7§9. However, it concluded that the situation did not comply with the Charter, due to non-effective application of the legislation. Consequently, it concludes that the situation is still not in conformity.

The Committee asks whether the persons aged 15 to 18 employed in occupations prescribed by national laws or regulations are also subject to regular medical controls.

According to the legislation of the Republic of Bulgaria in the field of health and safety at work and the special protection of the labour of underage workers or employees, all workers or employees are subject to compulsory preliminary and periodical medical examinations. Pursuant to Article 287 of the LC, the conditions for carrying out the preliminary and periodic examinations in accordance with the nature of the work, the working conditions and the age of the workers or employees is determined by the Minister of Health. This is done in the Ordinance on preliminary and periodic medical examinations.

That paragraph is applied in the national legislation also through art.302-303 of the Labour Code. The conditions and procedure for granting employment permit for persons who have not attained 18 years of age as well as the employer’s obligations to ensure healthy and safe working conditions are regulated by secondary legislation - Ordinance on the work of persons under 15 years of age; Ordinance No 6 of 2006 on the conditions and procedure for granting an employment permit to persons under the age of 18 years and Ordinance on the preliminary and periodic medical examinations. These ordinances set forth the requirements for the preliminary and periodic medical examinations of the respective age groups.

According to the abovementioned provisions persons under 16 shall be employed after a thorough medical examination and a medical ruling that they are fit to perform the respective job and that it would not impair their proper physical and mental development and persons between 16 and 18 years of age shall be employed after a thorough preliminary medical examination and a medical ruling which certifies their fitness to perform the respective work. The medical exam could be performed by a team of specialists – therapeutist, neurologist, surgeon, otorhinolaryngologist and ophthalmologist. Conclusion of the fit for work is issued in case of establishing a good physical development and health condition which allow for the performance of the occupation for which it is applied, without any risk for the health.

The Ordinance on the work of persons under 15 years of age lays down the procedure of employment and the working conditions of the persons under 15 years of age who can be employed in the arts under Article 301 (3) of the LC. The persons who have not attained the

age of 15 years must be provided by the employer with medical supervision as in the case of dispensarisation. These persons are subjected: every 3 months to a general medical examination; every 6 months to anthropometric measurements, functional tests of the condition of the cardiovascular and respiratory system and, if necessary, to other special tests. Measures are in place to ensure an optimal individual daily regimen corresponding to the regimen established for pupils of the relevant age in educational institutions. Additional activities such as workouts, rehearsals, performances, etc. shall comply with this regimen. By means of consultation with the attending doctor, it is secured that the individual daily regimen ensures the complete physical, mental and moral development of the underage person. The Ordinance sets an additional requirement for special protection with regard to girls under 15 years of age, who may not be assigned physical exercise that can damage or cause deformity of organs in the small pelvis.

According to Article 13 of the abovementioned Ordinance No 6, persons aged between 15 and 16 years are subject to compulsory periodic medical examination – every 6 months, and persons aged between 16 and 18 years – annually.

On occasion of the Committee's conclusion that "the situation in Bulgaria is not in line with Article 7§9 of the Charter due to the fact that the right of young workers to periodic medical examination is not guaranteed as a result of the ineffective implementation of the legislation", we note that, according to the national legislation, the provision of periodic medical examinations for working people, including those aged between 15 and 18 years, is the responsibility of the respective employer (Article 287 of the LC).

Article 7 – The right of children and young persons to protection

Paragraph 10 – Special protection against physical and moral dangers

2018 Report

Development of the legislation

1) **Please describe the general legal and regulatory basis. Please indicate the nature, reasons and extent of the reforms in this field.**

1. Criminal Code (In force since 1.05.1968, last amended, No 55/3.07.2018):
   - Chapter Two 'Crimes against the Person', Section I, 'Murder', Article 116 (1) (4);
   - Chapter Two 'Crimes against the Person', Section II, 'Bodily Injury', Article 131 (1) (4);
   - Chapter Two 'Crimes against the Person', Section III 'Exposure to Danger', Article 137 and Article 138;
   - Chapter Two 'Crimes against the Person', Section IV 'Kidnapping and Unlawful Imprisonment', Article 142 (2) (3) and Article 142a (3) (1);
   - Chapter Two 'Crimes against the Person', Section VIII 'Debauchery', Article 149 - Article 159;
   - Chapter Two 'Crimes against the Person', Section IX „Trafficking of People', Articles 159a-159d;
   - Chapter Four 'Crimes against Marriage, the Family and Youth', Section I 'Crimes against Marriage and the Family', Article 177 and Article 178;
   - Chapter Four 'Crimes against Marriage, the Family and Youth', Section II 'Crimes Against Youth' [44];
2. Criminal Procedure Code (Promulgated, SG, No 86/ 28.10.2005, last amended, No 44/29.05.2018);
3. Combating Trafficking in Human Beings Act (Promulgated, SG No 46/20.05.2003 г., last amended, No 24/16.03.2018);
4. Protection of Persons Endangered in Relation to Criminal Proceedings Act (Promulgated, SG No 103/23.11.2004, last amended and supplemented, No 44/ 29.05.2018)
5. Crime Victim Assistance and Financial Compensation Act (Promulgated, SG No 105/22.12.2006, last amended, No 63/4.08.2017);
6. Extradition and European Arrest Warrant Act (Promulgated, SG No 46/3.06.2005 г.);
7. Legal Aid Act (Promulgated, SG No 79/4.10.2005, last amended and supplemented, No 56/6.07.2018);
8. Child Protection Act (Promulgated, SG No 48/13.06.2000, last amended, No 17/23.02.2018);
9. Ministry of Interior Act, Section II 'Exchange of information or data with competent authorities of the Member States of the European Union in order to prevent the investigation and detect of a crime'
10. Rules for the Organisation and Activities of the National Commission for Combating Trafficking in Human Beings (Promulgated, SG No 19/9.03.2004, last supplemented, No 22/16.03.2012);
11. Rules for Shelters for Temporary Placement and Centres for Protection and Assistance for Victims of Trafficking in Human Beings (Promulgated, SG No 19/9.03.2004, amended, No 60/22.07.2014);
12. Coordination Mechanism for Referral and Care in Cases of Repatriated Bulgarian

Unaccompanied Children Returning from Abroad.

In the reference period (2010-2017), the following legislative amendments were adopted:

As early as 2009 (it is outside the reference period but is given here for the sake of completeness of the presentment) Chapter Two 'Crimes against the Person', Section VIII 'Debauchery' of the **Criminal Code** was amended with the creation of the following provisions of new crimes – consciously using the services of a minor child who prostitutes (Article 154a), persuading a child under 14 years of age in any way whatsoever to observe acts of sexual violence or sexual acts without even having to take part in them, the so-called 'debauchery of children' (Article 155b), the recruitment or coercion of individual minors or groups of such persons to commit sexual acts such as sexual intercourse, acts of molestation, sodomy, masturbation, sexual sadism, masochism or lascivious exhibition of human sexual organs (Article 158a) – of the CC. New paragraphs were created and the following articles of Section VIII 'Debauchery' of the CC were supplemented – Article 149 (2) (molestation in respect of a person under the age of 14, committed through the use of force or threat, by using the person's helpless state or by bringing the said person into such a state or by taking advantage of a state of dependence or supervision); Article 150 (1) and (2) (new) (molestation in respect of a person who has completed 14 years of age, committed through the use of force or threat, by using the person's helpless state or by bringing the said person into such a state or by taking advantage of a state of dependence or supervision); Article 151 (2) (new) (sexual intercourse with a person who has not completed the age of 14 years by taking advantage of a state of dependence or supervision) and (3) (sexual intercourse with a person who has reached 14 years of age and who does not understand the nature or meaning of the act).

The amendments made to the Criminal Code also aim at addressing the increasing incidences of abuse by means of various communication or information technologies and tools for the creation of pornographic material for which underage persons are used and for the perpetration of sexual crimes against children and for the dissemination of child pornography via the Internet or otherwise. As early as 2007, the amendments to the Criminal Code introduced a new crime – ('establishing a contact for the purpose of sexual abuse' – Article 155a of the Criminal Code). By the amendments to the Criminal Code of April 2009 the act of 'creation of pornographic material' was added to the acts of 'molestation', 'copulation', 'sexual intercourse' or 'prostitution' in Article 155a.

Equally important are the actions taken by the Bulgarian side to amend and supplement the Criminal Code in 2010 with a view to increasing the punishments for certain particularly reprehensible from a public point of view violations against children. These amendments are in line with both the increasing injuries on young persons and the international commitments made by the Republic of Bulgaria. The texts in respect of which punishments were increased provide for the criminalisation of: criminal molestation through the use of force or threat or through the use of a helpless state or a state of supervision (Article 150 of the CC), criminal sexual intercourse with an underage person through taking advantage of a state of dependence or supervision (Article 151 (2) and (3) of the CC), establishing a contact with a minor or underage person for the purpose of molestation (Article 155a of the CC), persuasion of a minor person to involve in or to observe sexual scenes (Article 155b of the CC) and the torture and neglect of care in respect of young persons (Articles 182 and 187 of the CC). All crimes against marriage, the family and youth are currently being pursued under the general procedure following the repeal of Article 193a of the Criminal Code, thus ensuring the correct and timely exercise of the corresponding state coercion towards the perpetrators of such crimes.

In 2015 the Criminal Code was again amended to implement Directive 2011/92/EU on combating sexual abuse and sexual exploitation of children and child pornography. The main

changes concern the following issues:

- children who are victims of sexual abuse and sexual exploitation are exempted from criminal liability or are not punished for their involvement in the criminal activities which they were forced to perform in direct relation to being such a victim – Article 16a of the CC;
- the definition of 'Pornographic material' was changed and a definition for 'Pornographic performance' was made – Article 93, item 28 and item 30 of the CC;
- the establishment of a contact with a person who has reached 14 years of age for the purpose of committing molestation, copulation, sexual intercourse, pornographic material, or pornographic performance was criminalised – Article 155a of the CC;
- the persuasion of an underage person through the use of force or threat, or through taking advantage of a state of dependence or supervision to participate in actual, virtual or simulated sexual act was envisaged as a crime – Article 155c of the CC;
- the provisions concerning the criminal responsibility for coercing, recruiting, supporting or using a person who has not attained the age of 18 years or a group of such persons to participate in a pornographic performance; the perpetration of the previous acts in respect of a person who has not attained the age of 14 years and the cases where a material benefit has been received as a result of the abovementioned criminal acts were made more precise – Article 158a of the CC;
- the conscious access by means of information or communication technology to pornographic material for the creation of which a person who has not reached 18 years of age or someone who looks like such a person has been used was criminalised – Article 159 of the CC.

It should be emphasised that special attention was also paid in cases where sexual exploitation is among the goals of the crime 'human trafficking'. The Bulgarian legislation in this field has also been brought into line with the international and European standards – our country has ratified the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention Against Transnational Organised Crime and two of its Protocols: the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). The requirements of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings, and protecting its victims, and replacing Council Framework Decision 2002/629/JHA were also implemented.

The national legislative acts that are of greatest importance for combating trafficking in human beings are the Criminal Code of the Republic of Bulgaria and the Combating Trafficking in Human Beings Act. By the amendments to the Criminal Code, adopted in 2009, Chapter Two 'Crimes Against the Person' was also amended in its Section IX 'Trafficking in Human Beings' and the punishments that may be imposed for the individual trafficking crimes, including the cases where the victim is a person under the age of majority, were increased, i.e. the amount of the punishment 'imprisonment' and the fines; in addition, a provision for a new crime was created – Article 159c). Article 159c (new) criminalised the conscious use of a person, who is victim of human trafficking, for activities of debauchery, forced labour, dispossession of body organs, or holding them in forceful subjection, regardless of their consent. By means of the cited provision for a criminal offence, Article 19 'Criminalisation of the use of services of a victim' of the Council of Europe Convention on

Action against Trafficking in Human Beings was implemented in the Bulgarian legislation.
In 2013, Section IX 'Trafficking in human beings' was re-amended and supplemented with a view to implement the requirements of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The main changes concerned the following issues:

- a person, who is a victim of trafficking in human beings because of his or her involvement in the criminal activities that he or she was forced to perform in direct relation to being such a victim, is released from criminal liability or is not punished;
- begging and dispossessing of a tissue, cell or body fluid of the victim were added as separate criminal objectives of trafficking;
- criminal responsibility was provided for those cases where trafficking in human beings was committed by an official when performing his or her duties;
- a new version of the definition of 'trafficking in human beings' was proposed insofar as the current version of that definition covered only the aggravated cases of the crime of human trafficking and made it more difficult to apply protection measures in respect of the victims of the main criminal offence;
- the duty of the state to ensure instruction for the children of the victims of trafficking in human beings and not just for the children that are victims of such trafficking was extended;
- the circle of persons entitled to protection under the Child Protection Act was extended to include the persons who are victims of violence or exploitation and whose age is not established, but it can be reasonably assumed from the specific circumstances that they are children.

The Bulgarian Criminal Code also regulates a number of other forms of violence against children and in many cases the legal provisions comprise aggravated circumstances and more severe punishments – murder (Article 116); causing bodily injury (Article 131); exposure to danger (Articles 137 and 138); abduction and unlawful deprivation of liberty (Articles 142 and 142a); forced marriage (Articles 177 and 178); torture (Article 187); persuasion of a child to commit a crime or prostitution (Article 188); de facto cohabitation with a child (Articles 191 and 192), etc.

Combating trafficking in human beings and the provision of the victims of trafficking and sexual exploitation with subsequent efficient care is also regulated by the Crime Victim Assistance and Financial Compensation Act, the Legal Aid Act, the Protection of Persons Threatened in Connection with Criminal Proceedings Act, the Forfeiture of Property Acquired Through Criminal Activity Act, the Rules on the Organisation and Activities of the National Commission for Combating Trafficking in Human Beings, the Rules for Shelters for Temporary Placement and Centres for Protection and Assistance of Victims of Trafficking in Human Beings, etc.

Victims of violence can seek protection and compensation if they have not received such in judicial proceedings under the **Crime Victim Assistance and Financial Compensation Act (CVAFCA),** which implements the requirements of Directive 2004/80/EC relating to compensation to crime victims.

Assistance may be granted to victims who have suffered pecuniary and non-pecuniary damage from general crimes and financial compensation may be granted to victims who have suffered pecuniary damage from the following crimes:

- terrorism; deliberate murder; attempt at murder; intentional severe bodily injury; **molestation**; **rape; trafficking in human beings**;
- crimes committed at the orders or in implementing a decision of an organised criminal group;

- other grave intentional crimes that have resulted in death or severe bodily injury.

Significant amendments to the CVAFCA were made in 2016 to make more precise the existing legislation on the rights of victims of crime, including by the implementation of the requirements of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The more significant of them refer to the following:

- in view of improving of the awareness of victims about their rights to assistance and financial compensation from the state, the scope of the authorities, organisations and persons providing such information was extended;
- the opportunity of all victims of general crimes to have free access to organisations providing free psychological counselling and practical assistance was ensured;
- the circle of grave deliberate crimes against the person in respect of which financial compensation from the state is provided was enlarged;
- - the scope of financial compensation includes attempted murder and the previous requirement for provision of financial compensation in respect of the crimes of molestation and rape only in the event of grave injuries of health was deleted.
- the amount of the financial compensation was increased to BGN 10,000 for all persons entitled to it under the Act and when granted to persons under the age of majority, the compensation shall be up to BGN 10,000 for each person;
- provision was made to adopt rules for the implementation of the CVAFCA, which will further develop and specify the basic conditions laid down in it.

The Rules on the Implementation of the CVAFCA /RICVAFCA/ were adopted by Council of Ministers Decree No 373 of 22 December 2016 (promulgated, SG No 103/27.12.2016). It sets out the terms and procedure for funding free psychological counselling and assistance and the statutory provision of shelter or other appropriate temporary placement for victims of crime in respect of whom there is an imminent risk of secondary and repeated victimisation, intimidation and revenge. The provision of shelter or other appropriate temporary placement for victims of crime:

- is carried out by the organisations supporting the victims within a period of ten days;
- is immediately carried out in a place other than the habitual residence of the victim which is safe for him or her;
- is applied if such a measure is not taken on any other grounds under any other legal act – for example, the Combating Trafficking in Human Beings Act, the Protection of Persons Threatened in Connection with Criminal Proceedings Act, the Child Protection Act.

Last but not least, we should also distinguish among the measures taken to combat trafficking in human beings and sexual exploitation of women and children those that are undertaken to facilitate the filing of complaints by victims and to ensure equal access to justice by means of ensuring and providing efficient legal aid, which is regulated in **the Legal Aid Act (LAA).**

There are four types of legal aid and they refer to:

- consultation in view of reaching an agreement before the beginning of the judicial proceedings or before submitting a case to the court, including consultation under Chapter Five ‘a’;
- drafting documents necessary for submitting a case;
- representation in court;

- representation in cases of detention under the Ministry of Interior Act, the Customs Act and the State Agency for National Security Act.

Since 2015 the framework of legal aid was supplemented and amended several times in order to ensure access to legal aid for a wider circle of vulnerable social groups by creating new forms in the legal aid system for providing legal counselling and consultation under favourable conditions. It was envisaged that all citizens (regardless of gender) who do not meet the conditions of Article 22, item 1 and item 2 of the LAA, but have income below the country's poverty line, may receive legal counselling aid both from the National Legal Aid Bureau (NLAB) and the Regional Counselling Centres (RCC) of the respective bar associations. In addition, the National Telephone for Primary Legal Aid (NTPLA) and the Regional Counselling Centres were legally regulated as new forms in the legal aid system for legal advice and counselling and established as permanent LAB activities. The purpose of these two new forms is to overcome formalism in the system, which is not easily accessible to illiterate and uninformed citizens having no legal knowledge, living in remote settlements, in social isolation, retired disabled people with reduced mobility, lonely people, persons without address. Therefore, it was envisaged that these two forms of counselling and legal advice should be used by the citizens under favourable conditions, beyond the general legal aid procedure, i.e. without any need for a decision on the provision of legal aid and appointment of a lawyer by the chairperson of the bureau. Moreover, every citizen will be able to get advice in the RCC if he or she proves by a document that his or her monthly income does not exceed the country's poverty line.

As regards the criminal proceedings regulated by the **Criminal Procedure Code (CPC)**, the Ministry of Justice continues to work actively on the improvement of the Bulgarian legislation and the guarantee of the rights of minor or underage persons involved in judicial proceedings as witnesses, victims, suspects, accused, defendants or convicted.

The main international standard related to the rights and procedural status of child victims of crime is Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The Directive provides for both a minimum set of rights for all victims of crime and clear and specific duties of public authorities in the Member States to ensure the victims' rights of defence. Directive 2012/29/EU was fully implemented in the Bulgarian legislation with the adoption of the Act amending and supplementing the Criminal Procedure Code, SG No 63/4.08.2017, in force since 5.11.2017.

In the Bulgarian criminal proceedings, the underage or minor victim has the rights referred to in Article 75 of the CPC. With the implementation of the requirements of Directive 2012/29/EU in the Bulgarian legislation, Article 75 of the Criminal Procedure Code was supplemented by the right of the victim to obtain a translation of the decree for termination or suspension of the criminal proceedings if he or she does not speak the Bulgarian language.

Also, in dealing with cases in which the victim is a child, exceptions to the general rules are provided such as closed-door interrogation (Article 263 (3) of the CPC); the opportunity to read the testimony of a minor witness during the judicial investigation when the accused and his counsel had been involved in his or her interrogation (Article 281 (1) (6) of the CPC); holding an interrogation in a special room outside the court building (Article 262 of the CPC), etc.

The Criminal Procedure Code contains special rules for questioning minor or underage witnesses (Article 140 of the CPC). No warning is given of the responsibility under Article 290 of the Criminal Code upon questioning a minor witness, since, in view of their age, these persons are not criminally responsible. However, the need to give true testimony is explicitly explained to the minor. When holding a questioning of a minor witness, mandatory presence of a pedagogue or psychologist and, where necessary, a parent or guardian is provided. The participation of a pedagogue or psychologist is necessary in view of the specifics of children's

personality and the necessity of asking the questions in a way that is appropriate for their age. The presence of a pedagogue or a psychologist is mandatory so the non-participation of such a person at the interrogation is a procedural violation which prevents the deposited testimony from being assessed. When questioning a minor witness, the presence of his or her parent or guardian depends on the discretion of the authority conducting the procedural investigative action. Furthermore, the provision of Article 280 (6) of the CPC provides that a minor witness who has once been interrogated in the same criminal proceedings may be questioned by the court only exceptionally if his or her testimony cannot be read in any of the cases of Article 281 of the Criminal Procedure Code or the new interrogation is crucial to revealing the truth.
An underage witness is questioned in the presence of a pedagogue or psychologist, respectively a parent or guardian, only if the respective authority considers it necessary (Article 140 (2) of the CPC). Article 280 (4) of the CPC provides that, generally, after depositing his or her testimony at the judicial investigation, the minor witness must be removed from the courtroom unless the court decides otherwise.
With the implementation of the requirements of Directive 2012/29/EU, Article 140 and Article 280 (6) of the Criminal Procedure Code were supplemented and it was explicitly stated that the interrogation of a minor or underage witness shall be carried out after taking measures to avoid contact with the defendant, including in specially equipped premises or by videoconference.

The concrete amended texts are:

Criminal Code of the Republic of Bulgaria:
Chapter Two 'Crimes against the Person', Section VII 'Debauchery'

Article 149. (Supplemented, SG No 28/1982, amended, No 89/1986) (1) (Amended, No 107/1996, No 75/2006) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with a person under 14 years of age, shall be punished for lewdness by imprisonment for up one to six years.

(2) (Amended, SG No 107/1996, supplemented, No 27/2009, amended, No 74/2015) The punishment for lewdness shall be imprisonment from two to eight years, where the molestation has been performed:

1. through the use of force or threat;
2. through bringing the victim into a helpless condition;
3. through taking advantage of the helpless condition of the victim;
4. through taking advantage of a state of dependence or supervision;
5. in respect of a person engaged in prostitution.

(3) (Amended, SG No 107/1996, No 38/2007) Where the act under the preceding paragraphs has been done for a second time, the punishment shall be imprisonment from three to ten years.

(4) (New, SG No 107/1996) Lewdness shall be penalised by deprivation of liberty from three to fifteen years:
1. if committed by two or more persons;
2. (repealed, SG No 62/1997, new, No 74/2015) if committed in respect of a person who does not understand the nature or meaning of the act;
3. (repealed, SG No 62/1997);
4. (repealed, SG No 62/1997).

(5) (New, SG No 62/1997) Lewdness shall be penalised by imprisonment from five to twenty years:
1. if committed with two or more minors;

2. if a severe bodily injury has been inflicted or a suicide has been attempted;
3. if it constitutes a dangerous recidivism;
4. (new, SG No 38/2007) if it constitutes a particularly grave case.

Article 150. (Supplemented, SG No 28/1982, amended, No 89/1986, No 107/1996, No 75/2006) (1) (Previous text of Article 150, amended and supplemented, SG No 27/2009, amended, No 26/2010) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with regard to a person who has completed 14 years of age, by using force or threat, by taking advantage of the helpless condition of that person or by reducing the person to such condition or by taking advantage of a state of dependence or supervision, shall be punished by imprisonment from two to eight years.

(2) (New, SG No 74/2015) The punishment under Article 1 shall also be imposed on any person who commits the crime under Paragraph 1 in respect of a minor who is engaged in prostitution.
(3) (New, SG No 27/2009, amended, No 26/2010, renumbered from Paragraph 2, amended, No 74/2015) When the crime under Paragraph 1 was committed in respect of a person who does not understand the nature or meaning of the act, or when the criminal act constitutes a particularly grave case, the punishment shall be imprisonment from three to ten years.

Article 151. (Amended, SG No 75/2006) A person who has sexual intercourse with a person who has not completed the age of 14 years, insofar as the act does not constitute a crime under Article 152, shall be punished by imprisonment for two to six years.

(2) (New, SG No 74/2015) Where the act under Paragraph 1 was committed:
1. through taking advantage of a state of dependence or supervision;
2. in respect of a person who has not reached 14 years of age and who is engaged in prostitution;
3. by two or more persons,
the punishment shall be imprisonment from two to eight years.

(3) (New, SG No 27/2009, amended, No 26/2010, renumbered from Paragraph 2, No 74/2015) Where the crime under Paragraph 1 was committed in respect of an underage person by taking advantage of a state of dependence or supervision, the punishment shall be imprisonment from one to five years.

(4) (Renumbered from Paragraph 2, SG No 27 of 2009, amended, No 26/2010, renumbered from Paragraph 3, No 74/2015) Anyone who has sexual intercourse with a person who has reached 14 years of age and who does not understand the nature or meaning of the act, shall be punished by imprisonment for up to five years.

Article 152. (1) A person who has sexual intercourse with a person of the female sex:
1. who is deprived of the possibility of self-defence, and without her consent;
2. by compelling her thereto by force or threat;
3. by reducing her to a state of helplessness,
shall be punished for rape by imprisonment for two to eight years.

(2) For rape the punishment shall be imprisonment for three to ten years:
1. (amended, SG No 92/2002) if the raped woman has not completed eighteen years of age;
2. if she is a relative of descending line;
3. (new, SG No 28/1982) if it was committed for a second time.

(3) (Amended, SG No 28/1982) For rape the punishment shall be imprisonment for three to fifteen years:
1. if it has been performed by two or more persons;
2. if medium bodily injury has been caused;

3. if an attempt at suicide has followed;
4. (new, SG No 92/2002) if it has been committed in view of forceful involvement in further acts of debauchery or prostitution;
5. (renumbered from Item 4, SG No 92/2002) if it constitutes a case of dangerous recidivism.

(4) (Amended, SG No 28/1982, No 92/2002) The punishment for rape shall be imprisonment of ten to twenty years, where:
1. the victim has not turned fourteen years of age;
2. severe bodily injury has been caused;
3. suicide has ensued;
4. it qualifies as a particularly serious case.

Article 153. (Amended, SG No 75/2006) A person who copulates with another, by compulsion using the other's material or official dependency upon him, shall be punished by imprisonment for up to three years.

Article 154. Sexual intercourse between relatives in ascending and descending line, between brothers and sisters, and between adopters and adopted persons shall be punished by imprisonment for up to three years.

Article 154a. (New, SG No 27/2009) (1) (Previous text of Article 154a, amended, SG No 74/2015) Anyone who performs acts of molestation or copulation with an underage person who is engaged in prostitution shall be punished by imprisonment for up to three years.

(2) (New, SG No 74/2015) When the crime under Paragraph 1 was committed repeatedly or by two or more persons, the punishment shall be imprisonment from one to five years.

Article 155. (1) (Amended, SG No 28/1982, No 10/1993, No 62/1997, No 92/2002, No 26/2004, No 75/2006) A person who persuades an individual to practise prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, shall be punished by imprisonment of up to three years and by a fine from BGN one thousand to BGN three thousand (BGN 1,000 to 3,000).

(2) (Amended, SG No 10/1993, No 62/1997, No 75/2006) A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of molestation shall be punished by deprivation of liberty for up to five years and by a fine from BGN one thousand to BGN five thousand (BGN 1,000 to 5,000).

(3) (New, SG No 62/1997, amended, No 92/2002, No 75/2006) Where acts under Paragraphs 1 and 2 above have been committed with a venal goal in mind, punishment shall be imprisonment from one to six years and a fine from BGN five thousand to BGN fifteen thousand (BGN 5,000 to 15,000).

(4) (New, SG No 21/2000, amended, No 75/2006) A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practising prostitution, to performing copulation, indecent assault, intercourse or any other acts of sexual gratification with a person of the same sex, shall be punished by imprisonment for five to fifteen years and by a fine from BGN ten thousand to BGN fifty thousand (BGN 10,000 to 50,000).

(5) (New, SG No 21/2000, amended, No 92/2002, supplemented, No 75/2006, amended, SG No 38/2007) Where the act under Paragraphs 1 - 4 has been committed:
1. by an individual acting at the orders or in implementing a decision of an organised criminal group;
2. with regard to a person under the age of 18 years or insane person;
3. with regard to two or more person;
4. repeatedly;
5. at the conditions of a dangerous recidivism,

the punishment under Paragraphs 1 and 2 shall be imprisonment from two to eight years and a fine from BGN five thousand to BGN fifteen thousand (BGN 5,000 to 15,000), under Paragraph 3 – imprisonment from three to ten years and a fine from BGN ten thousand to BGN twenty-five thousand (BGN 10,000 to 25,000), and under Paragraph 4 – imprisonment from ten to twenty years and a fine from BGN one hundred thousand to BGN three hundred thousand (BGN 100,000 to 300,000).

(6) (Renumbered from Paragraph 3, SG No 62/1997, renumbered from Paragraph 4, SG No 21/2000, repealed, No 75/2006).
(7) (Renumbered from Paragraph 4, SG No 62/1997, renumbered from Paragraph 5, No 21/2000, amended, No 92/2002, in force since 1.01.2005 in respect of the punishment of probation – amended, No 26/2004, effective 1.01.2004, repealed, No 103/2004, effective 1.01.2005).

Article 155a. (New, SG No 38/2007, amended and supplemented, No 27/2009, amended, No 26/2010, No 74/2015) (1) Anyone who, by using information or communication technology or otherwise, discloses or collects information about a person under the age of 18 years for the purpose of establishing contact with that person in order to perform molestation, copulation, sexual intercourse, or prostitution, or to create pornographic material, or for the purpose of involvement in a pornographic performance shall be punished by imprisonment from one to six years and a fine from BGN five thousand to BGN ten thousand (BGN 5,000 to 10,000).

(2) The punishment under Paragraph 1 shall also be imposed on anyone who, by using information or communication technology or otherwise, establishes contact with a person under 14 years of age in order to perform molestation, copulation, or sexual intercourse, or to create pornographic material, or for the purpose of involvement in a pornographic performance.

Article 155b. (New, SG No 27/2009, supplemented, No 26/2010) (1) (Previous text of Article 155b, amended, No 74/2015) A person who persuades a person who is under the age of 14 to participate in or to observe actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious demonstration of human sexual organs, sodomy, masturbation, sexual sadism or masochism shall be punished by imprisonment for up to five years.

(2) (New, SG No 74/2015) When the crime under Paragraph 1 was committed:
1. through the use of force or threat;
2. through taking advantage of a state of dependence or supervision;
3. by two or more persons who have conspired in advance;
4. repeatedly,
the punishment shall be from two to ten years.

Article 155c. (New, SG No 74/2015) Anyone who, through the use of force or threat or through taking advantage of a state of dependence or supervision, persuades an underage person to participate in an actual, virtual or simulated act of molestation, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, as well as in lascivious exhibition of human sexual organs, shall be punished by imprisonment for up to five years.

Article 156. (Amended, SG No 10/1993) (1) (Previous Article 156, amended, SG No 62/1997, No 75/2006) A person who abducts another person for the purpose of her being placed at the disposal for acts of debauchery shall be punished by imprisonment for three to ten years and by a fine of up to BGN one thousand (BGN 1,000).

(2) (New, SG No 62/1997, amended, No 75/2006) The punishment shall be imprisonment for five to twelve years, if:
1. the abducted person is under the age of 18 years;
2. the abducted person has been placed at disposal for acts of debauchery, or

3. the abduction has been carried out for the purpose of placing the person at disposal for acts of debauchery beyond the borders of the country.

(3) (New, SG No 75/2006) The punishment shall be imprisonment from five to fifteen years and a fine from BGN five thousand to BGN twenty thousand (BGN 5,000 to 20,000) where:
1. the act was committed by an individual acting on the orders or in execution of a decision of an organised criminal group;
2. the abducted person was handed over for sexual activities outside the borders of the country;
3. the act constitutes dangerous recidivism.

Article 157. (Amended and supplemented, SG No 28/1982, No 89/1986, amended, No 10/1993, No 62/1997, No 92/2002, No 26/2004, No 103/2004, in force since 1.01.2005, amended and supplemented, No 75/2006, amended, No 74/2015) (1) Anyone who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using force or threat to that end, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility for self-defence, shall be punished by imprisonment for two to eight years.

(2) Where the act under Paragraph 1 was committed in respect of an underage person engaged in prostitution, the punishment shall be imprisonment from three to ten years.

(3) When the act under Paragraph 1 was committed in respect of a person under the age of 14, the punishment shall be imprisonment from three to twelve years.

(4) Anyone who performs sexual intercourse or acts of sexual gratification with a person of the same sex under the age of 14 shall be punished by imprisonment from two to six years.

(5) When the act under Paragraph 4 was committed in respect of a person under the age of 14 who is engaged in prostitution, the punishment shall be from two to eight years.

(6) Anyone who performs sexual intercourse or acts of sexual gratification with a person of the same sex under who is under the age of 14 and who does not understand the nature or meaning of the act shall be punished by imprisonment from two to six years.

(7) When the criminal act under Paragraphs 1 – 6 constitutes a particularly grave case, the punishment shall be imprisonment from five to twenty years.

Article 158. (Amended, SG No 28/1982, repealed, No 74/2015).

Article 158a. (New, SG No 27/2009, amended, No 74/2015) (1) Anyone who, in any manner whatsoever, recruits, supports, or uses a person under the age of 18 or a group of such persons to participate in a pornographic performance shall be punished by imprisonment for up to six years.

(2) Anyone who forces a person under the age of 18 or a group of such persons to participate in a pornographic performance shall be punished by imprisonment from one to six years.

(3) When the act under Paragraph 1 or 2 was committed in respect of a person who has not reached 14 years of age, the punishment shall be imprisonment from two to eight years.
(4) Where a material benefit has been received as a result of the criminal act, the punishment shall be:

1. in the cases under Paragraph 1 or 2 - imprisonment from two to eight years and a fine from BGN ten thousand to BGN twenty thousand (BGN 10,000 to 20,000);
2. in the cases under Paragraph 3 - imprisonment from three to ten years and a fine

from BGN twenty thousand to BGN fifty thousand (BGN 20,000 to 50,000).
(5) Anyone who watches a pornographic performance involving a person under the age of 18 years shall be punished by imprisonment for up to three years.

Article 158b. (New, SG No 74/2015) For a crime under Articles 149 - 157 or Article 158a, the court may also impose a punishment which entails deprivation of rights under Article 37, paragraph 1, items 6 or 7.

Article 159. (Amended, SG No 28/1982, No 10/1993, No 62/1997, No 92/2002) (1) (Amended, SG No 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by imprisonment of up to one year and a fine from BGN one thousand to BGN three thousand (BGN 1,000 to 3,000).

(2) (New, SG No 38/2007, supplemented, No 27/2009, amended, No 74/2015) Anyone who distributes pornographic material by means of information or communication technology or in another similar manner shall be punished by imprisonment for up to two years and a fine from BGN one thousand to BGN three thousand (BGN 1,000 to 3,000).

(3) (Renumbered from paragraph 2, amended, SG No 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by imprisonment of up to three years and a fine of up to BGN five thousand (BGN 5,000).
(4) (Amended, SG No 75/2006, renumbered from Paragraph 3, amended, No 38/2007, No 74/2015) For acts under Paragraphs 1 - 3, the punishment shall be imprisonment for up to six years and a fine of up to BGN eight thousand (BGN 8,000), where:
1. a person who has not reached 18 years of age (or anyone who looks like such a person) has been used for the production of the pornographic material;
2. a person who does not understand the nature or meaning of the act has been used for the creation of the pornographic material;
3. the act has been committed by two or more persons;
4. the act has been committed repeatedly.
(5) (Renumbered from paragraph 4, amended, SG No 38/2007) Where acts under Paragraphs 1 - 4 have been committed at the orders or in implementing a decision of an organised criminal group, punishment shall be imprisonment from two to eight years and a fine of up to BGN ten thousand (BGN 10,000), the court being also competent to impose confiscation of some or all the possessions of the perpetrator.
(6) (Renumbered from paragraph 5, amended, SG No 38/2007, No 74/2015) Anyone who, by means of information or communication technology or otherwise, possesses or provides for himself or herself or for another person pornographic material for the production of which a person under the age of 18 years (or anyone who looks like such a person) has been used shall be punished by imprisonment of up to one year or a fine of up to BGN two thousand (BGN 2,000).
(7) (New, SG No 74/2015) The punishment under Paragraph 6 shall also be imposed on anyone who, by means of information or communication technology, has intentionally accessed pornographic material, for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used.
(8) (New, SG No 74/2015) In the cases under Paragraphs 1 - 7, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, Items 6 or 7.
(9) (Renumbered from Paragraph 6, SG No 38/2007, renumbered from Paragraph 7, No 74/2015) The object of criminal activity shall be confiscated to the benefit of the State, and where it is not found or has been expropriated, its money equivalent shall be awarded.

Chapter Two 'Crimes against the Person' Section IX (New, SG No 92/2002) 'Trafficking of People':

Article 159a. (1) (Amended, SG No 27/2009, No 84/2013) An individual who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forced labour or begging, dispossession of a body organ, tissue, cell or body fluid or holding them in forceful subjection, regardless of their consent, shall be punished by imprisonment of two to eight years and a fine from BGN three thousand to BGN twelve thousand (BGN 3,000 to 12,000).

(2) Where the act under Paragraph 1 has been committed:

1. with regard to an individual who has not turned eighteen years of age;
2. through the use of coercion or by misleading the individual;
3. through kidnapping or illegal imprisonment;
4. through abuse of a status of dependency;
5. through the abuse of power;
6. through promising, giving away or receiving benefits;
7. (new, SG No 84/2013) by an official during or in connection with the fulfilment of his or her official duties,

(amended, SG No 27/2009) the punishment shall be imprisonment from three to ten years and a fine from BGN ten thousand to BGN twenty thousand (BGN 10,000 to 20,000).

(3) (New, SG No 75/2006, amended, No 27/2009) Where the act under Paragraph 1 has been committed in respect to a pregnant woman to the purpose of selling her child, the punishment shall be imprisonment from three to fifteen years and a fine from BGN twenty thousand to BGN fifty thousand (BGN 20,000 to 50,000).

Article 159b. (1) (Amended, SG No 27/2009) An individual who recruits, transports, hides or admits individuals or groups of people and guides them over the border of the country with the objectives under Article 159a, Paragraph 1, shall be punished by imprisonment from three to twelve years and a fine from BGN ten thousand to BGN twenty thousand (BGN 10,000 to 20,000).

(2) (Supplemented, SG No 75/2006, amended, No 27/2009) Where the act under Paragraph 1 has been committed in presence of characteristics under Article 159a, Paragraph 2 and Paragraph 3, the punishment shall be imprisonment from five to twelve years and a fine from BGN twenty thousand to BGN fifty thousand (BGN 20,000 to 50,000).

Article 159c. (New, SG No 27/2009, amended, No 84/2013) A person who takes advantage of a person who suffered from human trafficking for acts of debauchery, forced labour or begging, dispossession of a body organ, tissue, cell or body fluid or holding the said person in forceful subjection, regardless of his or her consent shall be punished by imprisonment from three to ten years and a fine from BGN ten thousand to BGN twenty thousand (BGN 10,000 to 20,000).

Article 159d. (Previous text of Article 159c, amended, SG No 27/2009) Where acts under Articles 159a - 159c qualify as dangerous recidivism or have been committed at the orders or in implementing a decision of an organised criminal group, the punishment shall be imprisonment from five to fifteen years and a fine from BGN twenty thousand to BGN one hundred thousand (BGN 20,000 to 100,000), the courts being also competent to impose confiscation of some or all possessions of the perpetrator.

Chapter Four 'Crimes against Marriage, the Family and Youth', Section II 'Crimes Against Youth'

Article 187. (Amended, SG No 103/2004, in force since 1.01.2005, No 26/2010) A person who tortures a minor or underage person, who is under his care or with whose education he has been entrusted, shall be punished by imprisonment for up to three years or by probation, as well as by public censure, provided the act does not constitute a graver crime.

Article 188. (Amended, SG No 74/2015) (1) Anyone who coerces a person under the age of 18 years to commit a crime under duress or through taking advantage of a state of dependence

or supervision shall be punished by imprisonment for up to five years.
(2) The punishment under Paragraph 1 shall also be imposed on anyone who coerces a person under the age of 18 years to engage in prostitution under duress or through taking advantage of a state of dependence or supervision.

(3) When the act under Paragraph 1 or 2 caused harmful consequences for the physical, mental, or moral development of the victim, the punishment shall be imprisonment from one to six years and public censure, provided the act does not constitute a graver crime.

(4) When the act under Paragraph 2 was committed in respect of a person who has not reached 14 years of age, the punishment shall be imprisonment from one to ten years.

(5) In the cases under Paragraphs 1 - 4, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, Item 6 or 7.

Criminal Procedure Code:

Interrogation of minor and underage witnesses

Article 140. (1) A minor witness under the age of 14 years shall be interrogated in the presence of a pedagogue or a psychologist, and where necessary, in the presence of the parent or the guardian.
(2) A witness who has not reached the age of majority shall be interrogated in the presence of the persons under Paragraph 1, if the respective body deems so necessary.

(3) With the permission of the body conducting the interrogation, the persons under Paragraph 1 may put questions to the witness.

(4) The body conducting the interrogation shall explain to the minor witness under 14 years of age the necessity of giving true testimony, without warning him or her about any responsibility.
(5) (New - SG 109/08, amended 63/2017, in force since 5.11.2017) Interrogation of a minor or underage witness in the country may take place in taking measures to avoid contact with the accused, including in specially equipped premises or by videoconference.

Cases in which expert examination shall be instituted

Article 144. (3) (New - SG 63/2017, effective 5.11.2017) Expertise may also be appointed for establishment of specific needs of protection of a witness in relation to his participation in the penal procedure.

Interrogation of witnesses

Article 280. (6) (New - SG 32/2010, in force since 28.05.2010, amended, No 63/2017, in force since 5.11.2017) Minor witnesses or a witness with specific protection needs that have been questioned during a criminal proceeding shall be questioned again only if their testimonies cannot be read out under the conditions and order of Article 281 or the second questioning is of significant importance for revealing the truth. The questioning shall be conducted when measures are taken to avoid contact with the defendant, including in specially equipped premises.

Reading the testimony of a witness

Article 281. (Amended, SG 32/2010, in force since 28.05.2010) (1) The testimony of a witness, given under the same case before a judge on the pre-trial proceedings or before another court panel shall be read, where:
1. there are substantial contradictions between them and those given at the judicial trial;
2. the witness refuses to testify or alleges that he or she does not remember something;
3. a duly summonsed witness cannot appear before court for a long or indefinite period of time, and it is not necessary or the witness cannot be interrogated by letters rogatory;
4. the witness cannot be found to be summonsed, or has died;
5. the witness fails to appear, and the parties agree with that;

6. (supplemented - SG 63/2017, in force since 5.11.2017) the witness is minor or has specific protection needs and the defendant and his defender were present at his or her interrogation.

2) Please indicate what measures have been taken (administrative provisions, programmes, action plans, projects, etc.) to implement the general legal and regulatory basis.

The Republic of Bulgaria gives priority to counteracting and prosecuting all crimes committed against children, especially those related to sexual violence and sexual exploitation, as well as child pornography.
The Bulgarian legislation in this field is in line with the high international and European standards – our country has ratified and implemented the following international acts:
- the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- Optional Protocol to the United Nations Convention on the Rights of the Child on Trafficking in Children, Child Prostitution and Child Pornography;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.
For the purpose of ensuring the rights of children the current child protection system was instituted and from 2000, following the adoption of the **Child Protection Act (CPA)**, the system for protection of children in Bulgaria began to develop and operate. In accordance with the United Nations Convention on the Rights of the Child (UNCRC), the principle of the best interests of the child is of paramount importance and is leading in the activities and the formation of individual sectoral systems related to children. As a country that has ratified the Convention as early as 1991, Bulgaria has a clear direction to develop child policies in the context of the basic principles set out in the Convention. The Council of Europe Strategy for the Rights of the Child (2016-2021), which was presented in Sofia in April 2016, outlined the main strands of protection and promotion of children's rights in five priority objectives – equal opportunities for all children; participation of all children; life without violence for all children; adaptation of justice for all children and children's rights in the digital environment. The legislation in place in the field of child protection in Bulgaria is in line with international and European requirements and standards in this direction. The aim is to make determined efforts for its development and continuous improvement.
The CPA is the main specialised law in the Bulgarian legislation which regulates the state policy towards children at risk. It sets forth the rights, principles and measures for child protection, the child protection authorities and their interaction for the implementation of these activities, as well as the participation of legal and natural persons in such activities. Child protection is a system of legislative, administrative and other measures that guarantee the rights of every child.
Pursuant to the CPA, the child protection authorities are: the Chairperson of the State Agency for Child Protection; the Social Assistance Directorates; the Minister of Labour and Social Policy; the Minister of Interior, the Minister of Education and Science, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Culture, the Minister of Health and the mayors of municipalities. A specialised body that carries out the child protection policy at the local (municipal) level is the **Social Assistance Directorate (SAD)**, in which a **Child Protection Department (CPD)** is established and functions.
The child protection policy is also implemented on the basis of a **National Children's Strategy (NCS),** adopted by the National Assembly on a proposal by the Council of Ministers. In 2008, the NCS was adopted for the period until 2018. A pending commitment is

the development of a new strategic document. In pursuance and on the basis of the Strategy, a National Child Protection Programme proposed by the Minister of Labour and Social Policy and the Chairperson of the State Agency for Child Protection is adopted annually. The programmes focus on measures and activities for protection of children from violence and various forms of abuse.
The main functions and the operational implementation of the child protection activities are assigned to two administrative structures – the **State Agency for Child Protection (SACP) and the Agency for Social Assistance (ASA)** through the SAD. The SACP is a specialised body of the Council of Ministers for guidance, coordination and control in the field of child protection. The ASA is an administration with the Minister of Labour and Social Policy for implementation of the state policy in social assistance.

In the reference period, a number of changes also occurred in the field of legislation and the activity of the MoI authorities which are competent in these areas:

Protection against sexual exploitation

Supplements to the Child Protection Act (CPA) were adopted in 2013 and a person who is a victim of violence or exploitation and whose age has not been established but it can be reasonably assumed that he or she is a child is entitled to protection by law. This supplement provides for the possibility, if necessary, to take protective measures until the actual age of the person is established (Article 10 (2) of the CPA, supplemented, SG, No 84/2013).
In 2017, amendments and supplements to Ordinance No I-51 of 21 March 2001 on the conditions and procedure for providing children with police protection were adopted. They are in line with the increased migration process and foreign children seeking international protection are also added as subjects of protection. In respect of them, it is provided that the State Agency for Refugees (SAR) shall be notified upon undertaking the protection. Upon termination of the police protection, the foreign child shall be transferred to the director of the respective territorial unit of the SAR or to a person authorised thereby if the child has declared that he or she wishes international protection (Article 13 (3), Article 15a (3) of the Ordinance, SG No 64/2017).
With the amendments and supplements to the Rules for Implementation of the Foreigners in the Republic of Bulgaria Act, a new Chapter Two 'b' 'Proceedings concerning unaccompanied foreign children' was created and it regulates the placement of unaccompanied foreign children in the respective institutions and their representation in view of guaranteeing their health and life (SG, No 57/10.07.2018).

Child prostitution and child pornography

In 2015, substantial changes were made to the Criminal Code (SG No 74/2015) in order to protect persons under the age of 18 years from child pornography and prostitution. These changes are reported above.

Trafficking in human beings

In this field, serious legislative changes have also been made in the reference period, in connection with which have been adopted also administrative measures ensuring their implementation.

The supplement in Article 15 of the Combating Trafficking in Human Beings Act (CTHBA) provides for a duty of the state authorities, commissions, centres and shelters to ensure protection and support to individuals who have become victims of human trafficking without any direct or indirect discrimination, privileges or restrictions based on nationality, origin, ethnicity, personal situation, gender, sexual orientation, race, age, political and religious beliefs, membership in trade unions and other public organisations and movements, family,

social and material situation and the presence of mental and physical disabilities (SG No 24/2018, in force since 23.05.2018).

Article 25 (1) (1) of the CTHBA also was amended in view of granting under the the Foreigners in the Republic of Bulgaria Act a permit for long-term residence on the territory of the Republic of Bulgaria to victims of trafficking who are third-country nationals when they have expressed their consent to cooperate for disclosure of perpetrators, as well as access to shelters and specialised aid and support. This provision also includes the protection of minor or underage persons.

In 2018, amendments to the **Protection of Persons Threatened in Connection with Criminal Proceedings Act (PPTCCPA)** were adopted in view of providing special protection for endangered participants in criminal proceedings and their relatives. With the amendments to the law, the measure 'change of the nursery or institution in pre-school, school and higher education' was envisaged in the Protection Programme and it ensures the safety of the children affected by such a threat (Article 6 (2) (3) of the PPTCCPA, SG No 44/2018).

For the purpose of protecting and supporting the victims, a **National Mechanism for Referral and Support of Trafficked Persons** was established. It was developed in accordance with a project of the Animus Association Foundation and the National Commission for Combating Trafficking in Human Beings, with the participation of MOI representatives. As regards refugees and child victims, special provisions for protection and assistance are envisaged.

In relation to child victims, a **Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad** was established. For the purpose of protecting and supporting underage victims of trafficking, crisis centres were established. A Handbook on the Identification of Victims of Human Trafficking was made and implemented.

Protection from abuse made with the use of information technology

With the widespread penetration of digital technologies in children's daily lives, there is an increasing risk of their becoming victims of cybercrime. An indicator is the continuously increasing number of alerts received by the Ministry of Interior. The Cyber Crime Division of the Directorate-General Combating Organised Crime (DGCOC) is undertaking serious measures to educate digital culture in young persons. There are numerous meetings and discussions with pupils from all age groups and their parents for clarifying dangers on the Internet and the ways they could protect themselves and their personal information.

In this respect, serious legislative amendments to the Criminal Code were made in 2015 - – art.155a, 155b Criminal Code, which greatly facilitate the investigation of online child sexual exploitation – they have also been presented above.

The changes in Article 155a (1) of the CC criminalise the provision or collection of information about a person under the age of 18 years, by means of information or communication technology or otherwise, for the purpose of establishing contact with that person so as to perform molestation, copulation, sexual intercourse, or prostitution, or to create pornographic material, or for the purpose of involvement in a pornographic performance (SG No 74/2015).

The establishment of contact by means of information or communication technology or otherwise with a person who is under the age of 14 years for the purpose of committing molestation, copulation, sexual intercourse, or to create pornographic material, or for the purpose of involvement in a pornographic performance was also criminalised (Article 155b

(2) of the CC, SG No 74/2015).

The punishment for these crimes was increased to 6 years of imprisonment, which classifies them as 'grave crime' and allows to request traffic data under the Electronic Communications Act. This facilitates the identification of perpetrators and the gathering of evidence.

A new paragraph 2 of Article 155b of the Criminal Code was created and it concerns aggravated cases with enhanced criminal responsibility of persuasion of a person who is under the age of 14 years to participate in or observe actual, virtual or simulated sex intercourse between persons of the same or different sex or lascivious demonstration of human sexual organs, sodomy, masturbation, sexual sadism or masochism. Amendments include more severely punishable offences by committing the act through the use of force or threat and through taking advantage of a state of dependence or supervision, by two or more persons who have conspired in advance and repeatedly. In this regard, these changes to the Criminal Code are timely and important.

In reply to the requested by the ECSR information and conclusions 2011, below is provided further information on the development of the relevant national measures:

The provisions governing trafficking in human beings apply to all persons, including those under the age of 18 years. It should be emphasised that the provisions for the basic offence of trafficking in human beings in Article 159a of the CC envisage in paragraph (2) more severe punishments in cases where 'the act under paragraph (1) has been committed against a person under the age of eighteen years'.

As regards sexual exploitation, the provisions of Section VIII 'Debauchery' in the Special Part of the Criminal Code are also applicable to all persons under the age of 18 years and in a number of cases where crimes are committed against persons under the age of 14 years, provisions with aggravated circumstances and more severe punishments for perpetrators are envisaged.

With regard to 'extra-territorial jurisdiction', we provide selected texts of the Criminal Code, which confirm that with regard to the crimes covered by the Criminal Code, including those against the sexual integrity of minor or underage persons, child trafficking, as well as crimes against marriage, the family and youth, the competent authorities may initiate criminal proceedings in cases where the abovementioned crimes are committed outside the territory of the Republic of Bulgaria against an underage person who is a Bulgarian citizen; *or* are committed outside the territory of the Republic of Bulgaria by a person who is a Bulgarian citizen; *and that* the Criminal Code also applies to crimes committed by foreign citizens, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party.

Criminal Code (CC):

„Article 4. (1) The Criminal Code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

(2) (Amended, SG No 75/2006) No citizen of the Republic of Bulgaria can be transferred to another state or an international court of justice for the purposes of prosecution, unless this has been provided for in an international agreement, which has been ratified, published and entered into force in respect to the Republic of Bulgaria.

Article 5. The Criminal Code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

Article 6. (1) The Criminal Code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.

(2) The Criminal Code shall also apply to other crimes committed by foreign citizens abroad,

where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party.'

It should also be pointed out that, according to Article 36 (3) of the Extradition and European Arrest Warrant Act, dual criminality is not required for the crimes of 'trafficking in human beings' and 'sexual exploitation of children and child pornography' if they are punishable in the state that issues the European arrest warrant by deprivation of liberty for a maximum period of at least three years or by any other more severe punishment or a measure requiring detention for a maximum period of at least three years is provided.

In order to better protect children from domestic violence, improve prevention and financially secure the implementation of the **Protection Against Domestic Violence Act (PADVA)**, the National Assembly adopted amendments to the PADVA on 9 December 2009 in the following areas:

- **The definition of the term 'domestic violence' is supplemented** by explicitly stipulating that the domestic violence committed in the child's presence will also be considered as a psychological and emotional violence against a child.
- **The circle of persons against whom protection may be sought also includes** the persons with whom the victim is in a collateral relationship up to the fourth degree included; the persons with whom he or she is or has been related by marriage up to the third degree included; persons who are ascendants or descendants of the person with whom the victim is in a de facto conjugal co-habitation, as well as the person with whom one of the victim's parents is or has been in a de facto conjugal co-habitation.
- **Expanded is the circle of persons who are entitled to file an application** for the issuance of an order for protection against domestic violence. It is envisaged that when submitting an application or appeal against the order, no state charge shall be paid. It is specified that an order for immediate protection shall be issued when the 'danger' is 'direct, immediate or consequential'.
- **A procedure is provided for the removal of the perpetrator from the co-inhabited dwelling** with the assistance of the police authorities from the regional police station at the location of the dwelling in order to ensure that this measure is implemented if he refuses to perform it voluntarily.
- **The legal entities that work for protection of the victims of domestic violence are defined.** They must be licensed and/or registered under the Social Assistance Act for provision of social services and entered in the Central Register of Non-Profit Legal Entities pursuing activities for the public benefit under the Non-Profit Legal Entities Act.
- It is envisaged that the Council of Ministers will adopt a **National Programme for Prevention and Protection against Domestic Violence** by 31 March each year and it is stated that the **funds for financing the implementation of the obligations under the programme shall be allocated annually by the State Budget of the Republic of Bulgaria Act for the respective year in the budgets of the respective ministries** defined in the National Programme. It is also envisaged that the State Budget of the Republic of Bulgaria Act shall allocate funds for the respective year in the budget of the Ministry of Justice for financing projects of non-profit legal entities that meet the requirements and provided that they carry out activities under this Act for development and implementation of programmes for:
- prevention and protection against domestic violence;
- provision of support for victims of domestic violence;
- training of persons from non-governmental organisations or persons working

for them for conducting protection against domestic violence;
- rehabilitation of persons who commit domestic violence – such a programme will help the perpetrator to become aware of the violence caused and to overcome tension, anger and violence.

The implementation of the measures imposed by this Act is guaranteed by the amendments to Article 296 of the Criminal Code, from 2009 and 2015. Punishment of imprisonment of up to three years or a fine of up to BGN five thousand (BGN 5,000) is envisaged for the person who obstructs or prevents the enforcement of a judgment or does not observe an order for protection against domestic violence or a European protection order in any way.

According to the Guidelines for applying with projects under Article 6 (7) of the PADVA for the 2014 – 2016 period that are consistent with the National Programme for Prevention and Protection against Domestic Violence for the respective year, adopted by the Council of Ministers, the priority funding objectives were as follows:

- 2014 - increasing the competence of magistrates for imposing measures of protection against domestic violence and ensuring timely and adequate protection of the victims of domestic violence in order to achieve efficiency and high standard in the implementation of prevention and protection activities against domestic violence, as well as ensuring protection, rehabilitation and reintegration of victims of domestic violence and services for work with the perpetrators of domestic violence in view of providing quality services to victims and preventing recurrence of domestic violence.

In view of these priority objectives, 15 NGOs were funded to carry out the following activities: programmes for work with the judicial authorities; programmes for provision of support for victims of domestic violence: social, psychological and legal counselling and special programmes for perpetrators of domestic violence: social and psychological counselling. Priority is given to programmes for work with the judicial authorities.

- 2015 - services for work with perpetrators of domestic violence and provision of protection, rehabilitation and reintegration of victims of domestic violence in view of preventing recurrence of domestic violence and providing quality services for the victims and enhancing the competence of the persons who carry out the protection under the PADVA, in order to achieve efficiency and high standard in the implementation of activities for prevention and protection against domestic violence.

In view of these priority objectives, 6 NGOs were funded to carry out the following activities: special programmes for perpetrators of domestic violence: social and psychological counselling, programmes for provision of support for victims of domestic violence: social, psychological and legal counselling, training of the persons who carry out the protection under the law.

- 2016 - raising the sensitivity of young persons regarding the problem of ‘domestic violence’ by means of prevention and protection programmes in the educational establishments; provision of services for work with domestic violence perpetrators and protection, rehabilitation and reintegration of victims of domestic violence in order to prevent recurrence of domestic violence and provide quality services to victims and to analyse the problem of ‘domestic violence’ by means of monitoring the implementation of the regulatory framework.

In view of these priority objectives, 10 NGOs were funded to carry out the following activities: preparation and approval of programmes in educational establishments; special programmes for perpetrators of domestic violence: social and psychological counselling and programmes for provision of support for victims of domestic violence: social, psychological

and legal counselling.
In 2015, the PADVA was supplemented by a new Chapter Three, which regulates the protection measures on the basis of Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on the mutual recognition of protection measures in civil matters. The amendments made it possible for persons who benefit from a protection measure enacted in a Member State of the European Union to request the issuance of protection order on the territory of the Republic of Bulgaria.
The Bulgarian legislation clearly addresses and specially emphasises on the issues related to the prevention of violence, coordination between institutions and support for child victims. This is also the case with the provisions in our special legislation in this area, including the Child Protection Act (CPA), the Protection Against Domestic Violence Act, etc. The CPA guarantees the child's right to protection against involvement in activities that are adverse to his or her physical, mental, moral and educational development. Every child has the right to protection against upbringing methods that offend his or her dignity, against physical, psychological or other violence and forms of impact that are contrary to his or her interests. As noted, one of the five priority areas in the Council of Europe Strategy for the Rights of the Child (2016-2021) is also related to child abuse and its prevention from children's lives. Emphasis is placed on the efforts of the state to abolish effectively corporal punishment and other cruel or degrading forms of punishment of children regardless of their type, including those applied in the home environment, promotion of the integrated approach, etc.

All child protection authorities are committed to the protection of children from all forms of violence, injury or abuse and have the commitment to support children who are victims of violence or at risk of violence. The relevant responsibilities of the authorities which are obliged to provide protection and care, taking promptly all necessary legal and administrative measures, are laid down in the CPA and the Rules for its implementation. The complex efforts of all child protection authorities which, within the framework of their competences, take appropriate actions to ensure the child's rights, prevent the consequences of the experience and facilitate the timely delivery of necessary support are essential to ensure the protection of a child who is victim of various forms of violence and abuse.
The exceptional significance and the efforts made by the state institutions to overcome and prevent violence against children are evident from the provisions in the current legislation, including the procedure for receiving and registering alerts about a child who is a victim of violence. The legislation provides that 'anonymous alerts shall not be dealt with except in the case of violence against a child'. Also, there is a statutory 'duty to cooperate' and any person who becomes aware that a child needs protection is obliged to notify the competent authorities immediately. The same obligation has the person to whom this has become known in connection with the profession or activity pursued by the person, even if that person is bound by professional secrecy.
Because of their immaturity and inexperience, children often fall victim to violence. Therefore, along with the development of measures to protect children from violence, targeted action is being taken to develop policies and ensure adequate measures to prevent violence and abuse of children. It is the duty of parents, the persons taking care of children and institutions to guarantee that children's rights are observed and carry out the necessary assistance to provide protection that will ensure a safe and secure environment in which children will develop in accordance with their capabilities and individual needs.
The system for child protection and guarantee of the rights of children provides assistance, protection and support for child victims of violence and takes action to prevent the involvement of children in adverse activities, etc., including the overcoming of the trauma from the experience. Where violence or risk of violence is detected, protection measures are

taken under the provisions of the CPA in order to protect the child's life and health and to guarantee his or her rights and interests. When working with child victims of violence, it is required to carry out individual psychological work and counselling of the child in order to improve the child's psycho-emotional state and overcome the trauma from the experience.

For the purpose of co-ordinating local work, in March 2010, the Agreement on Cooperation and Coordination of the Work of the Territorial Structures of Child Protection Authorities was signed and it sets forth the specific interaction commitments and duties of the parties involved. The rules for the practical implementation of the agreement are described in the Coordination mechanism for interaction in dealing with cases of children who are victims of violence or at risk of violence and for interaction in crisis intervention. The main objective of the Coordination mechanism is to provide an effective system of interaction in dealing with children who are victims of violence or at risk of violence, and in cases where crisis intervention is required, by means of coordinated action of the members of the multidisciplinary teams that have been formed for the implementation of the mechanism. By the implementation of the Coordination mechanism a rapid response and cooperation between the responsible institutions is achieved in case of a child at risk or a victim of violence. The process involves a multidisciplinary team discussion of the case, identification of specific activities, performance of expert examinations, making decisions and follow-up actions in the case, in accordance with the competence of each participant.

Mandatory participants in the multidisciplinary teams are: the Child Protection Department (CPD) of the Social Assistance Directorate (SAD), representatives of the mayor of the municipality (district/mayoralty) and the local Regional Departments of the Ministry of Interior (MoI) – a regional inspector, an inspector in the Child Pedagogic Room or an operative worker. Depending on the particular case, additionally represented alternative members are involved in the team's work: representatives of the Regional Health Inspectorate, the child's personal physician, a representative of the Emergency Medical Assistance Centre, the head of department in the medical establishment that has issued the alert, etc.; the Regional Education Administration of the Ministry of Education and Science, the head of a school, kindergarten or service unit, the child's class leader or group teacher, a school psychologist (pedagogic adviser); the Local Commission for Combating Juvenile Delinquency; a regional judge; a regional prosecutor; a representative of a social service provider and others if necessary and at the discretion of the SAD.

The established multidisciplinary teams work together until the completion of the work on each case/alert on a child who is a victim of violence or at risk of violence. Each of the participants has to identify and offer to the rest of the team members specific tasks on the case, which they, according to their powers, have to fulfill in compliance with the legal framework.

The territorial units of the ASA – the SAD/CPD work actively with child victims of violence and their families – take protection measures, direct them to appropriate social services, advise, support and assist them in overcoming the negative consequences of the experienced violence. If an immediate risk to the children's lives and safety is identified, they are taken out of the hazardous environment and an appropriate protection measure is taken under the CPA in order to ensure a safe and secure environment, for example, by means of placement in a crisis centre for child victims of violence and trafficking, other resident-type social service or specialised institution, depending on the case.

As a protection authority, the CPD has a clear and explicit commitment to work on each case concerning a child victim of violence. The lead social worker makes an action plan on the case for protection of the child or prevention of the violence and it is discussed at a team meeting where each participant undertakes his or her commitment according to their competences. Depending on the urgency of the cases, planned activities may be discussed

operationally with the multidisciplinary team (usually over the telephone), with those of the officials who are directly involved in their implementation.
As regards the practical implementation of the Coordination mechanism, it is important to note that the head of each CPD of the SAD shall be available by appointing a responsible social worker to check the alert within 24 hours of its receipt. Once the social worker has completed the check, if a risk is identified and a case is initiated, a report on the outcome of the check shall be made. A copy of the report and the alert is delivered to the mandatory participants in the multidisciplinary team.

Information on received alerts of violence against children (ASA data):

Year	Alerts of violence against children, received in the CPD/SAD	Cases of violence, identified in the CPD/SAD	Number of alerts of violence in respect of which the Coordination mechanism has been applied
2014	3,455	1,151	961
2015	3,741	957	964
2016	3,158	681	782
2017	1,282	382	928

The SACP, in partnership with the MoI, the ASA and the regional administrations, monitors the implementation of the Coordination mechanism on an annual basis. Monitoring is based on an established methodology and comparable indicators and this allows to track the implementation and to outline the problematic issues related to the optimisation of the interaction and the approach of the different Bulgarian institutions in taking co-ordinated actions in each particular case of violence and abuse against children. A unified approach of the different Bulgarian institutions is achieved through the implementation of the Coordination mechanism and, at the same time, the responsibilities of the different institutions for effective, joint work, including for taking measures against possible recurrence of violence and abuse of children, are clearly distinguished.
According to SACP data, 1,367 team meetings of the multidisciplinary teams were carried out in 2015, out of which 830 were at the initial receipt of an alert, 293 were for tracking and specific work on the case and for procedural matters. At the team meetings, a total of 1,104 alerts were examined. Given the fact that more than one type of violence may be valid in respect of the same child, the data from this criterion are presented in terms of percentage proportion towards the reported information on the total number of cases according to the

criterion 'Breakdown of cases by type of violence'. In 2015, the rates were as follows: physical violence – 54%, sexual violence – 18%, mental violence – 14% and neglect – about 14%. In 2015, the Prosecutor's Office was approached with 230 cases and prosecution files were initiated for 65 of them.

In 2016, the number of team meetings was 1,113, out of which 723 were at the initial receipt of an alert, 202 were for tracking and work on the case and 188, respectively, on procedural matters. The alerts examined at these meetings were 1,079. The share of physical violence was predominant – 48%. In 13% of cases, alerts referred to child sexual abuse and 21% referred to psychological violence. The share of neglect was 18%. In 2016, 956 cases were filed in the Prosecutor's Office and prosecution cases were initiated for 182 of them.

A total of 1,283 team meetings were held in 2017, out of which 981 were at an initial alert, 196 were for case tracking, and 141 were on procedural matters. At the team meetings, 1,399 alerts were discussed. The percentage proportion of the types of violence is as follows: the alerts concerning physical violence were 41%, 19% referred to child sex abuse, 28% were the alerts of psychological violence, and 12% - of neglect. The Regional Prosecutor's Office was approached with 1,565 cases and prosecution files were initiated for 138 of them.

In 2017, the SACP identified the need to update the Coordination mechanism (CM) for interaction in dealing with cases of violence or at risk of violence and for interaction in crisis intervention, the activity being planned to be implemented in 2018.

For the purpose of providing procedures for better identification, directing, protection and support of child victims of trafficking and applying a multidisciplinary approach in the specific case, the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad was updated in 2010. The system of interinstitutional referral of specific cases facilitates the comprehensive, rapid and effective tracking on a case-by-case basis upon receipt of an alert from abroad or from the country about an unaccompanied child or a child victim of trafficking. The objective of the mechanism is to ensure effective coordination in the implementation of the specific obligations for interaction between the persons involved in the return from abroad and the provision of support to unaccompanied minor or underage persons and child victims of trafficking.

In view to improving the support of child victims of violence and ensuring coordination and a comprehensive approach in pursuance of the 2008-2018 National Strategy for the Child, in 2012 the Council of Ministers adopted a National Plan for Prevention of Violence against Children for the period 2012 – 2014. The Plan made more effective the work on child abuse alerts, it implemented procedures and principles of work between partners from different institutions in dealing with cases and introduced standardised methods of collecting information.

By Decision No 115 of 9 February 2017, the Council of Ministers adopted a National Programme for Prevention of Violence Against Children and Child Abuse (2017-2020). The National Programme for Prevention of Violence Against Children and Child Abuse complies with the objectives set out in the National Strategy for the Child (2008-2018), based on a number of national and international acts, strategic documents, plans and reports. The Programme is in line with the following international instruments: UN Convention on the Rights of the Child, General Comment No 13 (2011): The right of the child to freedom from all forms of violence, General Comment No 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (Article 19; Article 28, paragraph 2 and Article 37, inter alia), General Comment No 14 (2013) The right of the child to have his or her best interests taken as a primary consideration, the Guidelines for the Alternative Care of Children, the Council of

Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe Strategy for the Rights of the Child (2016-2021).
The National Programme is a national framework for coordination regarding violence against children, which establishes a mechanism of communication between the government authorities, the representatives of civil society and the non-governmental sector on the necessary measures for prevention of violence in all its forms. Emphasis is placed on enhancing the protection measure efficiency and creating an effective system for prevention of domestic and sexual violence against children. The strategy document also sets out specific activities for monitoring and improvement of interaction between the institutions/ organisations in dealing with cases of children who are victims of violence or at risk of violence. The priority areas are formulated as eight strategic objectives, namely: Enhancing the efficiency of the measures for child protection from violence; Establishing an effective system for prevention of domestic violence against children; Prevention of sexual violence, sexual abuse and sexual exploitation of children; Prevention of all forms of violence against children; Prevention of violence against children in the education system; Establishment and development of various services, models and tools for prevention of violence and work with child victims and perpetrators of violence; Enhancing the capacity of professionals working with children and improving interinstitutional cooperation and coordination; Raising public sensitivity and awareness of the issues of violence against children. By Decision No 409 of 27 July 2017, the Council of Ministers adopted the 2017-2018 Action Plan to the National Programme for Prevention of Violence Against Children and Child Abuse (2017-2020). The Action Plan, in line with the main strategic objectives of the National Programme, provides for specific short-term measures and activities.
As a specialised body for leadership, coordination and control in the field of the rights of the child, the SACP undertakes a number of actions to improve the efficiency of the child protection system, to facilitate the opportunities for alerting and identifying cases of children at risk, to raise the awareness of children, professionals and the general public, to improve the interaction between child protection authorities and the non-governmental sector/providers of social services for children and families/ and, last but not least, to carry out continuous monitoring and control. One of the main tools for achieving these goals is the National telephone line for informing, counselling and assisting children - 116 111, having national coverage and being free of charge. This form of advisory service is essential for providing adequate and qualitative support for children and families and helping the early identification of children at risk and the undertaking of timely protection measures. The National Hotline for Children (NHC) contributes to the efficiency of the child protection system, including by improvement of the coordination and interaction between the institutions and authorities concerned with child protection and care. The NHC provides children with the opportunity to have 24-hour free access to share a problem or obtain information from a consultant and be informed about the opportunities and resources for support and assistance. Through the telephone line children can seek support on issues related to their rights, share their problems. While maintaining relative anonymity, and receive qualified aid. In the year 2016, 83,586 calls were received on the NHC, 10,428 consultations were held and 554 alerts were filed. 8,027 consultations were held with children, parents, elderly people and institutions. The most common questions that were asked on the line concerned topics associated with interpersonal relationships, family issues, child abuse, and health and psychosocial issues. In 2017, a total of 69,279 calls were received on the NHC and 11,015 consultations were held with children and adults. 77% of the consultations were held with children, 12% – with parents, 10% – with other adults and 1% – with representatives of different institutions (e.g. doctors). In 2017, there were 698 consultations on the line on the issue of violence against children, 200 of them withheld with children, 164 – with parents,

277 – with other adults, 5 – with teachers and 52 – with representatives of different institutions. The children themselves rarely share information about violence against them and most of the consultation were held with different adults. In 333 of the consultations physical violence was reported, neglect ranked second – with 150 consultations. In 84 consultations psychological violence was reported; in 68 there was evidence that children were witnessing domestic violence. 42 were the consultations on sexual violence and incest and 21 – on other forms of violence. In addition to these 698 consultations, 158 consultations on the line were held on issues related to school bullying (as a recurring form of bullying in or around the school). Child victims of school bullying seldom report to child protection authorities, it is difficult for them to share information and even more difficult to get out of anonymity, and probably they do not believe that adults will pay enough attention to this problem or actually solve it. Thus, in 2017 only 19 alerts about a risk of school bullying were given and many of them were given by parents. Most of the alerts on the NHC were given from adults – friends, relatives, acquaintances, neighbours, strangers.

The community-based social services significantly contribute to the support of child victims or children at risk of violence and various forms of abuse. An essential element of the overall range of community-based social services are those targeted at children and persons who have experienced violence and/or trafficking. In the Bulgarian legislation, the organisation and provision of social services is regulated by the Social Assistance Act (SAA) and the Rules for Implementation of the Social Assistance Act (RISAA); the CPA and the Rules for Implementation of the Child Protection Act (RICPA); the Ordinance on the Criteria and Standards of Social Services for Children; the Tariff of Charges for Social Services Funded by the State Budget; annually-adopted Council of Ministers Decisions on the setting of standards for funding social services that are state-delegated activities.

Social services in the Republic of Bulgaria are decentralised. The planning of their development at local and regional level is carried out by developing regional and municipal strategies on the basis of analysis of the needs for social services in each municipality, thus ensuring to the maximum extent that the services provided meet the needs of the users. The mayor of the municipality manages the social services on the territory of the respective municipality, which are state-delegated activities (funded from the state budget) and local activities (funded from the municipal budgets). The mayors of municipalities are also responsible for the compliance with the criteria and standards for provision of social services.

The types of social services are laid down in the RISAA and their definitions and the main activities that are performed in them are specified in the Additional Provisions of the Rules. The Agency for Social Assistance manages methodologically the provision of social services for children and analyses the operational data on the state of the services – state-delegated activities.

The system of social services in Bulgaria has expanded significantly over the last few years thanks to the reforms aimed at improving the planning, deinstitutionalisation, and providing more community-based and family-based services. The targeted action to build a community-based social service network is an essential element of the overall process of supporting and protecting the rights and interests of individuals and children. In accordance with Article 43b of the CPA, the provision of social services for children shall be made on the basis of a license issued by the SACP Chairman and registration in the Register of social service providers of the Agency for Social Assistance, in pursuance of Article 18 (3) of the Social Assistance Act (SAA).

One of the key options for supporting child victims of violence and/or trafficking is the community-based social service of a resident-type – Crisis Centre (CrC). It constitutes a set of social services for children and/or victims of violence, trafficking or other forms of exploitation that are provided for a period of up to 6 months and are aimed at providing

individual support, meeting the daily needs and legal counselling of users or socio-psychological assistance; and in cases where immediate intervention is required, including through mobile crisis intervention teams.

The first three Child Crisis Centres in Bulgaria were opened in 2006. As of May 2018, 18 Child Crisis Centres operate in the country as state-delegated activities, having a total capacity of 196 places and being occupied by 128 users. The centres operate in 14 regions of the country. Eleven of the Crisis Centres are managed by non-governmental organisations, holding a license and being registered in accordance with the CPA and the SAA. Part of the target group of service users are disabled child victims of violence and/or trafficking. The staff working in the resident-type social service – CrC includes social workers, psychologists, tutors and other specialists, who are involved depending on the specifics and the profile of each particular case.

The analysis of the database in terms of the number of Child Crisis Centres shows an increase over the last five years. According to the ASA, in 2013, the functioning Child Crisis Centres were 14 and had a total capacity of 145 places, while in 2017 the total number increased by 22%. In terms of social service capacity, the increase was 26% compared to 2013. The data analysis does not show any dynamics in the processes in terms of increasing the number of users placed in the social service. The relative share of placements within the five-year plan (2013, 2014, 2015, 2016 and 2017) is constant in terms of quantity, as shown in the table below:

Children's CRISIS CENTRES, a state-delegated activity			
Year	Number	Capacity	Occupation
2013	14	145	103
2014	15	155	106
2015	16	166	80
2016	17	176	112
2017	18	196	113

Crisis centres, which are a state-delegated activity, are funded from the state budget in accordance with standards that are annually adopted by a Decision of the Council of Ministers. A financial standard for the support of one person, amounting to BGN 9,180, has been adopted for the 2018 budget year. The school-age service users receive a monthly allowance of BGN 33. By comparison, in 2013, the financial standard for the support of one person in the service was BGN 7,931.

In addition to the placement of child victims of trafficking and violence in a CrC, the placement in a foster family is also an applicable protective measure. On 1 December 2015 the project 'Foster me 2015' was launched and it aimed at the improvement and extension of the scope of 'foster care' service and strengthening its local provision as an alternative form for taking care of children at risk in a family environment. The project 'Foster me 2015' contains an innovative element in terms of enhancement of the quality of foster care by monitoring the care provided for children, as well as in terms of support aimed at the development of 'specialised foster care' for disabled children; child victims of violence or

trafficking; children who are unaccompanied refugees; and in terms of measures aimed at enhancement of the quality of foster care.

Children at risk and their families on the territory of the municipality have the opportunity to use other social services that respond to their needs for efficient social inclusion and respect for children's rights. As a community-based social service, the Public Service Centres (PSCs) offer a wide range of services and activities for supporting children and families at risk in order to prevent the children's institutionalisation and overcome other situations that pose a risk for their development. Support is targeted at the child who has experienced violence, the other children in the family, the parents. An assessment of the case is made and a specific therapeutic programme for the child is prepared.

The PSC provides the following basic services to support children and their families:

✓ Hearing – providing a suitable environment and trained specialist for hearing the child – a victim or a witness of violence.
✓ Consultation – assessment of the consequences of violence for the mental state and development of the child and the child's resources to cope with the traumatic event; development of an individual therapeutic programme to overcome the adverse effects on the child's personality; assessment of the family's attitude to the violence experienced and the capacity of parents to cope and assist; informing; directing.
✓ Psychological support for the child to overcome the consequences of the violence that he or she has experienced.
✓ Family support – work to increase its coping capacity and tertiary prevention of violence by involving parents into appropriate therapeutic and preventative programmes: family counselling, parental support groups, parenting schools.

- **Trafficking in human beings and measures taken to protect children from sexual exploitation, child prostitution and pornography:**

Article 19 of the Convention on the Rights of the Child (UNCRC) requires from the states to take all measures 'to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'. In 2001 Bulgaria ratified the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography and in 2011 – the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in force for Bulgaria from 1 April 2012. The current national legislation is in line with international and European requirements and standards in this field. The attempts and efforts are focused on its development and continuous improvement.

The Republic of Bulgaria has implemented the requirements of Directive 2011/93/ EU, as stated above.

The referral and care of children takes place within the framework of the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad, which regulates the specific steps for interaction of the institutions involved at central level (Ministry of Interior, Ministry of Foreign Affairs, SACP, ASA) and local level (SAD/CPD, Regional Directorates of the Ministry of Interior, Regional Education Administrations, Regional Health Inspectorates, a regional judge, prosecutor, social service provider), which perform child identification, repatriation, reception, removal from family environment, rehabilitation, reintegration and case tracking. The mechanism allows the tracking of each specific case related to child trafficking in the country and abroad. The SACP and the Ministry of Interior (MoI) are jointly responsible for the implementation of the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking.

Regarding the information requested by the Committee on the trend in the number of child victims of trafficking, we provide the following information:

According to SACP data, in the last few years there has been a trend of decrease of cases of child trafficking. The functioning Crisis Centres in Bulgaria and the rules for placing children in them, the SACP inspections in the specialised services and the actions taken to increase the efficiency of the work of specialists, the measures for protection against re-involvement of children in human trafficking, as well as the excellent interaction between the responsible institutions (the SACP, MoI, Ministry of Foreign Affairs, ASA, National Commission for Combating Trafficking in Human Beings, International Organisation for Migration – Bulgaria and the NGOs working in the services) are important factors in reducing cases of child trafficking in Bulgaria. The current legislation provides for the required statutory safeguards against trafficking in human beings, including children. Bulgaria is among the top 10 countries that have ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

In 2014, the SACP co-ordinated the work on 36 cases of child victims of trafficking and exploitation from alerts received mainly from the Bulgarian embassies abroad, social or police services:

• 10 cases of child victims of sexual exploitation in the United Kingdom, Greece, Germany, the Netherlands, Spain and Bulgaria;

• 11 cases of labour exploitation through begging, registered in Sweden, Austria and Germany;

• 7 cases of child victims of labour exploitation through pickpocketing, registered in France, Italy, Austria and Slovenia;

• 1 case of child sale in Greece;

• 7 cases of children in which the children's removal from the country for the purpose of exploitation or sale was prevented.

In 2015, the SACP coordinated 34 cases related to the exploitation of children:

- 9 cases of girls, victims of sexual exploitation in the United Kingdom, Germany, Sweden;
- 19 cases of labour exploitation through begging: 12 boys and 7 girls, registered in Austria, Sweden, Greece, Spain and France;
- 4 cases of girls, victims of labour exploitation through pickpocketing, registered in Sweden, Slovakia and Serbia;
- 2 cases of boys, victims of labour exploitation in Greece and the United Kingdom.

In 2015, the SACP coordinated the repatriation of 25 children from the EU Member States: 5 children from the United Kingdom, 10 children from Sweden, 5 children from Austria, 2 children from Germany, 2 children from Spain and 1 child from Cyprus. Their meeting by social workers and the taking of urgent and long-term protective measures is coordinated for all children returning to Bulgaria. In view of monitoring the children's development and respecting their rights of access to education and healthcare, for the purpose of preventing their re-detachment from the country and involvement in activities that are inappropriate for their age, reasoned opinions were drawn up to the Minister of Interior for the imposition of a measure under Ander 76a of the Bulgarian Personal Documents Act with respect of 36 children for a period of 2 years (according to Article 76a of the Bulgarian Personal Documents Act, any persons under the age of 18 years, in respect of whom information has

been received from a competent Bulgarian or foreign authority that the said persons have been involved in or used for any activities under Article 11 of the Child Protection Act, shall be prohibited from leaving the country, shall not be issued passports and passport substitutes, and the passports and passport substitutes issued thereto shall be withdrawn).

In 2016, the SACP referred the taking of the protective measures in 28 cases of children involved in labour and sexual exploitation on the territory of the following countries: Germany – 2, Italy – 3, Sweden – 3, Switzerland – 1, England – 2, the Netherlands –1, Poland – 1, Greece – 2, Austria – 2, Denmark – 1, Spain – 3, France – 1, Slovakia – 1, Hungary – 1, Bosnia and Herzegovina – 1, Bulgaria – 3, of which:

- 8 cases (8 girls) – sexual exploitation;
- 6 cases (4 girls and 2 boys) – pickpocketing;
- 7 cases (4 boys and 3 girls) – begging;
- 2 cases (2 girls) – involvement in forced marriage;
- 1 case (girl) – labour exploitation.

The SACP coordinated the repatriation of 16 children from: Sweden – 3, Austria – 2, Italy – 3, Denmark – 1, Spain – 2, England – 1, Bosnia and Herzegovina – 1, Switzerland – 1, Germany – 2, with the assistance of the institutions and organisations responsible for the implementation of the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad. On a proposal of the Chairperson of the SACP to the Minister of Interior measures under Article 76a of the Bulgarian Personal Documents Act were imposed with respect of 17 children.

In 2017, the SACP was approached and worked on the cases of 18 child victims of trafficking for the purpose of labour and sexual exploitation. The countries of destination in 2017 were mainly Sweden, England, Italy, Belgium, the Netherlands, Hungary, Greece, Germany. It was established in the work on the cases that15 girls and 3 boys were the victims of trafficking. Most common in 2017 was labour exploitation (pickpocketing and begging – 11 children), 4 children were involved in sexual exploitation, the SACP took timely measures for 3 children and thus their involvement in exploitation was prevented.

In 2017, the SACP coordinated the repatriation of 15 children from the Member States of the European Union – six children from England, four children from Sweden, two children from the Netherlands, one child from Italy, one child from Belgium and one child from Hungary. A lasting trend has emerged in recent years that the most cases of begging children are registered in the Kingdom of Sweden and the most cases of pickpocketing children and potential victims of trafficking are registered in the United Kingdom. In view of preventing child trafficking for the purpose of labour and sexual exploitation, 13 reasoned opinions were drawn up to the Minister of Interior for the imposition of a measure under Article 76a of the Bulgarian Personal Documents Act.

The ASA administers data on monitored cases of child victims of trafficking under the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad. The cases of child victims of trafficking are actively monitored by the CPD for a period of one year. At the discretion of the social worker, the monitoring period may be extended depending on the specificity of the particular case.

According to ASA information, in 2014, the number of children – victims of trafficking and/or repatriated from abroad that were monitored by the CPD was as follows – on a trimester basis:

- first trimester– 63 children;
- second trimester – 50 children;

- third trimester – 40 children;
- fourth trimester – 40 children.

In 2015, the number of children – victims of trafficking and/or repatriated from abroad that were monitored by the CPD was as follows:

- first trimester – 32 children;
- second trimester – 38 children;
- third trimester – 36 children;
- fourth trimester – 33 children.

In 2016, the number of children – victims of trafficking and/or repatriated from abroad that were monitored by the CPD was as follows:

- first trimester – 27 children;
- second trimester – 26 children;
- third trimester – 20 children;
- fourth trimester – 23 children.

In 2017, the number of children – victims of trafficking that were monitored by the CPD was as follows:

- first trimester – 19 children;
- second trimester – 16 children;
- third trimester – 15 children;
- fourth trimester – 10 children.

The socio-psychological work and support of this target group of children begins as soon as they arrive in the country – at the respective border crossing point. Child victims of trafficking are met by a representative of the SAD, who attends the initial conversations with the child and observes for the respect of the child's rights and legitimate interests. The territorial units of the ASA – the SADs, through the CPDs, carry out a social survey for a child in respect of whom an alert or information has been received that child is a victim of trafficking or returns to the country unaccompanied. Data about the child's family environment, the reasons for the child's removal from the country and the child's involvement in trafficking are collected. An important point in the work of social workers is to make an adequate assessment of the child's needs, risk assessment and planning of activities and measures in order to ensure the child's protection and safety. A protection measure is taken in respect of the children, according to the provisions of the CPA, in order to ensure their security and to prevent the consequences of trafficking.

- **Protection of foreign children (migrants):**

Child protection legislation guarantees the fundamental rights of all groups of children, as well as migrant children, including seekers or beneficiaries of international protection, regardless of their gender, age, race, national, ethnic and social background. In the context of ongoing migration processes on an international scale, the number of the persons seeking asylum and protection in the country has increased, including many children and part of them are not accompanied by their parents. This, in turn, has placed a number of challenges before the institutions involved, related to the guarantee of the rights and the support of unaccompanied foreign children. This trend has particularly highlighted the need for an integrated approach and joint efforts of all institutions at national, regional and local level. A comprehensive and integrated approach and inter-institutional cooperation in dealing with unaccompanied foreign children are the key factors for ensuring their rights and interests. The ASA and its territorial units – the CPDs have a key and leading role in this process.

Over the last few years a number of changes were made in the national legislation on migration, asylum and refugees, which ensured the protection of the rights of unaccompanied

foreign children and unaccompanied children seeking and/or receiving international protection (refugee children). The guiding principle and understanding in the work with these children is that they are children at risk and the national legislation ensures for them a priority of the measures and activities regulated by the CPA. In respect of unaccompanied children and foreign unaccompanied children, appropriate protection measures are taken under the CPA, depending on the specifics of the particular case and the needs of the child. Children can be placed in families of friends or relatives, foster families, resident-type social services or specialised institutions. In order to place and support foreign children and refugee children at risk, the resource of the network of child social services functioning in the country is used.

The Child Protection Directorate of the ASA administers data (reference) about the work of the ASA's CPDs on cases of foreign unaccompanied children, including refugee children. In 2014, the CPDs in the country have worked on 20 cases of foreign unaccompanied children, including refugee children, for whom protection measures have been taken under the CPA, in 2015 – 21 cases; in 2016 – 18 cases, and in 2017 – 20 cases.

Apart from working with foreign unaccompanied children, the CPDs also work with children accompanied by parents, friends or relatives for whom risk circumstances have been identified. The CPD social workers are involved and engaged in all stages related to the work with foreign unaccompanied children and refugee children from their initial settlement on the territory of the country to the provision of a durable and long-term solution which guarantees their rights and interests as much as possible.

In the context of increased migration and crisis, the ASA, in partnership with leading international organisations (UNICEF and the UN High Commissioner for Refugees) and non-governmental organisations having experience and expertise on the topic, seeks to introduce good international experience and expertise in the field of child protection, including the provision of the social service of 'foster care'. Thus protection and care is provided for refugee children in accordance with their best interests. Periodic trainings of social workers from the child protection system aimed at working with foreign unaccompanied children and refugee children are also held; some of them are carried out with the support of the UN High Commissioner for Refugees.

Regarding the issue of legal representation and guardianship of foreign unaccompanied children and the measures taken in this regard, it is important to note the following:

In respect of unaccompanied refugee children, who are in a procedure for granting a status, amendments to the Asylum and Refugees Act (ARA) were made in 2015 in order to regulate the representation of these children. According to Article 25 (1) of the ARA, any unaccompanied minor or underage foreigner who is seeking or has been granted international protection and who is within the territory of the Republic of Bulgaria, is assigned a representative from the municipal administration, designated by the mayor of the municipality or by an official empowered thereby. The child's representative has the authority to safeguard his or her legal interests in the procedures for granting international protection till the completion thereof with a final decision; represent him or her before any administrative bodies, including social, healthcare, educational, and other institutions in the Republic of Bulgaria; act as a procedural representative in all the procedures before the administrative bodies, and take actions for ensuring legal aid.

With the amendments and supplements to the Foreigners in the Republic of Bulgaria Act (FRBA) of 5 December 2017, the Bulgarian state made an important step towards respecting the best interests of the child with the implementation of an explicit prohibition against detention of foreign unaccompanied children. Besides, a provision was adopted for the regulation of the ASA's commitment and responsibility for the provision of representation of

unaccompanied children during the procedures referred to in the FRBA. This, in turn, provides an opportunity for effective securing of children's rights, which has been one of the key challenges facing the child protection system in recent years.

The main focus in dealing with a foreign unaccompanied child is the provision of information about the child's parents and family in order to track, identify and gather them. This process involves cross-border cooperation and information exchange. The ASA has taken action to support unaccompanied children residing in the centres of the State Agency for Refugees (SAR). The ASA territorial units (the Regional Social Assistance Directorates and the SAD) are provided with guidelines for organising the work in the best interests of unaccompanied children and guidelines for reinforcing the interaction and partnership with all involved institutions and organisations. The CPD staff is advised to conduct a social survey and initiate casework on a child at risk with regard to all unaccompanied children, who are placed in the SAR centres, in order to carry out monitoring, assistance, information, counselling, guidance and support.

- **Protection against abuse of information technology:**

The responsible authorities and institutions take appropriate preventive measures for preclusion of online child abuse and for child protection on the Internet. The children's awareness of the dangers in the computer network is one of the essential factors for overcoming and preventing this negative phenomenon.

Special emphasis in the annual National Programme for Child Protection, adopted by the Council of Ministers, is placed on the measures and activities for protection of children from violence and various forms of abuse, including protection of children on the Internet. Moreover, specific measures for protection of children's rights in a digital environment are set out in the 2017-2018 Action Plan to the National Programme for Prevention of Violence and Abuse Against Children (2017-2020).

The SACP Chairperson is a deputy chairperson of the Public Council of the National Safer Internet Centre and supports the initiatives for enhancing the media literacy of children and expanding the possibilities for reporting cases of 'violence in a digital environment'. The national strategy documents and programmes provide measures both for raising the awareness of children and professionals who work with children of the dangers on the Internet and expanding the possibilities for reporting such cases and synchronising the cooperation with the other protection authorities – in particular, MoI – the Directorate-General for Combating Organised Crime. Every year, the 7th of February, International Safer Internet Day, is celebrated by involvement in various initiatives. In partnership with the Ministry of Education and Science, MoI, SACP and organisations from the non-governmental sector, various campaigns and public events are performed to raise public awareness of the dangers that children face on the Internet. The members of the SACP's Council of Children are involved in initiatives dedicated to the safety of children on the Internet and their rights in the digital environment and make their peers familiar with the dangers that children may encounter online and the possibilities to cope with problematic situations emerging in connection with the use of the Internet. At their meeting in 2017, the children of the Council proposed several slogans to address the risks to which they are exposed when they use the Internet, namely: 'Be careful not to get caught in the trap'; 'Do not get caught in the net'; 'Tighten the belt when you surf' and 'Choose safety. It's not just a link'.

Regarding this topic, along with the abovementioned information about the functions of the MoI, we also inform that the General Directorate 'National Police' – MoI is a beneficiary of the project 'Improvement of Child Protection and Prevention of Child Crime', funded by the Bulgarian-Swiss Cooperation Programme. In 2016, a special website 'Child Security'

(http://detskasigurnost.bg./) was launched for the purpose of preventing unlawful acts committed by and against children. The special website aims to acquaint children with their rights and responsibilities, with the basic rules for personal safety and patterns of behaviour in conflict situations; to provide professionals working with children with accessible, useful and up-to-date information; to inform parents how to raise and educate their children in a safe environment and to offer them tools for parental control. The website displays the contacts of the competent services which can be addressed when children are in need of help or advice, including in the event of illegal or negative content on the Internet. The specific architecture of the website includes the applications 'Safe Internet' and 'Parental Control'.

Article 8 – The right of employed women to protection of maternity

Paragraph 1 – Maternity leave

2018 Report

Development of the legislation

The legal framework of leave before and after childbirth is laid down in the Labour Code (LC), the Ordinance on working time, rest and leave, the Civil Servant Act, the Social Security Code, the Ordinance on the state social security cash benefits (promulgated , SG No 57/2015, amended and supplemented, No 17/ 2016, No 30/2017, No 57/2018).

In the reference period – 1 January 2010 – 31 December 2017, no amendments were made to the legal framework with regard to the provision of the leave for female workers before and after childbirth.

In the reported reference period, amendments were made to the Social Security Code (SSC), relating to the right, amount and time limits of payment of maternity benefits as follows:

I. As regards the method of determination of the amount of the compensation for pregnancy and childbirth (Article 49 (1) of the SSC), the following changes were made:
In order to link more closely the person's social security contribution with the amount of the person's benefit, as of 1 January 2015, the 24-month period from which the amount of the cash benefits for pregnancy and childbirth is calculated was restored, and this provision is still in force.
Article 49. (1) (Supplemented, SG No 104/2005, No 105/2006, amended, No 109/2008, in force since 1.01.2009, No 98/2010, effective 1.01.2011, No 100/2011, in force since 1.01.2012, No 106/2013, in force since 1.01.2014, No 107/2014, in force since 1.01.2015) Daily pecuniary compensation in the event of pregnancy and childbirth shall be determined at the amount of 90 per cent of the average daily gross labour remuneration or the average daily insurance income upon which social security contributions are paid in or payable, and for self-employed persons – paid in social security contributions for general sickness and maternity for the period of 24 months preceding the month in which temporary incapacity for work occurs due to pregnancy and childbirth. The daily pecuniary compensation may not exceed the average net remuneration for the period for which the compensation is calculated and less than the minimum daily remuneration for the country, and shall be determined in accordance with the provisions of Article 41(2) to (5) of the SSC.
II. Regarding the right and the time limits for the receipt of cash maternity benefits, the following changes were made:
As of 1 January 2014, the newly created **Article 53a of the SSC** regulates the right of the adoptive parent to benefits for the period during which he or she is on leave under the new Article 164b of the LC for adoption of a child from 2 to 5 years of age under the conditions of full adoption.
Article 53a. (New, SG No 104/2013, in force since 1.01.2014) (1) The individual, insured for general sickness and maternity who has a contributory service of 12 months as a person secured against this risk and uses a childcare leave for adoption of a child from 2 to 5 years old under the conditions of full adoption, is entitled the right to receive benefit, equal to the amount specified under Article 49, for a period of 365 days, but not later than the child's attainment of 5 years.
(2) The cash benefit under Paragraph (1) is not paid upon death of the child, upon annulment or revocation of the adoption, as well as when the child attends a kindergarten, including day nursery or an educational institution.

(3) The self-employed persons who are insured for general sickness and maternity and have a contributory service of 12 months as persons secured against this risk are entitled the right to receive cash benefit upon adoption of a child from 2 to 5 years old with reference to the period and under the conditions of Paragraphs (1) and (2).

Amendments to Article 163 and Article 167 of the Labour Code are in force from 1 June 2017. With the amendments to Article 163 the circle of persons entitled to leave due to pregnancy, childbirth and adoption was expanded, and with the amendments to Article 167 – the circle of persons entitled to leave in case of death or serious illness of the mother (adoptive mother) respectively. In connection with the amendments and supplements to Article 163 and Article 167 of the Labour Code, the following changes were made in **Article 50 of the Social Security Code**:

- The text of paragraph (3) was amended. According to the amendment, there is a new circumstance in which the benefit for pregnancy and childbirth is paid to the mother until the expiration of 42 days after the confinement, without interruption of its use – placement of the child according to the procedure established by Article 26 (1) of the Child Protection Act (CPA).

Article 50. (3) (Supplemented, SG No 98/2016, in force since 1.06.2017) If the child is still-born, dies or is placed according to the procedure established by Article 26 (1) of the Child Protection Act in a fully public-financed child institution or is surrendered for adoption, the mother shall be entitled to a cash benefit for up to 42 days after the confinement. If, as a result of the confinement, the working capacity of the mother is not regained after the 42nd day, the duration of the entitlement to this benefit shall be extended at the discretion of the health authorities until her working capacity is regained. Until the lapse of the period under Paragraph (1), this benefit shall be paid as a benefit for pregnancy and childbirth.

- Two new circumstances were added in Paragraph (4), which, having occurred after the 42nd day after the confinement, result in termination of the benefit for pregnancy and childbirth – placement of the child according to the procedure established by Article 26 (1) of the Child Protection Act (CPA) and his or her raising by a person included in maternity support programmes.

Article 50. (4) (Supplemented, SG No 98/2016, in force since 1.06.2017) Where the child is surrendered for adoption, is placed in a fully public-financed child institution according to the procedure established by Article 26 (1) of the Child Protection Act or dies after the 42nd day after the confinement, the benefit under Paragraph (1) shall be terminated as from the next succeeding day. In such cases, if the working capacity of the mother is not regained as a result of the confinement, sentences two and three of Paragraph (3) shall apply.

- With the change in the text of Paragraph (5), the insured persons with whom a child is placed according to the procedure established by Article 26 (1) of the Child Protection Act are also included in the circle of the persons entitled to benefit for pregnancy and childbirth. The benefit is paid for a period amounting to the difference between the child's ages on the day of his or her placement until the lapse of the period of the benefit due for childbirth.

Article 50. (5) (Amended, SG No 109/2008, effective 1.01.2009, No 98/2016, in force since 1.06.2017) A woman or a man insured against general sickness or maternity, who adopts a child or with whom a child is placed according to the procedure established by Article 26, Paragraph 1 of the Child Protection Act, shall be entitled to a benefit under Paragraph (1) amounting to the difference between the age of the child on the day of the surrender thereof for adoption, respectively his or her placing according to the procedure established by Article 26 (1) of the Child Protection Act, until the lapse of the period of the benefit due for childbirth.

- According to the supplement in Paragraph (6), adoptive fathers insured for general sickness and maternity are also entitled to pecuniary compensation upon adoption of a child for a period of up to 15 calendar days.

Article 50. (6) (New, SG No 105/2006, amended, No 109/2008, in force since 1.01.2009, No 98/2016, effective 1.06.2017) A father (adoptive father) insured for general sickness and maternity shall be entitled to pecuniary compensation at childbirth (adoption) in the amount determined in accordance with the provisions of Article 49, for a period of 15 calendar days during the leave under Article 163 (8) and (9) of the Labour Code, provided that he meets the requirements under Article 48a.

- The parents of the child's mother (adoptive parent) or father (adoptive parent) and the spouse of a female worker or employee in the case of placement of the child with spouses under the procedure established by Article 26 (1) of the CPA are also included in the circle of the persons referred to in Paragraph (7), who are entitled to cash benefit for childbirth after the child's attainment of the age of 6 months for the time remaining until the completion of 410 calendar days They may use the leave and, accordingly, receive the pecuniary compensation in certain cases and subject to certain conditions.

Article 50. (7) (New, SG No 109/2008, in force since 1.01.2009, amended, No 98/2016, effective 1.06.2017) The person insured for general sickness and maternity shall have the right to an amount of cash benefit determined as provided for in Article 49 in case of childbirth, after the child becomes 6 months old, for the time remaining until the completion of 410 calendar days, during the leave of absence provided for in Article 163 (10), (11) or (12) of the Labour Code, provided that he or she meets the requirements of Article 48a.

Effective as of 1 June 2017 is a new Article 50a of the SSC, which regulates a new type of benefit (in case of non-use of the leave for pregnancy and childbirth) and defines the circle of persons secured for general sickness and maternity and the conditions in which they are entitled to 50 per cent of the benefit for pregnancy and childbirth for the time remaining until the completion of 410 calendar days, determined according to the procedure established in Article 49 of the SSC.

Article 50a. (New, SG No 98/2016, in force since 1.06.2017) (1) A mother (adoptive mother) insured for general sickness and maternity, who was entitled to compensation under Article 48a, shall receive a pecuniary compensation in the amount of 50 percent of the compensation under Article 49, where:

1. after the expiry of the periods after birth, allowed with instruments of the health authorities, she does not use a pregnancy and maternity leave, or the person using such leave terminates it;
2. after the expiry of the periods after birth, allowed with instruments of the health authorities, a self-employed person starts exercising an employment activity for which it pays contributions for general sickness and maternity.

(2) Where the mother (adoptive mother) has died, has been deprived of parental rights, or custody of the child was granted to the father (adoptive father), this compensation shall be paid to the father (adoptive father), and where he has died – to the guardian. The compensation shall be paid where the person responsible for raising the child is insured for general sickness and maternity.

The Committee has postponed its conclusion until the requested information on the following issues is received:

The Committee asks whether a medical document for temporary incapacity for work is issued automatically and whether it covers a fixed period of time. In the meantime, it retains its position on the matter. The Committee asks whether the same conditions apply to women employed in the public sector.

It has already been mentioned in the previous report that, according to Article 163 of the Labour Code, a female worker or employee is entitled to pregnancy and childbirth leave of 410 days for each child, 45 days of which must be used before the confinement. Where, due to misforecasting of the date of confinement by the health authorities, the confinement occurs prior to the expiry of 45 days from the commencement of the use of the leave, the balance to 45 days is used after the confinement. If the child is stillborn, dies or is placed in a fully public-financed childcare institution or is surrendered for adoption, the mother is entitled to leave until the expiry of 42 days after the confinement. If, as a result of the confinement, the mother's working capacity is not regained after the 42nd day, the said leave is extended at the discretion of the health authorities. Where the child is surrendered for adoption, is placed in a fully public-financed childcare institution, or dies after the 42nd day after the confinement, the leave under Paragraph (1) is terminated as from the next succeeding day. In such cases, if the mother's working capacity is not regained as a result of the confinement, the said leave is extended at the discretion of the health authorities until her working capacity is regained.

The **Ordinance on Medical Expertise (OME)** (adopted by Council of Ministers Decree No 120/23.06.2017, promulgated, SG No 51/27.06.2017) sets forth the principles and criteria of the medical expertise and the procedure for its implementation. It contains the general rules for the issue of a medical document for temporary incapacity for work in the case of pregnancy, childbirth and adoption.

According to **Article 6 (1)** of the Ordinance: There is temporary incapacity for work in the cases where the insured person is not able or is prevented to work due to: general sickness; accident; occupational disease; treatment abroad; sanatorium treatment; urgent medical examination or test; quarantine; removal from work by prescription of health authorities; taking care of a sick or quarantined family member; urgent accompanying of a sick member of the family for a medical examination; medical test or treatment in the same or any other location, in the country or abroad; pregnancy and childbirth; taking care of a healthy child brought back from a nursery or kindergarten due to quarantine in it.

(2) A medical certificate in a form approved by the Council of Ministers' act under Article 103a of the Health Act is issued for the leave for temporary incapacity for work.

(3) In the case of temporary incapacity, a medical document for temporary incapacity for work is issued for the period from the first day of occurrence of the temporary incapacity for work until its regainment or until permanently reduced working capacity is established by the Territorial Expert Medical Commission (TEMC), irrespective if pecuniary compensation will be paid for it or not, except for the cases under Article 9 (1) and (4) of the OME.

According to **Article 12** of the Ordinance: A medical document for temporary incapacity for work is not issued to persons who are not secured under the Social Security Code, except for the cases under Article 42 (2) and (3) of the SSC (up to 30 calendar days after termination of the social security contribution).

The provisions of **Article 26, Article 27, Article 28, Article 29, Article 30 and Article 34 of the OME** regulate the issuance of a medical document for temporary incapacity for work in the cases of pregnancy, childbirth and adoption.

As stated in the previous report, according to **Article 26 (1)** of the **Ordinance on Medical Expertise**, the leave for pregnancy and childbirth of a secured woman amounts to 135 calendar days for each child and is distributed in 3 medical certificates as follows:

1. for 45 calendar days before the childbirth; the medical certificate is issued solely by the physician carrying out the observation of the pregnant woman; the term of birth must be entered in the medical certificate;
2. for 42 calendar days immediately after the childbirth – by the physician who conducted the childbirth; if the childbirth occurred without the medical supervision of the person's GP;

3. for 48 calendar days (extension of the previous medical certificate).

a) after discharge from the hospital – by the child's GP or by the mother's GP;

b) in cases where the child due to medical indications is left to cares in a hospital – the medical certificate is issued by a medical advisory commission from the obstetric and gynecological department of the hospital wherein the sick child is taken care of.

(2) Where a child dies, is surrendered for adoption, is placed in a fully public-financed child institution before the lapse of 42 days from his or her birth, a medical certificate under Paragraph 1, item 3 shall not be issued.

(3) During the leave for pregnancy and childbirth, a medical certificate shall not be issued on other grounds.

(4) In case of pathological pregnancy, a medical certificate shall be issued in accordance with the general procedure – as in the case of a general sickness.

Article 27. (1) Where the confinement does not take place within the 45-day leave for pregnancy under Article 26 (1) (1), it shall be extended by a new medical certificate until the day of confinement but for not more than 93 days.

(2) Where the confinement occurred before the lapse of the 45-day pregnancy leave, as well as in the case of premature confinement when it was not possible to start the use of the 45-day pregnancy leave, the secured mother shall be entitled to the remaining time or the unused pregnancy leave. In such cases, the leave shall be included in the third medical certificate and the amount of the unused pregnancy leave shall be entered in it.

(3) In cases where the secured mother is not entitled to a leave for the time after the 42nd day after the confinement, a medical document for temporary incapacity for work shall be issued only for the unused leave for pregnancy.

Article 28. A medical document for temporary incapacity for work after childbirth shall be issued from the date of the confinement and a 42-day leave will always be granted no matter if the child is stillborn, dies or is surrendered for adoption or is placed in a fully public-financed child institution before the lapse of the 42nd day after the confinement.

Article 29. Where the child dies, is placed in a fully public-financed child institution or is surrendered for adoption after the 42nd day of the confinement, the leave in the third medical document for temporary incapacity for work shall be terminated as from the next succeeding day. In such cases, if the mother's capacity for work is not regained as a result of the childbirth, the period of temporary incapacity for work shall be extended according to the general procedure and the fact that the incapacity is a result of the childbirth must be entered in the medical certificate.

Article 30. (1) In the event that a pregnant woman did not appear in due time for the execution of her pregnancy leave, but the term of birth has been defined, the medical document for temporary incapacity for work shall be issued as follows:

1. if she has worked before her visit to the physician – only for the time from the date of termination of the employment until the term of birth;

2. if she has not worked before her visit to the physician – for the entire period of 45 days preceding the term of birth.

(2) Where the secured mother gave birth without having a defined term of birth and without an executed pregnancy leave, the temporary incapacity for work shall be executed as follows:

1. for the entire period of 45 days before the confinement, if she did not work, the medical document for temporary incapacity for work shall be antedated and shall be issued for the entire period up to the date of the confinement by the physician who conducted the confinement or by the person's GP if the confinement took place without medical supervision;

2. if she worked during a part of the 45-day period preceding the confinement and did not work for the rest of the period, the medical certificate shall be issued for the period from the termination of her employment until the date of the confinement;

3. if a pregnant woman worked up to the confinement, a medical document for temporary incapacity for work due to pregnancy shall not be issued.
(3) In cases where a pregnant woman appears later for the execution of her pregnancy leave, she shall submit to health authorities a document from the enterprise about the date until which she had worked. The document shall be kept in the personal ambulatory card together with the pregnant woman's card.
Article 34. (1) An insured person who adopts a child shall be issued a medical document for temporary incapacity for work a period amounting to the difference from the age of the child on the day of its surrender for adoption until the lapse of the period under Article 26 (1), items 2 and 3 of the OME.
(2) The medical document for temporary incapacity for work under paragraph (1) shall be issued solely by the head of the medical establishment where the child was raised until the date of adoption or by the adopter's GP.
(3) The secured person with whom a child is placed in accordance with the procedure established by Article 26 of the Child Protection Act shall be issued a medical document for temporary incapacity for work for a period amounting to the difference from the age of the child on the day of his or her placement until the lapse of the period under Article 26 (1), items 2 and 3.
(4) The medical document for temporary incapacity for work under paragraph (3) shall be issued solely by the head of the medical establishment in which the child was raised until the date of the placement or by the general practitioner of the secured person, based on a certified copy of the court's final decision on the placement of the child and in case that the court has not ruled on the application for the child's placement – based on a certified copy of the effective order of the Director of the Social Assistance Directorate at the child's current address for temporary placement in accordance with the administrative procedure.
According to the Ordinance on Medical Expertise, a medical document for temporary incapacity for work due to pregnancy, childbirth and adoption is issued to persons secured for general sickness and maternity (irrespective if they work in the public or private sector), which is paid within the time limits provided for in the Social Security Code and the Ordinance on Medical Expertise.

Article 45 of the **Ordinance on Working Time, Rest and Leave** envisages that the leave due to pregnancy and childbirth, which amounts to 410 days for each child, shall be used as follows:

1. to the amount of 135 days, out of which 45 days before the childbirth – based on a relevant instrument by the health authorities, issued in pursuance of Article 26 (1) of the Ordinance on Medical Expertise, adopted by Council of Ministers Decree No 120 of 23 June 2017, promulgated, SG No 51/27.06.2017, in force since 27.06.2017.

2. for the time remaining until the completion of 410 calendar days – based on an application in writing by the mother (adoptive mother) to the enterprise, which shall be accompanied by a copy of the child's birth certificate or a copy of the act of the child's surrender to adoption; the enterprise shall grant the leave from the day specified in the application and, where the mother (the adoptive mother) is not entitled to such leave, the enterprise shall notify her immediately, stating reasons for its refusal.

As provided in Article 26 (1) and Article 27 (1) and (2) of the Ordinance on Medical Expertise (OME), cited above, the leave due to pregnancy and childbirth of the secured person, which amounts to 135 calendar days for each child, is distributed in three medical documents for temporary incapacity for work as follows:

1. for 45 calendar days before the confinement; the medical document for temporary incapacity for work shall be issued solely by the physician who supervised the pregnant woman; the term of birth must be entered in the medical document;

2. for 42 calendar days immediately after the confinement – by the physician who conducted the birth; if the birth took place without medical supervision – by the general practitioner;

3. for 48 calendar days (extension of the preceding medical certificate):

a) after discharge from hospital – by the child's GP or by the mother's GP;

b) in cases where the child due to medical indications is left to cares in a hospital – the medical document for temporary incapacity for work shall be issued by a medical advisory commission of the obstetric and gynecological department of the hospital where the sick child is taken care of.

Where the childbirth does not take place within the 45-day pregnancy leave under Article 26 (1), item 1, it shall be extended by a new medical document for temporary incapacity for work until the day of the confinement but for not more than 93 days.

Where the childbirth takes place before the lapse of the 45-day pregnancy leave and in the case of premature birth when it was not possible to start the use of the 45-day pregnancy leave, the secured mother shall be entitled to the time remaining or to the unused pregnancy leave. In such cases, the leave shall be included in the third medical document of temporary incapacity for work and the amount of the unused pregnancy leave shall be entered in it.

It follows from the provisions of Article 163 of the Labour Code, Article 45 of the Ordinance on Working Time, Rest and Leave and Articles 26 and 27 of the OME that the leave due to pregnancy and childbirth is granted by health authorities for a specified period of time – 45 days before the confinement and for the remaining time until the completion of 135 days after the confinement.

In respect of the women working under employment contract in the state administration pursuant to Article 107a of the Labour Code, the provisions of Article 163 of the LC and the regulatory provisions shall apply.

The women working under official employment contract pursuant to Article 63 of the Civil Servants Act are entitled to a leave due to temporary incapacity for work, pregnancy, childbirth and adoption, taking care of a young child, nursing and feeding a young child, death or serious disease of a parent in accordance with the conditions, procedure and amounts established by Articles 162 - 167a of the Labour Code.

The Labour Code also applies to the women working in the judiciary (Article 229 of the Judiciary Act), the military personnel under the Defence and Armed Forces of the Republic of Bulgaria Act (Article 203), the civil servants under the Ministry of Interior Act (Article 190) and the Implementation of Penal Sanctions and Detention in Custody Act (Article 19), the civil servants under the State Agency for National Security Act (Article 84), the State Intelligence Agency Act (Article 75) and the Special Intelligence Means Act (Article 19e), the officers and sergeants under the National Security Service Act (Article 82).

The Committee requests information on the existence of a defined period (of employment or payment of social security contributions), which is required for the receipt of maternity benefits. The Committee also asks whether the same conditions apply to women employed in the public sector.

During the leave due to pregnancy and childbirth, the cash benefit is paid according to the conditions and in the amounts specified in the Social Security Code. The time in which the leave is used is recognised as employment and contributory service.

Article 49 (1) of the Social Security Code provides that the daily pecuniary compensation in the event of pregnancy and childbirth shall be determined at the amount of 90 per cent of the average daily gross labour remuneration or the average daily insurance income upon which social security contributions are paid in or payable, and for self-employed persons – paid in social security contributions for general sickness and maternity for the period of 24 months preceding the month in which temporary incapacity for work occurs due to pregnancy and childbirth. The daily pecuniary compensation may not exceed the average net remuneration for the period for which the compensation is calculated and less than the minimum daily remuneration for the country, and shall be determined in accordance with the provisions of Article 41 (2) to (5).

According to the provision of Article 50 of the SSC, a mother insured for general sickness and maternity shall be entitled to pecuniary compensation in the event of pregnancy and childbirth for a period of 410 calendar days, 45 days of which – prior to giving birth of the child.

The provision of Article 50 of the SSC envisages that, upon termination of social security for general sickness or maternity during a period of entitlement to a benefit for pregnancy and childbirth, the secured person shall be paid a cash benefit until the lapse of the period of entitlement to a benefit for pregnancy and childbirth under Article 50.

All persons secured for general sickness and maternity shall be entitled to pecuniary compensation due to pregnancy and childbirth instead of labour remuneration, provided that they have 12-month length of service as secured against this risk, according to Article 48a of the SSC.

According to Article 4 (1) of the SSC, the following persons shall be compulsorily insured for general sickness and maternity, general sickness disability, old age and death, occupational accident and professional disease and unemployment under this Code:

1. workers and employees, regardless of the nature of the work, the method of payment and the source of funding, except for the persons referred to in Article 10 and Article 4a (1); persons involved in programmes for supporting mothers and encouraging employment shall not be secured against unemployment if this is provided for in the relevant programme.;

2. the civil servants under the Civil Servants Act;

3. the judges, prosecutors, examining magistrates, public enforcement agents, registry agents and court officials as well as the members of the Supreme Judicial Council and the inspectors at the Inspectorate of the Supreme Judicial Council;

4. the servicemen under the Defence and Armed Forces of the Republic of Bulgaria Act, the reserves on active duty under the Armed Forces of the Republic of Bulgaria Reserves Act, the civil servants under the Ministry of Interior Act and the Implementation of Penal Sanctions and Detention in Custody Act, the civil servants under the State Agency for National Security Act, the State Intelligence Agency Act and the Special Intelligence Means Act, the officers and sergeants under the National Security Service Act, as well as the persons referred to in Article 69 (6);

5. the co-operative members, who perform work and receive remuneration at the co-operative; the co-operative members, who work at the co-operative without entering into an employment relationship, shall not be secured against unemployment;

6. the managers and procurators of trade partnerships and sole traders and their branches and the branches of foreign legal entities, the members of Boards of Directors, Management and Supervisory Boards and the trade partnerships surveyors, the trustees in bankruptcy and the liquidators as well as the individuals working under contracts for management of unincorporated associations, and the persons who have been assigned the management and/or the control over state or municipal enterprises under Chapter Nine of the Commerce Act, their subsidiaries or other legal entities, established by law;

7. the persons performing work in elective office, with the exception of the persons under Items 1, 5 and 7, as well as the ministers holding a spiritual title of the Bulgarian Orthodox Church and other registered denominations under the Religious Denominations Act;

8. the postgraduate students who receive remuneration under a training contract for attaining a specialty from the list of specialties determined in accordance with Article 181 (1) of the Health Act;

9. the junior judges, junior prosecutors and junior investigators in accordance with the Judiciary Act.

In view of this, the foregoing conditions for the receipt of benefit in the event of pregnancy and childbirth are the same for persons working under an employment relationship and for persons employed in the public sector. The conditions that the legislator has laid down for the acquisition of the right to maternity benefits are: the person shall perform work with regard to which he or she is insured for general sickness and maternity and the presence of at least 12-month length of service with contributions into the General Sickness and Maternity Fund of the State Social Security.

Statistics and information illustrating the adequacy of the level of maternity benefits:

Table No 1 : Statistical indicators characterising pregnancy and childbirth cash benefits in the period 2009-2017

Year	Number of benefits	Costs (million BGN)	Costs/GDP (%)	Average amount of benefit (BGN)	Average amount of benefit/Average insurance income (%)
2009	858, 844	311 .9	0.4	363.11	65.5
2014	697, 4 36	293 .2	0.4	420.46	61.5
2015	719, 4 44	324 .8	0.4	451.44	62.1
2016	732, 0 77	348 .5	0.4	476.10	61.8
2017	708, 0 53	372 .0	0.4	525.45	64.0

Table No 2 : Statistical indicators characterising childcare cash benefits in the period 2009-2017

Year	Number of benefits	Costs (million BGN)	Costs/GDP (%)	Average amount of benefit[1] (BGN)	Average amount of benefit/Average insurance income (%)
2009	558,219	118.7	0.2	240	43.3
2014	491,717	144.5	0.2	340	49.8
2015	517,349	152.7	0.2	340	46.8
2016	528,418	155.7	0.2	340	44.2
2017	528,525	155.3	0.2	340	41.4

[1] The amount of the childcare cash benefits until the child's attainment of the age of 2 years is determined annually by the Budget of the State Social Security Act for the respective year.

Article 8 – The right of employed women to protection of maternity

Paragraph 2 – Unlawful dismissal

2018 Report

Development of the legislation

The legal framework of the protection of a pregnant worker or employee is laid down in the Labour Code (LC).

In the reference period – 1 January 2010 – 31 December 2017, no amendments were made to the legal framework regarding the protection of a pregnant worker or employee or mother against dismissal.

The Committee has concluded that the situation in Bulgaria is not in line with Article 8, paragraph 2 of the Charter on the grounds of the excessive scope of exceptions to the prohibition against the dismissal of pregnant employees.

The Committee has noted that in Bulgaria a pregnant employee may be dismissed if the enterprise she works in moves to another location and she refuses to follow it. It has already been established that this situation goes beyond the acceptable exceptions under Article 8 §2 (Conclusions XVII-2, Czech Republic). Consequently, in this respect, the situation in Bulgaria is not in line. In addition, the Committee considers that the possibility for a pregnant woman being dismissed because the position she occupies was previously occupied by an unlawfully dismissed employee who has to be reinstated exceeds the acceptable exceptions under Article 8 §2.

The grounds for terminating the employment relationship are imperatively defined in the Labour Code. Employers may not terminate the employment relationships of workers or employees on grounds other than those expressly provided for in the Labour Code. The previous national report has already stated that there are no legislative provisions for termination of an employment contract on the basis of marital status.

In addition, it should be noted that Article 8 of the Labour Code stipulates that in the course of exercise of labour rights and duties no direct or indirect discrimination shall be committed on the grounds of ethnicity, origin, gender, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade union and other public organisations and movements, family and property status, existence of mental or physical disabilities, as well as differences in the contract term and the duration of working time. If a worker or employee considers that he or she has been dismissed on grounds other than those mentioned in the order terminating the employment relationship, including because of pregnancy status and responsibilities as a parent for childcare, he or she may challenge it in the court. The employer must prove the grounds for dismissal specified in the order terminating the employment relationship.

Last but not least, we should point out the protections upon termination of the employment relationship that are provided in the Labour Code. A worker or employee who is on leave under Article 163 (pregnancy and childbirth, paternity, etc.) may be dismissed only upon closure of the enterprise (Article 328 (1) (1) of the LC).

A pregnant worker or employee or an employee who is in an advanced stage of in vitro treatment may be dismissed with notice only on the grounds of closure of the enterprise; upon refusal of the worker or employee to follow the enterprise or a division thereof, in which the worker works, when the said enterprise or division relocates to another settlement or locality;

where the position occupied by the worker or employee must be vacated for reinstatement of an unlawfully dismissed worker or employee, who previously occupied the same position and when performance of the employment contract is objectively impossible (Article 328 (1) items 1, 7, 8 and 12 of the LC), and without notice when a worker or employee has been detained for execution of a sentence or is dismissed by reason of breach of discipline (Article 330 (1) and (2), item 6 of the LC). In the event of dismissal by reason of breach of discipline, prior permission of the labour inspectorate is required.

The provision of Article 333 (5) of the Labour Code was adopted in 2004 in order to bring the Labour Code in compliance with Article 8, paragraph 2 of the Charter. As regards the Committee's conclusion that the protection of a pregnant worker or employee in the event of dismissal with notice on the grounds of the worker or employee's refusal to follow the enterprise or a division thereof, in which the worker or employee works, when the said enterprise or division relocates to another settlement or locality does not comply with Article 8, paragraph 3 of the Charter, we consider that this provision does not violate the rights of the persons concerned. In general, it is not required from the worker or employee to follow the enterprise or a division thereof – he or she concluded the employment contract in order to work in an enterprise that was located in a particular settlement. This was decisive for the conclusion of the employment contract and was related to important interests of the worker or employee – most often to his or her dwelling and permanent residence, to the interests of his or her family, to the personal, family and professional environment. Consequently, subsequent changes of the location of the enterprise may not compel him or her to follow it. However, the company must offer the worker or employee to follow it at its new location. The worker or employee's refusal has the meaning of a will expressed by him or her that he or she does not wish to follow the enterprise in the new settlement or locality. The refusal must be explicit and definitive, there is no need to state reasons. In these circumstances, it is inevitable and objectively justified to apply the ground for termination of the employment contract. The employer may not maintain the employment relationship of a worker who does not work in the enterprise. In order to implement this provision, there should be real relocation of the enterprise to another settlement, not just a change of the address of its registered office.

The other ground for dismissal that is specified by the Committee – when the position occupied by the worker or employee must be vacated for the reinstatement of an unlawfully dismissed worker or employee, who previously occupied the same position – is related to the restoration of the right of an unlawfully dismissed employee. The ground under consideration presupposes a conflict of rights and interests of two workers or employees – unlawful dismissal and reinstatement of a worker or employee who has appeared to take up his or her previous employment and the new worker or employee with whom the employer has in the meantime signed an employment contract to work in his or her place. Each of them has interests that are worthy of protection – the right to protection in the case of unlawful dismissal and violation of the law committed against that worker or employee and the worker or employee who has been employed in his or her place is interested to continue the work for which he or she has entered into the employment contract, his or her good faith and innocent conduct. In this conflict of interest, the law gives priority to the worker or employee who was unlawfully dismissed, because in this way it wants to remedy consistently the consequences of the violation committed against him or her by the fact of the unlawful dismissal.

Furthermore, we would like to point out that, as a result of previous Committee conclusions, an amendment to Article 222 (1) of the LC was made and the scope of the compensation for unemployment was extended. Compensation is also added in the event of termination of the employment relationship upon refusal of the worker or employee to follow the enterprise or a

division thereof, in which the worker or employee works, when the said enterprise or division thereof relocates to another settlement or locality or where the position occupied by the worker or employee must be vacated for reinstatement of an unlawfully dismissed worker or employee, who previously occupied the same position, including when the legal relationship with a pregnant woman was terminated. The compensation amounts to his or her gross labour remuneration for the time he or she has been unemployed but for not more than one month. By an act of the Council of Ministers, a collective agreement or an employment contract, compensation for a longer period may be provided. If, in this period, the worker or employee has been employed at a lower pay, he or she shall be entitled to the difference for the same period.

We would like to point out that the Committee's recommendation to provide for such compensation aimed at bringing the Bulgarian legislation in line with the Charter, i.e. Bulgaria considers that, by its fulfilment, the protection of pregnant workers or employees required by Article 8, paragraph 2 has been achieved.

Therefore and having in mind the abovementioned arguments, we consider that the termination of an employment contract with a pregnant woman on the provided grounds is admissible and acceptable.

The Committee points out that the national legislation should not prevent the court from offering such a level of compensation that is sufficient to deter the employer and fully compensate the victim of the dismissal. The Committee asks if there is a defined cap on the amount that can be offered as compensation. If so, the question arises as to whether that upper limit is sufficient to cover compensation for pecuniary and non-pecuniary damage, or if the victim can seek compensation for non-pecuniary damage by other lawful means (e.g. anti-discrimination legislation). The Committee also asks whether both types of compensation are provided by the same courts and how much time it generally takes until the courts award the compensations.

According to Article 225 (1) of the LC, in the event of unlawful dismissal, the worker or employee shall be entitled to compensation from the employer amounting to the worker or employee's gross labour remuneration for the period of unemployment caused by reason of the said dismissal, but not more than six months. When during the period under the foregoing paragraph the worker or employee has worked in a lower paid job, the said worker shall be entitled to the difference between the wages – Paragraph (2) of Article 225 of the LC. The period and amount of the compensation due shall be determined by the court decision and the employer shall not be able to recalculate the compensation determined by the final court decision.

So far there is no amendment to Article 225 (3) of the LC in terms of the right of the worker or employee to compensation in the case of unlawful dismissal for the period of unemployment, but not more than six months.

In addition to the compensation for unlawful dismissal provided in Article 225 of the Labour Code, the worker or employee is also entitled to seek compensation for non-pecuniary damage, which, according to the Obligations and Contracts Act (OCA), is not limited in terms of time and amount. The court may award compensation for sustained non-pecuniary damage which is a direct and immediate consequence of the tort.

Apart from the abovementioned benefits under the LC and the OCA, which are awarded in accordance with procedure laid down in the Civil Procedure Code (and in this respect, by the same court), the worker or employee is also entitled to unemployment benefit under the terms and conditions of the Social Security Code.

The Labour Code provides, in addition to the right to compensation for unlawful dismissal, the right of the worker or employee to be reinstated at work.

According Article 345 (1) of the LC, upon reinstatement of the worker or employee to the previous work thereof by the employer or by the court, the said worker or employee may take the work if the worker or employee reports to work within two weeks after receipt of the communication, unless this time limit be exceeded for valid reasons.

Article 172 (2) of the Criminal Code (CC) envisages penal responsibility for an official who fails to carry out an order or a court decision that has entered into force for reinstating at work of an unlawfully dismissed worker or employee. The punishment is imprisonment for up to three years.

Penal responsibility is also provided for a person who intentionally compels someone to leave a job because of his nationality, race, religion, social origin, membership or non-membership in a trade union or another type of organisation, political party, organisation, movement or coalition with political objective, or because of his or of his next-of-kin political convictions. The punishment is imprisonment for up to three years or a fine of up to BGN five thousand (BGN 5,000) (Article 172 (1) of the CC).

The protection of the right to work under the Protection from Discrimination Act is carried out by means of out-of-court proceedings by the Commission for Protection against Discrimination. The Commission for Protection against Discrimination identifies the violations under this one or other laws regulating equal treatment, the perpetrator of the violation and the person concerned, orders the prevention and cessation of the violation and restoration of the original situation, imposes the sanctions envisaged and implements administrative enforcement measures. Any person who has committed discrimination within the meaning of this Act shall be liable to a fine of BGN 250 to BGN 2,000 if he or she is not subject to a more severe punishment, and legal entities shall be subject to pecuniary sanctions amounting to BGN 2,500. The punishments shall be imposed with a decision of the Commission for Protection from Discrimination, which can be appealed in accordance with the Administrative Procedure Code. It should be noted that the Commission for Protection against Discrimination has no power to award compensations. Articles 71 to 74 of the Protection against Discrimination Act provide that compensation for damage may be sought by any person pursuant to the general court procedure when his or her rights under this one or other laws regulating equal treatment have been violated. The compensation in this case is not limited to a statutory amount.

Article 8 – The right of employed women to protection of maternity

Paragraph 3 – Time off for mothers who are nursing their infants

2018 Report

The legal framework of the nursing and baby-feeding break is laid down in the Labour Code (LC), the Civil Servant Act.

In the reference period – 1 January 2010 – 31 December, no amendments were made to the legal framework.

The Committee postponed the conclusion under Article 8, paragraph 3 when it considered the previous report until it receives information on the following issues:

It is requested that the next report should contain information as to whether the women who wish to continue to breastfeed their children after they attain the age of eight months are practically granted the necessary permission by health authorities.

The Labour Code regulates the right of nursing mothers to also take the breastfeeding break after the child has attained the age of eight months until, at the discretion of health authorities, it may be necessary to breastfeed the child (Article 166 (2) of the Labour Code). In this case, the employer has no right to discretion, but is obliged to comply with the prescriptions of health authorities. The break is paid by the employer and, consequently, no information is generated at the National Social Security Institute.

The Committee also asks whether the same conditions apply to women employed in the public sector.

Women employed under official employment relationship according to Article 63 of the Civil Servants Act are entitled to use leave for temporary incapacity for work, pregnancy, childbirth and adoption, for raising a young child, for nursing and feeding a young child, in case of death or a serious illness of a parent pursuant to the conditions, procedure and amounts provided in Articles 162 to 168 of the Labour Code.

The Labour Code also applies to the women working in the judiciary (Article 229 of the Judiciary Act), the military personnel under the Defence and Armed Forces of the Republic of Bulgaria Act (Article 203), the civil servants under the Ministry of Interior Act (Article 190) and the Implementation of Penal Sanctions and Detention in Custody Act (Article 19), the civil servants under the State Agency for National Security Act (Article 84), the State Intelligence Agency Act (Article 75) and the Special Intelligence Means Act (Article 19f), the officers and sergeants under the National Security Service Act (Article 82).The listed laws contain provisions that refer to the Labour Code or the Civil Servant Act regarding the nursing and baby-feeding break.

Article 8 – The right of employed women to protection of maternity

Paragraph 4 – Regulation of night work

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Development of the legislation

The legal framework of the prohibition against night work by pregnant women, women who have recently given birth and nursing women is laid down in the Labour Code, the Civil Servant Act and other laws and regulations governing the employment relationships in different areas of the public sector.

In the reference period – 1 January 2010 – 31 December 2017, no changes were made to the legal framework.

In the Conclusions on the previous report, the Committee pointed out that the situation in Bulgaria is in line with Article 8, paragraph 4 of the Charter.

The Committee also asks whether the same conditions apply to the women employed in the public sector.

The Labour Code also applies to the women working in the judiciary (Article 229 of the Judiciary Act), the military personnel under the Defence and Armed Forces of the Republic of Bulgaria Act (Article 5 (2) and (3) of Ordinance No H-18 of 19 December 2012 on the procedure for allocation of service hours of the servicemen from the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Army, its reporting beyond its normal duration and the determination of the additional remuneration for the execution of assigned duties above the total length of the working time and for the execution of the service on weekends and on public holidays (issued by the Minister of Defence, promulgated, SG No 2/08.01.2013), the civil servants under the Ministry of Interior Act (Article 190) and the Implementation of Penal Sanctions and Detention in Custody Act (Article 19), the employees with employment contract under the State Agency for National Security Act (Article 84), the State Intelligence Agency Act (Article 75) and the Special Intelligence Means Act (Article 19f), the officers and sergeants under the National Security Service Act (Article 38). The listed laws contain provisions which refer to the Labour Code or regulate in a similar manner the prohibition against night work by the persons referred to in paragraph 4.

Article 8 – The right of employed women to protection of maternity

Paragraph 5 – Prohibition against dangerous, unhealthy or arduous work

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The legal framework of the prohibition against night work by pregnant women, women, who have recently given birth and nursing women is laid down and regulated in the Labour Code (LC).

In the reference period – 1 January 2010 – 31 December 2017, there were amendments to the legal framework as set out below.

The Committee concluded with regard to the previous report that the situation in Bulgaria is not in line with Article 8, paragraph 5 of the Charter, because women who have recently given birth but who are not breastfeeding may not benefit of the possibility for adaptation of the working conditions or temporary relocation to more suitable work.

In its final conclusion, the Committee has posed a question on the possibility for temporary relocation of women who have recently given birth and who are not breastfeeding to suitable work.

There are no amendments to the provisions of the Labour Code on protection. In any case, breastfeeding or not, a woman who has recently given birth is entitled to sick leave and maternity leave. The right to occupational rehabilitation (workplace adaptation or relocation to another suitable workplace) arises after the return to work, i.e. after the above period. It is important to note that the right to protection through occupational rehabilitation is implemented under two conditions – presence of harmful conditions/risks in the workplace and prescriptions of health authorities. In turn, the prescriptions of health authorities for occupational rehabilitation must be executed by both the employer and the worker. In this respect and in response to the Committee's questions, the protection covers not only nursing women but also women 'who have recently given birth' and for whom the relevant health authority has issued appropriate prescriptions.

Amendments to the regulatory framework – ORDINANCE No RD-07-4 of 15 June 2015 on improving the working conditions of pregnant workers and workers who have recently given birth or are breastfeeding.

This Ordinance is applied with regard to all enterprises, places and activities under art. 2, paragraph 1 and paragraph 2 of Health and Safety at Work Act.

By virtue of the Ordinance an obligation is imposed to the employers to notify pregnant workers and workers who have recently given birth or are breastfeeding, as well as workers who may enter this condition, regarding the results of the risk assessment and the measures for risk prevention. The pregnant workers cannot under any circumstances be forced to perform activities, for which risk factors were established during the risk assessment along with labour conditions specified in Appendix No 2 to the Ordinance.

The Ordinance sets out the requirements for improving the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Within the meaning of the Ordinance:

1. 'Pregnant worker' is a pregnant female worker or employee with established pregnancy as well as a worker or employee in an advanced stage of in vitro treatment within the meaning of § 1 (13) of the Additional Provisions of the Labour Code, who has notified the employer of her condition by a document issued by the competent health authorities.

2. ‘Worker who has recently given birth’ is a female worker or employee who has returned to work before the 90th day after the confinement and has notified the employer of her condition by a document issued by the competent health authorities.

3. ‘Breastfeeding worker’ is a female worker or employee who self-nurses her child and has notified the employer of her condition by a document issued by the competent health authorities.

According to Article 2 of the Ordinance, the employer shall determine with regard to any activity in which a specific risk may arise in relation to the impact of risk factors, processes or working conditions specified in an appendix to the Ordinance the nature, extent and duration of their impact on pregnant workers and workers who have recently given birth or are breastfeeding in order to:

1. assess any risk to safety or health and any possible effect on pregnancy or nursing;

2. plan appropriate risk prevention measures.

Where the outcomes of the risk assessment show a risk to the safety or health of pregnant workers and workers who have recently given birth or are breastfeeding or may affect their pregnancy or breastfeeding, the employer shall take the necessary measures to temporarily adapt the working conditions in the workplace and/or the working time of the respective worker in order to eliminate the risk. If the adaptation of the working conditions in the workplace and/or the working time is technically and/or objectively unfeasible or is not justified on reasonable grounds, the employer shall take the necessary measures to relocate the worker or employee to another suitable job (Article 5 of the Ordinance). The positions and workplaces suitable for the employment of pregnant workers and workers who have recently given birth or who are breastfeeding shall be determined in accordance with the Ordinance on occupational rehabilitation, adopted by Decree No 72 of the Council of Ministers of 1986 (SG No 7 of 1987).

Article 5 of the Ordinance requires that:

Article 5 (1): Pregnant workers may under no circumstances be obliged to perform activities for which risk factors and working conditions, set out in Appendix 2, have been established in the risk assessment.

(2): Breastfeeding workers may under no circumstances be obliged to perform activities for which the risk factors and working conditions, set out in Appendix 3, have been established in the risk assessment.

Article 6 of the Ordinance defines the prohibition against underground workings in mines with the exception of cases where the female workers/employees:

1. occupy managerial positions whose duties do not require physical work;

2. are employed in sanitary and social services;

3. in connection with their education and in view of their professional training they have to pass a period of professional practice, provided that they have attained the age of 18 years;

4. their duties sometimes (not daily) require from them to go down in the underground mining developments to perform work that does not include physical labour.

The Ordinance is issued in view of the full implementation of 1.) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (OJ L 348 of 28 November 1992) and 2.) Directive 2014/27/EU of the

European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L 65/1 of 5 March 2014) and it extends the scope of protection with regard to female workers who have recently given birth, by giving a legal definition of pregnant workers, workers who has recently given birth and breastfeeding workers.

The Ordinance includes the following Appendices:

1. A non-exhaustive list of risk factors, processes and working conditions.

According to the Ordinance, in respect of each of these factors, the employer, after making risk assessment and taking measures and where it is impossible to eliminate the risks, should take action to relocate the female worker or employee (pregnant worker, worker who has recently given birth and breastfeeding worker) to another suitable job.

2. A non-exhaustive list of risk factors and working conditions prohibited for pregnant workers.

3. A non-exhaustive list of risk factors and working conditions prohibited for breastfeeding workers.

Thus, compared to the legislation from the previous reference period, the scope of protection was expanded to include workers who has recently given birth and the scope of risk factors that should be taken into account when making a decision on their occupational rehabilitation. The scope of the types of work that are totally prohibited for pregnant workers and breastfeeding workers was also changed. It is important to note that the lists in the appendices are not exhaustive and therefore protection measures may also apply beyond the cases included in them, where the risk assessment indicates the existence of risks.

With regard to the actual application of the provisions protecting the labour of working women it shall be pointed out that pregnant workers and workers who have recently given birth or are breastfeeding are especially risky group in many cases, which justifies the need of undertaking of proper measures for protection of their health and safety. At performance of integrated inspections the control bodies of Executive Agency General Labour Inspectorate put a special emphasis on the health and safety aspects referring to participation of women on the labour market. The protective provisions of the Labour Code and Ordinance No RD-07-4 dated 15.06.2015 apply also with regard to women who have recently given birth, but are not breastfeeding and when incompliances are established the necessary measures are undertaken for adjustment of the working places to need of workers who are pregnant or are breastfeeding. The protection includes not only women who are breastfeeding, but also women who have recently given birth, with regard to which instructions are issued by the competent healthcare authority. The instructions of the competent healthcare authority referring to labour readjustment shall be mandatorily fulfilled by the employer and by the worker. The control bodies of Executive Agency General Labour Inspectorate provide consultations to the employers with regard to the application of the legislation referring to protection of labour of women. Significant difficulties relevant to the application of the requirements of the Labour Code and the Ordinance have not been established.

In the reference period, a total of 325 violations of the provisions of the Labour Code regulating the protection of working women were established. The violations of the night work prohibition were 56 and those of the overtime work prohibition – 38. In the 2010 to 2017 period, there were 14 violations in total of the employer’s obligation to take necessary measures to adapt the workplaces of pregnant workers or breastfeeding workers.

Coercive administrative measures were imposed with regard to the established violations, by means of which the employers were obliged to bring the working places for pregnant workers and workers who have recently given birth or are breastfeeding in conformity to the legislative requirements. 1 statement of administrative offence was issued for violation of the requirements of art. 309 of Labour Code.

Article 16 – The right of the family to social, legal and economic protection

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The role of family is essential for each child to develop his or her full potential. The well-being of the child is directly related to the well-being of the family. In this context, a main driving force of the reform in the field of child and family support undertaken in our country is also the process of deinstitutionalisation of childcare that has been actively taking place since 2010. In accordance with the philosophy of the Child Protection Act (CPA), the implementation of the principle that the family is the best environment for childcare and development of each child is a fundamental principle of the reform.

The effective sectoral policies require that child be the focus of each of them. This also allows the implementation of an integrated approach, which presupposes that measures should be organised around the child and his or her family. Support for children and families is increasingly pursued as an integrated policy to ensure that children have access to fundamental rights and social protection. In this regard, it is essential to implement a comprehensive/cross-sectoral approach and coordinate the action between institutions, aiming at interlinking social, health, educational and other measures to support children and families, focused on prevention, early intervention and providing a family or family-friendly environment for every child.

A number of measures are taken to support the family in the different spheres of sectoral policies. For example, policies to support children and families in the field of social inclusion and social services are among the main priorities of the work of the Ministry of Labour and Social Policy (MLSP). They are aimed at ensuring conditions to guarantee the rights of children in Bulgaria, support for parents in the fulfilment of their parental function, provision of social and family benefits, creating conditions for better reconciliation of professional and private life, ensuring employment, professional opportunities, etc.

An important element of the social policy is the measures taken to improve the focus and efficiency of family support provided under the **Family Benefits for Children Act (FBCA).** In the context of the reform, additional measures were implemented in 2015 to better link social measures with educational and health support for children. The financial support provided under the CPA is also an essential part of the policies for support of children and families. One-off benefits for prevention and reintegration; monthly benefits for families of relatives and friends; monthly allowances for childcare and upbringing of children in foster families; remunerations for professional foster families and allowances for children with disabilities, placed under the provisions of the CPA, are granted.

Providing opportunities for reconciliation of private and professional life of parents are other measures aimed at the support of families with children. Specific measures have been taken to involve parents in employment and qualification and re-qualification courses; flexible working hours; adequate maternity framework and additional leave for raising young children, etc. The role of tax and housing policy and support through the network of childcare facilities – nurseries and kindergartens, which, along with the help for the development of children, also help for the return of parents to the labour market, is particularly important.

- Family counselling:

Social services play an important role for supporting children and families in the fulfilment of the measures taken for protection of children at risk and their social inclusion. Community services that provide family counselling and support are: Public Support Centre; CrC; Centre for Temporary Placement; Mother and Baby Unit; Centre for Work with Street Children; Day Care Centre; Centre for Social Rehabilitation and Integration. Consultative social services are related to

the provision of psychological support, counselling and information on issues related to childcare and upbringing of children, increase of parental capacity, etc.

In the Public Support Centres, the largest and most diverse work related to family counselling is carried out. They perform activities aimed at prevention of abandonment, prevention of violence and dropping out of school, deinstitutionalisation and reintegration of children, mediation in cases of parental alienation and conflict in divorce/separation, evaluation and training of future foster parents and adoptive parents, counselling and support for children with behavioural problems, psychological support, counselling and information on issues related to childcare and upbringing of children and increase of parental capacity.

The Centres for Temporary Placement are mainly aimed at providing a temporary place to live, including for families with children. They also provide support for involvement in qualification and re-qualification courses and other training courses and/or for finding, and for social adaptation of users.

The Mother and Baby Unit provides temporary placement for pregnant women and mothers at risk of abandoning their children, parental affection is encouraged, young mothers are helped through social, psychological and legal counselling and support.

The Centres for Work with Street Children perform activities related to prevention of children from falling out on the street and dropping school, social rehabilitation and integration of children who live permanently or partially on the street through individual work with the child and his or her family, family consultation and support, medical and hygienic services, children's literacy, training of parenting skills.

Counselling and support for families with disabled children takes place in the day forms of the community-based social services for children and adults with disabilities. The main objective of day forms of social services is to provide care and support for several hours during the day, including for disabled children, which their parents are not able to do for them because of their employment or for any other reason. Day care centres for disabled children and/or young persons are a form of support for children with permanent disabilities, which provide conditions for services that meet their daily and rehabilitation needs and the needs for organising leisure time. The community-based social services for disabled children and their families complement the parental care for them, help to relieve them in terms of time and resources that are necessary to meet the children's specific needs. The parents of disabled children are consulted with regard to the children's rights and adequate care in accordance with their individual needs.

The Centres for Social Rehabilitation and Integration provide hourly support for children/adults, related to rehabilitation and social and psychological consultations, assistance for career guidance and realisation, rehabilitation of skills for independent living, preparation and implementation of individual programmes for social inclusion, including for people with addictions. These centres also consult and support the families of children and persons with disabilities.

As stated above, the cross-sectoral approach is particularly important and essential for building up an efficient system of comprehensive support for children and families. The implementation of an integrated policy as well as the targeted and systematic efforts of all involved participants through intersectoral interaction and interconnection of social, health, educational and other measures for support of children and families is a prerequisite for the efficient implementation of the process.

According to the international and national legal framework of child protection, parents or other persons taking care of the child have a primary responsibility to provide, within their capacity and financial ability, appropriate living conditions that are necessary for the development of the child. In the absence of such abilities, the state, as far as possible, takes measures to assist the parents and the other persons taking care of the child by providing material assistance, help and support.

Basic principles of protection regulated by the **Child Protection Act (CPA)** are the principles of providing 'family support' and 'raising the child in a family environment' (Article 3 of the CPA).

The CPA ensures the priority of measures for protection in a family environment that provide legal and social protection. Child and family protection is provided both through assistance, support and services in a family environment and information and counselling on the rights and obligations of children and parents.

Measures for protection in a family environment refer to: providing pedagogical, psychological and legal assistance for parents or persons entrusted with parental functions on issues related to childcare, upbringing and educating children; counselling and informing the child in accordance with his or her age and degree of development; social work to facilitate the links between children and parents and tackle conflicts and crises in relationships; researching the child's individual capabilities and interests and directing him or her to an appropriate school; assistance in arranging suitable work for persons in need who have attained the age of 16 years in compliance with the terms and conditions of the labour legislation; directing the child to appropriate forms of spending the child's leisure time, etc.

The measures and activities for child protection are fulfilled by the Social Assistance Directorate (SAD). It carries out the current practical work on child protection and determines and implements specific measures for child protection and controls their implementation.

The main function of the SAD is to provide advice and consultation on child raising and upbringing and ensure information about the social services offered, provide assistance and support for the families and parents of vulnerable children in need.

The legal framework of child protection ensures the possibility to provide family counselling and family support directly through the services of the SAD and/or through directing to community-based licensed social service providers. In order to support the parents and the child, they can be directed to use social services involving various specialised activities of psychologists, pedagogues, social workers, family counsellors, therapists and other experts according to the risk assessment and the need for support. The use of all social services, which are a state-delegated activity, is completely free of charge for children and families. The funds are secured by the state budget. In the case of children and families in need of support and assistance, the resources of the Public Support Centres, Centres for Social Rehabilitation and Integration, Day Care Centres, etc. are actively used.

The Agency for Social Assistance implements the policy in the field of social services, which are decentralised and state-delegated activities. The Agency plays a key role in the methodological guidance of social services for children and persons, including persons with disabilities. An important role in supporting children and families at risk play the community-based and resident-type social services, which are an alternative to the institutional childcare.

The process of deinstitutionalisation of childcare covers a period of 15 years, beginning with the adoption of the National Strategy 'Vision for Deinstitutionalisation of the Children in the Republic of Bulgaria' in 2010. The instrument was adopted with Council of Ministers Protocol No 8.2 of 24 February 2010. The strategic objective of protection authorities, non-governmental organisations and the civil society is to ensure the children's right to live in a family environment and access to quality care and services tailored to their individual needs, linking certain sub-objectives, part of which being the closure of 137 child institutions in that period and the enhancement of the capacity of the child protection system.

An updated Action Plan for deinstitutionalisation of the children in the Republic of Bulgaria, adopted in 2016, is being implemented. It is the second strategic document to the National Strategy 'Vision for Deinstitutionalisation of the Children in the Republic of Bulgaria', which contains specific priorities and objectives, as well as the measures and activities for their implementation. The plan includes the projects in the sphere, the mechanisms for sustainability of the services

created with OPRD project funding, the financing and management of processes. The ASA fulfils measures and activities in line with the ongoing reform, whose main objective is to prevent the placement of children and young persons in specialised institutions and create new and alternative opportunities for community-based support by developing the network of social services for children and families.

The philosophy of the deinstitutionalisation process corresponds to the application of an individual approach towards each child and young person, which is tailored to the specific needs, in view of reaching a solution for raising children and young persons in a family or family-friendly environment. The measures taken and the activities planned correspond to the ongoing social reform, the aim being to prevent the placement of children and young persons in specialised institutions and to create new opportunities for community-based support.

From the beginning of the process of deinstitutionalisation of childcare - 2010 until 31 December 2017, 60 Homes for Children Deprived of Parental Care (HCDPC), 25 Homes for Disabled Children and 16 Homes for Medical and Social Care for Children (HMSCC) have been closed.

As of 31 December 2017, the functioning specialised child institutions in the country are 36, out of which 20 are Homes for Children Deprived of Parental Care where 361 children and young persons are placed and 16 HMSCCs where 545 children are placed.

Data on community-based social services and specialised institutions on the territory of the country in the period 2010-2017

Year	*Specialised institutions (SIs) for children (HCDPC, HMRC/DCCDC)*	*Social services for children*
2010	Total number - 98 SIs: 1 DCCDCs, 23 HMRCs, 74 HCDPCs (21 HCDPCs – for children from 3 to 6 years old and 53 HCDPCs – for children from 1st to 12th grade)	Total number - 241; 72 DCCDCs; 60 PSCs ; 48 FPCs; 11 CrCs; 11 TDs; 12 CSRIs; 11 CWSCs; 10 MBUs; 4 Children's shelters ; 2 CTPCs
	3,170	
2011	Total number - 98: 1 DCCDCs, 23 HMRCs, 72 HCDPCs (21 HCDPCs – for children from 3 to 6 years old and 51 HCDPCs for children from 1st to 12th grade)	Total number - 297: 68 DCCDCs; 7 DCCDCAs; 74 PSCs; 74 FPCs; 23 CSRIs; 15 TDs; 5 shelters ; 10 CrCs; 11 CWSCs; 10 MBUs.
	3,907	
2012	Total number - 98: 1 DCCDCs, 23 HMRCs, 67 HCDPCs (19 HCDPCs – for children from 3 to 6 years old and 48 HCDPCs – for children from 1st to 12th grade)	Total number - 338: 71 DCCDCs; 7 DCCDCAs; 88 PSCs; 90 FPCs; 26 CSRIs; 15 TDs; 5 shelters; 14 CrCs; 12 CWSCs; 10 MBUs.
	3,546	8,825
2013	Total number - 98; 1 DCCDCs, 23 HMRCs, 63 HCDPCs (12 HCDPCs – for children from 3 to 6 years old and 41 HCDPCs – for children from 1st to 12th grade)	Total number - 369: 74 DCCDCs; 7 DCCDCAs; 94 PSCs; 104 FPCs ; 33 CSRIs ; 16 TDs; 4 shelters; 14 CrCs; 13 CWSCs; 10 MBUs.
	2,963	9,752
2014	Total number - 69: 1 DCCDCs, 21 HMRCs, 63 HCDPCs (9 HCDPCs – for children from 3 to 6 years old and 38 HCDPCs – for children from 1st to 12th grade)	Total number - 401: 106 PSC ; 36 CSRIs; 14 CWSCs; 118 FPCs; 17 TDs; 15 CrCs; 74 DCCDCs; 7 DCCDCAs; 10 MBUs; 4 Children's shelters .
	1,746	10,639
2015	Total number - 38: 6 HMRCs, 32 HCDPCs (4 HCDPCs – for children from 3 to 6 years old and 28 HCDPCs – for children from 1st to 12th grade)	Total number - 401: 111 PSCs ; 40 CSRIs; 15 CWSCs; 131 FPCCYPWDs; 122 FPCDCYPs; 17 TDs; 16 CrCs; 71 DCCDCs; 9 DCCDCAs; 9 MBUs; 2 Children's shelters.
	743	12,562

2016	Total number - 25: 25HCDPC (2 HCDPC – for children from 3 to 6 years old and 23 HCDPC – for children from 1st to 12th grade)	Total number - 60S *[sic]:* 78 DCCDCYP; 13 DCCCA; 46 CSRI ; 12 MBU; 121 PSC ; 15 CWSC; 17 TD ; 146 FPCCYPWD; 130 FPCDCYP ; 8 FPCDCYPNCMC; 17 CrC ; 2 Children's shelters.
	479	13,877
2017	Total number - 20: 20 HCDPC – for children from 1st to 12th grade	Total number - 612: 80 DCCDCYP;11 DCCCA; 49 CSRI ; 12 MBU; 124 PSC ; 19 CWSC; 17 TD ; 145 FPCCYPWD; 129 FPCDCYP ; 8 FPCDCYPNCMC; 18 CrC .
	361	14,079

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** DCCDC - Day Care Centre for Disabled Children; DCCDCYP - Day Care Centre for Disabled Children and/or Young Persons; DCCCA - Day Care Centre for Children and Adults; PSC - Public Support Centre; FPC – Family-type Placement Centre; FPCCYPWD - Family-type Placement Centre for Children and/or Young Persons Without Disabilities; FPCDCYP - Family-type Placement Centre for Disabled Children and/or Young Persons; FPCDCYPNCMC - Family-type Placement Centre for Disabled Children and/or Young Persons in Need of Continuous Medical Care; FPCCYP- Family-type Placement Centre for Children and Young Persons; CrC - Crisis Centre; TD - Transitional dwelling; CSRI - Centre for Social Rehabilitation and Integration; CWSC - Centre for Work with Street Children.*

Social protection of vulnerable families is also carried out by taking the measures regulated in the Ordinance on the conditions and procedure for implementation of measures for preventing the abandonment of children and their placement in institutions and for their reintegration.

The Ordinance regulates the conditions and procedure for implementation of measures for preventing the abandonment of children and their placement in specialised institutions, the child's reintegration in the family (in case of measures taken for placement outside the biological family) and provision of specialised support for pregnant women at a reasonable risk of abandoning the child after the birth.

Prevention of abandonment of children and their placement outside the biological family is one of the most important activities for the implementation of state policy in the field of childcare, aimed at ensuring children's right to grow up in a family environment. The work on the prevention of child abandonment is performed at the CPD whenever there is such a risk, by taking into account the best interests of the child. The family is provided with the necessary support, social consultative and psychological work is carried out, using the resource of a social service provider.

When a child is reintegrated into the family, the child and the family are provided with active support – social benefits are granted, counselling, social work and guidance on the use of community-based social services is carried out. The decision to return a child into the family is based on a comprehensive and in-depth assessment of parental capacity and the abilities for full childcare. The assessment of parental capacity is often carried out with the assistance of an appropriate social service provider that has competences in this field. In the process of monitoring or working with families in cases of reintegration and in the presence of established risk situations for children, it may be necessary to take another measure for protection (in a family environment or placement outside the family).

After successfully completing the reintegration of the child into the family, the CPD performs surveillance of the child within 6 months. In the process of this surveillance, a social service provider is involved to support the family and the parents in the child's raising and educating.

Support and surveillance may be continued at the discretion of the social worker and according to established need and risk of re-abandonment or social vulnerability of the parents and the family.

Data on implemented activities and child protection measures taken - by respective calendar year for the period 2010 - 2017

Measure	2010	2011	2012	2013	2014	2015	2016	2017
Children placed in families of relatives and friends during the year	1,461	1,623	1,858	1,577	1,208	995	886	838
Children placed in foster families during the year	221	391	839	1,144	1,279	1,258	1,125	1,179
Adopted children	950	952	739	737	672	626	555	578
Total number of prevention of abandonment cases, dealt with during the year	3,660	5,005	4,332	4,554	4,346	5,079	5,257	3,943
Number of successful cases of prevention	1,193	1,456	1,932	3,137	2,894	3,054	2,915	2,185
Total number of reintegration cases, dealt with during the year	2,432	2,135	2,088	2,361	2,122	2,023	1,854	1,627
Number of successful cases of reintegration	1,534	1,423	1,834	1,329	1,157	1,116	990	644

Legal protection of child and families/rights and obligations of parents and spouses.

The Child Protection Act guarantees the right of every child to express a free opinion on all matters of his or her interest. The child may seek the assistance of the authorities and persons entrusted with the protection.

In order to guarantee to the maximum extent the rights and interests of children, the Bulgarian state has provided protection for children and their interests when they participate in procedures that affect their lives, health, psychosocial development and integration in the public life. In all administrative or judicial proceedings that affect a child's rights or interests, the child must be heard if he or she has attained the age of 10 years, unless this would be detrimental to his or her interests. When the child has not attained the age of 10 years, it may be heard depending on the

degree of his or her development. The decision on the hearing shall state the reasons for it. In such cases, the law requires from the court or the administrative authority to provide the necessary information that could help the child to formulate his or her opinion and inform the child of the possible consequences of his or her wishes and opinions and of any decision of the judicial or administrative authority.

In judicial and administrative proceedings, the rights and interests of children are protected by a social worker from the Child Protection Department (CPD) of the SAD. The social worker is competent to express opinion and comments on all matters concerning the child. In cases provided by law, the SAD represents the child in administrative and judicial proceedings (Article 15 (7) of the CPA). Every child has the right to legal aid and a complaint in all proceedings concerning his or her rights or interests. This right is laid down in Article 15 (8) of the Child Protection Act.

Child protection is also ensured by the measure 'provision of legal aid by the state' (Article 4 (1) (11) of the CPA) An essential element of the measures for protection in a family environment which provide social protection for families is the provision of legal aid for parents or persons entrusted with parental responsibility on issues related to the raising, upbringing and educating of children. Legal aid is provided under the Legal Aid Act.

Legal protection of children and families is also ensured by the provisions of the **Family Code (FC).** The FC regulates the relations which are based on marriage, kinship and adoption, as well as those based on custody and guardianship. Family relationships are governed in accordance with principles that guarantee: protection of marriage and the family by the state and the society; equality of man and woman; voluntary nature of matrimony; special protection of children; equal treatment of children born in wedlock, out of wedlock and adopted; respect for the personality in the family and respect, care and support among family members.

Where the parents do not live together, the court is required to designate one of the two parents to exercise the parental rights, the child's place of residence, and to establish a regime of contact with the other parent. Parental rights are granted to one of the parents, thus the concentration of parental functions is focused on the parent who raises the child. With the empowerment of one parent, in the absence of dialogue and communication, the other parent loses the opportunity to execute not only factual, because of the separate living but also legal action concerning the child. The court intervenes at the request of one of the parents, or both parents, if an agreement can not be reached. When there is no agreement between the parents and there is a conflict between them, practical difficulties arise for the joint exercise of parental rights.

The implementation of parent-child contacts in the case of family separation is one of the areas of conflict between parents. The action of factual child transfer is performed only by the enforcement agent who, in accordance with the Civil Procedure Code (Article 528 (4)), may request assistance from the SAD for removing the obstacles for timely fulfilment of the obligation and for clarifying to the obliged parent, and, where appropriate, to the child the benefits of voluntary performance and the adverse consequences of non-compliance with the judgment.

The commitments of the staff of the CPD of the SAD in the settlement of family disputes are related to the performance of socio-consultative and psychological work with families, aimed at supporting the child, optimising the parent-child relationships and, where necessary, taking appropriate protection measures in accordance with the particular case. The opportunities for directing to providers of social services for children and families that play an essential role in the consultative and therapeutic work with the child and the family are also of great importance. The preventive measures, as well as the individualisation and resolution of the problem at an earlier stage, are essential too. In this regard, as of 2011, all Child Protection Departments apply the Methodological guidelines for work with children at risk of parental alienation. The purpose of the Guidelines is to direct CPD specialists to specific steps of action in these cases through timely evaluation and action for prevention of the consequences, as well as effective and comprehensive prevention approaches targeted at both the child and his or her parents and the whole social and a legal network around the family. In this respect, the existing opportunities for

directing to social service providers are of crucial significance.
Pursuant to the procedure established by the CPA, in cases of initiated judicial proceedings which affect a child's rights and interests, the SAD has a duty to express opinions and, if it is impossible, to submit written reports.
The SAD has implemented requirements for the structure and content of the social report to a judicial authority in a dispute on the exercise of parental rights, violated regime of personal contacts, permission for going abroad.
The presented instructions were developed by a working group formed by the SACP Chairperson with the active involvement of experts from the ASA, the SACP and the Ministry of Labour and Social Policy. A social report matrix has been developed and it contains a methodology with quantitative and qualitative indicators for research of parental capacity, assessment of child's needs in order to limit subjective attitude and help the CPD staff. The version of social report was presented and discussed with judges from the Sofia Regional Court, suggestions and comments of judges from other courts in the country as well as those of ten Social Assistance Directorates in the country were taken into consideration. Moreover, the social report was discussed with representatives of NGOs; social reports made in other European countries have been explored.
The main points in the social report are related to the minimum required information that should be collected in the social survey, the study of child's needs, the assessment of parental capacity and supportive environment. Emphasis is placed on the compliance with the social survey requirements for collection of information from all available sources. An opportunity is given, when assessing parental capacity, to use the resource of the social service – Public Support Centre. Upon preparation of the report, the social workers shall comply with the court's requirements and order and the information recorded in the social report shall be consistent with the subject of the case.
The opinion or the social report may not contain a statement on the granting of childcare rights, the regime of personal contacts and the determination of the maintenance amount payable to the child.
In connection with the need to recognise and introduce a common and unified vision for development of early child development services, the results of the **Social Inclusion Project (SIP)** that ended in 2015 and was implemented by the Ministry of Labour and Social Policy and funded by a loan from the World Bank to the amount of EUR 31,391,644 (BGN 61,396,719) are extremely helpful and fundamental. The Loan Agreement with the World Bank was signed in November 2008 but the actual implementation of the Project was launched in August 2010 and the deadline for using the borrowed funds was 31 December 2015.
Two components were fulfilled in the Project. Component 1 included integrated social services and services related to childcare. In this component, municipalities were funded to provide services for children aged 0 to 7 years and their parents. In addition to services, infrastructure investments and training of service providers and staff in nurseries and kindergartens were funded in this component. The funds amounted to EUR 30.74 million. In Component 2, which was related to capacity building, actions were funded for improvement of the capacity of local authorities to implement integrated early childhood development projects by providing technical advice, including access to the EU Structural and Cohesion Funds, including the ensuring of service sustainability. Activities related to the impact assessment, auditing and implementation support were also funded. The total amount of funds was EUR 0.55 million.
Beneficiaries of the SIP were 66 municipalities on the territory of the country. As at 30 April 2016, the SIP ended financially with a total of BGN 50,981,974.02 used, out of which BGN 46,147,985.04 from borrowed funds (75.16% of the loan), BGN 506,659.65 of state co-financing and BGN 4,327,329.33 of municipal co-financing. The main services funded under the SIP were: 'Health Consultation for Children', 'Early Intervention of Disabilities', 'Individual Pedagogical Support for Disabled Children', 'Formation and Development of Parenting Skills' and 'Family Counselling and Support' and the service 'Additional Pedagogical Preparation for Equal Start at School (Summer Schools)'.

Within the project, the beneficiary municipalities were provided with 44 special buses having wheelchair platforms and equipped for transporting disabled children and persons. Special sports and medical equipment and sensory therapy equipment was delivered for the provision of the service 'Early Intervention of Disabilities', as well as technological equipment required for the provision of the services under the project. With the implementation of the SIP construction activities in all beneficiary municipalities, excellent conditions were established for the provision of early childhood services, which are the focus of the SIP.
In 30 municipalities, a total of 1,889 new places were opened in nurseries and kindergartens (184 places in nursery groups and 1,705 in kindergarten groups). These figures of opened places are based on the project capacity, but, practically, many municipalities exceeded the project capacity. More than 1,400 specialists (including pediatricians, psychologists, speech therapists, social workers, special pedagogues, gynecologists, nurses, midwives, pedagogues, lawyers and mediators) were employed to provide the services within the SIP. There were also 20 contracts with 13 social service providers, which are licensed and registered to provide social services for children. According to the reporting data of the beneficiary municipalities, the total number of users of the SIP services is over 30,000, including children and their parents. In 2015, the beneficiary municipalities carried out tests for school preparedness of children from vulnerable groups who had been enrolled in kindergartens as a result of the support provided under the project. The test results demonstrated 80% success rate of the children.
Methodological guidelines for the provision of the service 'Early Intervention of Disabilities by Establishing a Centre for Early Intervention of Disabilities', 'Individual Pedagogical Support for Disabled Children' and the services 'Formation and Development of Parenting Skills' and 'Family Counselling and Support' were developed and presented to the beneficiaries within the project.

The following trainings were carried out within the project:

- 36 trainings of medical specialists, who work in maternity wards and work directly with disabled infants and young children, to apply new approaches in communicating the child's disability to the parents and promoting the child's raising in a family environment;

- 46 trainings of providers of the services 'Early Intervention of Disabilities by Establishing a Centre for Early Intervention of Disabilities', 'Individual Pedagogical Support for Disabled Children';

- 66 trainings of the teams of specialists for providing the services 'Formation and Development of Parenting Skills' and 'Family Counselling and Support';

- training of 144 municipal officials in relation to the monitoring and accountability in the SIP projects implemented by them.

Under the SIP, a network of new types of services for children and families was established in 66 municipalities – integrated services for early childhood development, for early childhood risk prevention, for better coverage and improvement of children's preparedness for inclusion in the education system, improvement of family environment, etc. The main feature of the SIP services is that they are integrated – by means of combining the social, health and educational elements in a service, both in terms of the different specialists working together with the target groups and the very nature of the services – social, health, pre-school support services, etc.

It was of utmost importance to ensure the sustainability of the services provided within the SIP and therefore in 2015 the Loan Agreement on the Social Inclusion Project was amended by extending the deadline for implementation of the projects of all the 66 beneficiary municipalities until 31 December 2015. In order to continue the activities of the services established within the SIP, the operation 'Early Child Development Services' of the Operational Programme 'Human Resources Development' (OPHRD) 2014-2020 started from the beginning of 2016 and ensured the stability of the services established within the SIP until the end of 2019. The operation is implemented as a part of the measures and activities in the updated Action Plan for

implementation of the National Strategy 'Vision for Deinstitutionalization of Children in the Republic of Bulgaria'. The budget of the operation is BGN 30,000,000 and, by August 2018, a written procedure is in progress for the approval of additional funds of BGN 9,361,800 by the Monitoring Committee of the OPHRD, which will ensure the provision of the services in all municipalities until the end of 2019. Contracts were signed with 64 beneficiary municipalities. The activities funded within the operation relate to:

- Individual and group work with children and parents, including children and parents that do not belong to vulnerable groups, aimed at kindergarten attendance;
- Individual pedagogical support for disabled children;
- Additional pedagogical preparation for enhancing the school preparedness of children for an equal start at school;
- Early intervention of disabilities, direct work with disabled children and their families, including rehabilitation and counselling activities, training, mobile work with the child at the child's home;
- Improvement of access to healthcare and health promotion through support for ensuring child health consultation and activities for prevention of disease;
- Provision of psychological support and counselling for future and present parents in order to form and develop parenting skills;
- Family counselling and support, including work with parents and children, family planning activities, individual work;
- Provision of transportation for the purpose of attending integrated services, kindergarten, mobile work, etc.;
- Support for the activities of family centres for children aged 0 to 3 years

Early child development services are particularly important for the reform of deinstitutionalisation of childcare. Therefore, in the Updated Action Plan for implementation of the National Strategy 'Vision for Deinstitutionalisation of Children in the Republic of Bulgaria', adopted in October 2016 there activities for extension of the network of these services in the country. This will be achieved by upgrading the activities of the Public Support Centres, the Day Care Centres for Disabled Children and the Centres for Social Rehabilitation and Integration of Disabled Children. These services will also offer programmes for family counselling and support, formation and development of parenting skills, early intervention of disability, etc.

- Involvement of family-representing associations:

The involvement of all stakeholders, including state institutions, academic, non-governmental and civic organisations, parents, families and children, is an important contribution to the process of planning and implementation of the policies for support of children and families. With their professional or personal experience, expertise and opinion, all of them are valuable partners of the state institutions in the planning and implementation of the individual sectoral policies and the formulation of the national priorities. Their participation in the working groups which develop the legal basis relevant to children and families and the national and strategic documents in this field is essential, too. The upgrading of the results achieved to this time and the improvement of the efficiency of the policies depends on the implementation of a comprehensive approach and the targeted and systematic efforts of all involved participants. The constructive dialogue and the consultation with all stakeholders

contribute to this and are a prerequisite for the establishment of good and operative legal basis of the support of children and families.

• Domestic violence against women:

1) Please describe the general legal framework. Please specify the nature, reasons and extent of the reforms in this area.

1. Protection Against Domestic Violence Act (PADVA), Promulgated, SG No 27/29.03.2005;

2, Rules for Implementation of the Protection Against Domestic Violence Act (Adopted by Council of Ministers Decree No 113 of 8 June 2010).

2) Please specify what measures have been taken (administrative provisions, programmes, action plans, projects, etc.) to bring the general legislative basis into force.

Information in details regarding the legislative basis and the measures on its implementation on the protection from domestic violence has been provided above on art.7 par.10. The text below here accentuates on the violence againt women.

In the Republic of Bulgaria the rights of the victims of domestic violence, the protection measures and the procedure for their enforcement are regulated by the Protection Against Domestic Violence Act (PADVA) (Promulgated, SG No 27/29.03.2005). The Act defines that: 'Domestic violence shall denote any act of physical, sexual, mental, emotional or economic violence, as well as attempts of such violence, coercive restriction of personal life, personal liberty and personal rights committed against individuals, who are related, who are or have been in a family relationship or in de facto conjugal co-habitation'. Any domestic violence committed in the presence of a child shall be considered mental and emotional violence against said child – Article 2 (2) of the PADVA. The implementation of the measures imposed by this Act is guaranteed by the amendment to Article 296 of the Criminal Code from 2009 and 2015. Punishment of imprisonment of up to three years or a fine of up to BGN five thousand (BGN 5,000) is envisaged for any person who, in any way whatsoever, obstructs or prevents the enforcement of a judgment or does not observe an order for protection against domestic violence or a European protection order.

In order to better guarantee the protection of victims of domestic violence, improve the prevention and financially secure the implementation of the Protection Against Domestic Violence Act (PADVA), on 9 December 2009 the National Assembly adopted amendments to the PADVA in the following areas:

- The definition of the term 'domestic violence' is supplemented by explicitly stipulating that any domestic violence committed in the presence of a child shall be considered mental and emotional violence against said child.

- The circle of persons against whom protection may be sought includes the persons with whom the victim is in a collateral relationship up to the fourth degree included; the persons with whom he or she is or has been related by marriage up to the third degree included; persons who are ascendants or descendants of the person with whom the victim is in a de facto conjugal co-habitation, as well as the person with whom one of the victim's parents is or has been in a de facto conjugal co-habitation.

- Expanded is the circle of persons who are entitled to file an application for issuing a protection order against domestic violence. It is envisaged that no state charge shall be paid for submission of an application or appeal against the order. It is specified that an order for immediate protection shall be issued when the 'danger' is 'direct, immediate or consequential'

- A procedure is provided for the removal of the perpetrator from the co-inhabited

dwelling with the assistance of the police authorities from the regional police station at the location of the dwelling in order to ensure the implementation of this measure if he refuses to comply with it voluntarily.

- The legal entities working for the protection of the victims of domestic violence are defined. They must be licensed and/or registered under the Social Assistance Act for provision of social services and entered in the Central Register of Non-Profit Legal Entities pursuing activities for public benefit under the Non-Profit Legal Entities Act.

- It is envisaged that, by the 31st of March of each year, the Council of Ministers will adopt a National Programme for Prevention and Protection against Domestic Violence and is stated that the funds for the implementation of the obligations in the programme shall be allocated annually in the State Budget of the Republic of Bulgaria Act for the respective year in the budgets of the respective ministries as defined in the National Programme. It is also envisaged that the State Budget of the Republic of Bulgaria Act for the respective year shall allocate in the budget of the Ministry of Justice funds for projects of non-profit legal entities that meet the requirements provided that they carry out activities under this Act for development and implementation of programmes for:

- prevention and protection from domestic violence;

- provision of support for victims of domestic violence;

- training of persons from non-governmental organisations or persons who work for them for protection from domestic violence;

- rehabilitation of perpetrators of domestic violence – such a programme will help the perpetrator to become aware of the violence caused and overcome tension, anger and violence.

As regards the establishment of comprehensive legal protection for women and girls from all forms of violence and for prevention and elimination of violence against them, including domestic violence, it is necessary to implement integrated policies ensuring a comprehensive response to violence and domestic violence through placing the victims' rights at the heart of effective cooperation at national, regional and local level. The comprehensive approach assumed by the Council of Ministers with the adopted National Programme for Prevention and Protection Against Domestic Violence for 2017-2020 envisages that the Ministry of Justice will prepare in the long term a package of amendments to the legislative acts regulating the protection of the victims of domestic violence and the amendments to the great number of laws will be synchronised.

3) Please provide relevant figures, statistics and any other information to illustrate that Article 16 is applied in practice, including information on domestic violence, information on the provisions regulating raising of children and family housing, the level of family benefits, the number of recipients as a portion of the total population, as well as information on tax reductions and other forms of financial support to families.

Along with all the above information, incl on art.7 par.10, here it is also provided the following information:

In pursuance of the Protection Against Domestic Violence Act and the Rules for Implementation of the Protection Against Domestic Violence Ac and in line with recommendations given by the European institutions on the protection of the victims of various forms of violence and human trafficking, the ASA is committed to implement specific measures included in national programmes and plans, aimed at the effective implementation of the policies for prevention and protection from domestic violence, suppression of trafficking in human beings and protection of victims. The ASA is responsible or is a partner institution both in terms of the implementation of the measures and the commitments set out in the abovementioned (under Article 7) plans,

programmes and mechanisms, which concern the protection of children from violence and all forms of abuse, and in terms of the implementation of the measures set out in the Action Plan for fulfilment of the final recommendations to the Republic of Bulgaria of the UN Committee on the Elimination of Discrimination Against Women (CEDAW), adopted by Council of Ministers Decision No 438 of 25 June 2013. A specific instrument having the nature of an agreement between the involved institutions that have a bearing on and deal with the problems of adult victims of trafficking and violence, describing the interinstitutional framework of cooperation that is relevant to the ASA's work is Instruction No Iz-273 of 10 November 2010, which regulates the procedure for the interaction between the authorities of the MoI and the MLSP for protection from domestic violence.

In view of the timely and adequate taking of actions by the ASA's territorial structures, an Indicative letter No9103-33 of 14 June 2013 defined the duties of the regional divisions – the **Regional Social Assistance Directorates (RSADs)** and the SAD in the fulfilment of their commitments arising from the PADVA and the Rules of its implementation. The RSADs are committed to provide the District Directorates of the MoI with information on the registered social service providers which supply services to the victims of domestic violence and operate in the respective area (the information is updated quarterly). Also, on a monthly basis, they are obliged to provide the District Directorates of the MoI with information about new providers. An RSAD official has coordinating functions in the exchange of information with the MoI. The SAD has a commitment for the following urgent measures:

- provisional designation of the child's place of residence with the victim parent or the parent, who did not commit the violence, in accordance with conditions and for a period specified by the court if this would not be against the child's interests (Article 5 (1) (4) of the PADVA);
- directing the victims to rehabilitation programmes.

According to the PADVA, the procedure for issuing an order for protection against domestic violence may be initiated with an application by the Director of the SAD in the cases where the victim is an underage person, is placed under guardianship or is a disabled person. Where the alert concerns an underage person, the Coordination mechanism for interaction in dealing with cases of children who are victims of violence or at risk of violence shall be applied. The Director of the SAD shall immediately notify the MoI authorities in the place of the perpetration of any act of domestic violence or violation related to non-compliance with a protection order against domestic violence (Article 8 of Instruction No Iz-2673 of 10 November 2010).

All persons who approach the SAD may be consulted by the SAD staff on their rights of protection under the PADVA and be directed to social services or non-governmental organisations that provide support for victims of domestic violence. It is the SAD's competence to direct the persons who have identified themselves as victims of domestic violence to existing social, psychological and legal counselling programmes as well as to other specialists and interdisciplinary counselling and resident-type social services (Crisis Centres and Mother and Baby Unit).

In order to ensure immediate protection, the Rules for Implementation of the Social Assistance Act provide that a victim of domestic violence or a victim of trafficking shall be immediately placed in a crisis centre, regardless of his or her current address, and the SAD in the place where the centre is located shall take action to prepare the social report identifying the person's needs. Where the person is accompanied by a child and is his or her parent or guardian, the child shall be placed with the said person. Where a victim of domestic violence or a victim of trafficking is a pregnant woman or mother of a child under the age of three years and is at risk of abandoning her child, she shall be immediately placed in a Crisis Centre or in a Mother and Baby Unit together with the child. In the event that the mother is accompanied by another of her children, who has attained three years of age, the said child shall also be placed with her.

In the period 2014-2017, the ASA's territorial divisions worked on 2,990 cases of domestic violence and 266 proceedings were initiated in accordance with the procedure laid down in item

4 of Article 8 of the PADVA. The total number of the persons directed to social services was 2,056.

Information on the number of identified victims of domestic violence in the period 2014-2017				
Year	Identified victims of domestic violence		Proceedings initiated in accordance with Article 8, item 4 of the PADVA	Victims of domestic violence directed to social services
	total	including women		
2014	848	223	68	578
2015	714	203	71	478
2016	718	196	59	487
2017	710	228	68	513

Support and protection for victims by providing social services:
Specialised support for victims of violence is provided in the social service Crisis Centre (CrC). The community-based counselling services to which persons and children, who are victims of violence, and their family members may be directed are the Public Support Centres (PSCs), the Centres for Social Rehabilitation and Integration (CSRIs) and the Mother and Baby Unit.
The total number of the social services providing support for victims of violence and their capacity (number of places) for the period 2014-2017 are as follows:

Year	SOCIAL SERVICES							
	CrC*		PSC		CSRI		Mother and Baby Unit	
	Number	Capacity	Number	Capacity	Number	Capacity	Number	Capacity
2014	20	208	106	4,223	112	3,439	10	69
2015	21	216	111	4,537	121	3,974	9	67
2016	22	226	121	4,887	131	4,238	12	79
2017	23	246	124	4,950	140	4,495	12	79

* The information includes CrC for children and adults.

As mentioned above, the social services in the country are decentralised and their management is entrusted to the mayors of the respective municipalities. The municipality is the body that initiates the development of specific types of social services at the local level on the basis of preliminary studies and analysis of the needs for different types of social services for the community. In order to ensure a sufficient number of services for victims of violence and trafficking, it is essential to identify the need at the local level.

Economic protection of families

The sources of funding child protection activities are regulated by the Child Protection Act. The Social Assistance Directorates of the Agency for Social Assistance provide financial assistance and/ or support in the form of social investments in accordance with conditions and a procedure that are laid down in the Act's implementing rules. The allowances are granted by the Director of the Social Assistance Directorate of the Agency for Social Assistance with a decision in writing. Financial assistance is target money and is one-off and monthly. Social investments consist of the provision of goods and/or services related to the raising and upbringing of the child. Some of these allowances are intended to support the child and the family, aiming at prevention and reintegration and raising the child in the family environment of the biological

family. The allowances are exempt from taxes and charges and no deductions are made.
In order to prevent abandonment and reintegrate the child into a family environment, a one-off allowance may be granted up to four times a year. Its total amount for the entire calendar year is up to 5 times the guaranteed minimum income (up to BGN 375). The one-off allowance is different from the monthly allowance and is granted for the purpose of meeting a particular need which has occurred extraordinarily and is not related to the child's maintenance. The one-off allowance may be provided in cash and/or in kind.
The Child Protection Act also provides financial protection for families of friends and relatives and foster families in which a child is placed in accordance with the conditions and procedure established in Article 26 of the Child Protection Act. The conditions and procedure for granting the allowances and the funds are regulated in the Rules for Implementation of the CPA.
An important part of the support for families with children is the provision of financial support under the **Family Allowances Act and its implementing rules (Rules for Implementation of the FAA)**. A basic principle related to the implementation of the FAA's provisions is non-discrimination on grounds of gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or social status, disability, age, sexual orientation, marital status or property.
The purpose of family allowances is not to cover the child's maintenance but to help families in a **set of other measures and services for childcare support.**

- Family allowances:

An important part of the support for families with children is the provision of financial support under the Family Allowances Act and its implementing rules (Rules for Implementation of the FAA). The main purpose of the provision of family allowances is raising of children in a family environment by parents or by persons taking care of them. At the same time, the FAA focuses on interdependence of measures and interaction between different systems – social, health and educational. A basic principle related to the implementation of the FAA's provisions is the non-discrimination on grounds of gender, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, convictions, political affiliation, personal or social status, disability, age, sexual orientation, marital status or property.

The following are entitled to family allowances:
- pregnant women – Bulgarian citizens;
- families of Bulgarian citizens – for children raised in the country;
- families in which one of the parents is a Bulgarian citizen – for children of Bulgarian citizenship raised in the country;
- families of relatives, friends or foster families – for children placed in accordance with the procedure of Article 26 of the Child Protection Act;
- pregnant women – foreign citizens and families of foreign nationals residing permanently and raising their children in the country, if receipt of such allowances is envisaged in another law or international agreement to which the Republic of Bulgaria is party.

According to § 1 of the Supplementary Provisions of the FAA, within the meaning of this act, 'family' includes:
- the spouses and children who have not come of age, as well as children of legal age, who continue their studies, until graduation from high school, but not after the age of 20 (born, fathered, adopted, stepchildren, except for those who have marriage);
- parents living together without a marriage in co-habitation at the same address, their children who have not come of age, as well as children of legal age, who continue their studies, until graduation from high school, but not after the age of 20 (born and fathered, except for those who have marriage);
- the parent and his or her children who have not come of age, as well as children of legal age, who continue their studies, until graduation from high school, but not after the age of

20 (born, fathered, adopted, except for those who have marriage).
Family allowances are funded only by state budget funds. This financial support is specific, it is not tied to the social security contribution of the parents and it is not intended to cover the children's maintenance, but to support their raising in the family.
Ten types of allowances are granted under the FAA, a differentiating criterion, consistent with the purpose of the specific family allowance, has been assumed for each of them. The family allowances are one-off and monthly and they are provided in cash and/or in kind. Six of them are granted regardless of the family income: one-off benefit upon childbirth; one-off benefit upon adoption of a child; one-off benefit for raising twins; one-off benefit for the raising of a child by a mother (adoptive mother) who is a full-time university student; one-off allowance for free railway and bus transport in Bulgaria once in a year to mothers of multiple children and monthly allowances for raising a child with a permanent disability.
Only four types of family allowances are granted depending on the family income: one-off pregnancy benefit; one-off benefit for pupils enrolled in the first grade in school; monthly allowances for raising children under the age of one year and monthly allowances for raising a child until graduation from high school, but not after the age of 20 years. These types of family allowances are provided for families and pregnant women whose average monthly income per family member for the preceding 12 months prior to the month of submission of the application-declaration is lower or equal to the income specified for that purpose in the State Budget of the Republic Bulgaria Act (SBRBA) for the respective year, but not less than the previous year. The average monthly income per family member for the period 2010-2016 was BGN 350. As of 1 July 2017, the amount of the average monthly income per family member was increased to BGN 400. For families with children with permanent disabilities, families of relatives, friends or foster families – for children placed in accordance with procedure laid down in the Child Protection Act and children who are raised by one living parent, family benefits are provided pursuant to simplified arrangements, regardless of family income.
The law provides also for a legal option to provide in kind the monthly allowances for raising a child until graduation from high school, the monthly allowances for raising children under the age of one and the one-off benefits for pupils enrolled in the first grade in school. Allowances and benefits in kind are provided in the form of goods and/or services for the child according to the child's personal needs as assessed by the Social Assistance Directorate if:

- the parents or the persons receiving the family allowance do not take care of their child/children;
- the family allowance is not used for the intended purpose for the child/children;
- the parents or the persons receiving the family allowance do not fulfil the obligation under Article 8 (6) of the Child Protection Act, according to which the parent, tutor, guardian or person who takes care of a child is obliged to bring into effect the measures undertaken under the CPA and provide assistance towards the implementation of child protection activities.
- the mother to whom monthly allowances for raising a child under the age of one and monthly allowances for raising a child until graduation from high school, but not after the age of 20 have been granted has not reached the age of 18 years.

In-kind benefits are provided for:

- full or partial payment of a nursery or kindergarten fee;
- full or partial fee for children's kitchen or canteen meal;
- purchase of food, clothing, shoes;
- purchase of baby and children's accessories, cosmetic and hygiene materials and other daily necessities for the child depending on his or her age;
- purchase of textbooks and school supplies and other goods necessary for the child to attend school, a pre-school group, kindergarten or nursery school;
- full or partial payment for the child's participation in school/kindergarten events (excursions, visits to historical, cultural and other sites, camps, etc.).

The in-kind benefits for full or partial payment of a nursery or kindergarten fee, full or partial fee for children's kitchen or canteen meal or for full or partial payment for the child's participation in school/ kindergarten events (excursions, visits to historical, cultural and other sites, camps, etc.) are provided through direct payment of the respective fees or funds by the Social Assistance Directorate.
The other in-kind benefits are provided by means of vouchers. They are a type of substitution securities issued by the Agency for Social Assistance and provided by the Social Assistance Directorates to eligible persons and are used as a payment instrument up to the nominal value stated on them for the receipt of granted in-kind family benefits.

Types of family allowances

1. ***One-off pregnancy benefit*** is provided for pregnant women who are not secured and are not entitled to a pregnancy and childbirth benefit under the **Social Security Code (SSC)**, reside permanently in the country and the average monthly income per family member is lower or equal to the average monthly income determined by the State Budget of the RBulgaria Act (SBRBA) for the respective year. The amount of the benefit is fixed annually by the SBRBA, but it may not be less than the previous year. In the period 2010-2017, the amount of the one-off pregnancy benefit was BGN 150. Secured pregnant women, who do not have the required contributory service under the SSC, are also entitled to this benefit. The allowance is paid for the period of 45 days prior to the defined term of birth.

In the period 2010-2017, the benefit was granted as follows:

- 2010 to 17,639 pregnant women;
- 2011 to 17.669 pregnant women;
- 2012 to 18,210 pregnant women;
- 2013 to 18,082 pregnant women;
- 2014 to 17,403 pregnant women;
- 2015 to 15,660 pregnant women;
- 2016 to 13,570 pregnant women;
- 2017 to 12,219 pregnant women.

2. ***One-off benefit upon childbirth*** is granted to the mother at the birth of a living child, regardless of family income, when the child is not placed for raising outside the family under the procedure of Article 26 of the Child Protection Act. The amount of the benefit is determined annually by the SBRBA for the respective year, but it may not be less than the previous year and is differentiated in accordance with the sequence of the children born by the mother, being higher for the first, second and third child. In the period 2010 - 2015, the amount of the benefit for first child was BGN 250; for second child – BGN 600; for third child and for each subsequent child – BGN 200. In 2016 and 2017, the amount of the benefit for first child was BGN 250; for second child – BGN 600; for third child – BGN 300 for a fourth and each subsequent child – BGN 200. For the birth of twins, one of whom is a second child of the mother, the allowance is paid for each twin child in the amount provided for a second child. If permanent disabilities of 50 per cent or more are established by the time the child reaches the age of two years, the mother is paid an additional one-off benefit to an amount which is fixed annually by the SBRBA for the respective year, but it may not be less than the previous year. In the period 2010-2017, the amount of this types of benefit was BGN 100.

In the period 2010-2017, the benefit was granted as follows:

- 2010 to 72,226 children;
- 2011 to 69,736 children;
- 2012 to 68,614 children;
- 2013 to 68,080 children;
- 2014 to 69,163 children;
- 2015 to 67,523 children;
- 2016 to 67,857 children;

- 2017 to 66,050 children.

3. One-off benefit for raising twins is granted to a mother (adoptive parent) who is raising twins, regardless of family income, when the children are not placed for raising outside the family under the procedure of Article 26 of the Child Protection Act and reside permanently in the country. The amount of the benefit is determined annually by the SBRBA for the respective year, but it may not be less than the previous year and is paid for each twin child. The amount of the benefit in the period 2010-2017 was BGN 1,200 for each child. A one-off benefit for raising twins is also granted to the families of relatives, friends or foster families – when, according to Article 26 of the Child Protection Act, twins under the age of 6 months are placed with these families.

In the period 2010-2017, the benefit was granted as follows:

- 2010 to 2,056 children;
- 2011 to 2,028 children;
- 2012 to 1,935 children;
- 2013 to 1,993 children;
- 2014 to 2,264 children;
- 2015 to 2,125 children;
- 2016 to 2,042 children;
- 2017 to 2,087 children.

4. One-off benefit upon adoption of a child (in force since 1 January 2016) is granted to adoptive parents upon adoption of a child, regardless of family income, provided that the adoptive parent and the adopted child reside permanently in the country. The amount of the benefit is determined annually by the SBRBA for the respective year but it may not be less than the previous year and is not higher than the one-off benefit upon birth of first child – BGN 250.

In the period 2010-2017, the benefit was granted as follows:

- 2016 to 484 children;
- 2017 to 460 children.

5. One-off benefit for the raising of a child by a mother (adoptive mother) who is a full-time university student is provided for a mother (adoptive mother) who is a student, regardless of family income, provided that the child resides permanently in the country and is not placed for raising outside the family in accordance with the procedure of Article 26 of the Child Protection Act; the mother (adoptive mother) resides permanently in the country and is a full-time university student in a higher education establishment, which has obtained accreditation and has been established under the conditions and in accordance with the procedure set forth in the Higher Education Act; the mother (adoptive mother) has been enrolled as a full-time university student as of the date of birth of the child, is not secured and does not receive benefits for pregnancy, childbirth and raising a child in accordance with the procedure of the SSC. The amount of the benefit is determined annually by the SBRBA for the respective year but it may not be less than the previous year. In the period 2010-2017, the benefit was paid to the amount of BGN 2,880. As of 28 July 2015, the benefit is paid in two instalments, 50 percent of its amount is paid after the order granting it enters into force, and the remaining part is paid following the submission of a document for registration for the next semester or of completion of higher education, but not later than the child reaches the age of one year. Until 28 July 2015, the granting of the benefit was not linked to the condition that the mother student should not be secured and that she should not receive benefits for pregnancy, childbirth and raising a child in accordance with the procedure of the SSC.

In the period 2010-2017, the benefit was granted as follows:

- 2010 to 1,934 mothers;
- 2011 to 2,344 mothers;
- 2012 to 3,090 mothers;
- 2013 to 4,532 mothers;
- 2014 to 7,207 mothers;

- 2015 to 4,079 mothers;
- 2016 to 984 mothers;
- 2017 to 929 mothers.

6. One-off benefit for pupils enrolled in the first grade in school is granted to families whose children have been enrolled in the first grade of a state or municipal school in order to cover part of the costs at the beginning of the school year, when the children reside permanently in the country and are not placed for raising outside the family in accordance with the procedure of Article 26 of the Child Protection Act. The benefit is granted on the condition that the average monthly income per family member is lower or equal to the income regulated by the SBRBA for the respective year. The benefit is granted regardless of family income for children with permanent disabilities, children with one living parent, children placed in families of relatives and friends and foster families in accordance with the procedure of Article 26 of the Child Protection Act. The amount of the one-off benefit is determined annually by an act of the Council of Ministers on a proposal by the Minister of Labour and Social Policy for the respective year. The amount of the benefit is BGN 250.

In the period 2010-2017, the benefit was granted as follows:

- 2010 to 42,399 children;
- 2011 to 45,434 children;
- 2012 to 45,549 children;
- 2013 to 48,845 children;
- 2014 to 47,096 children;
- 2015 to 44,721 children;
- 2016 to 44,851 children;
- 2017 to 38,489 children.

7. One-off allowance for free railway and bus transport in Bulgaria once in a year to mothers of multiple children is granted to a mother of multiple children, regardless of her income.

In the period 2010-2017, the allowance was granted as follows:

- 2010 to 7,461 mothers;
- 2011 to 14,719 mothers;
- 2012 to 14,921 mothers;
- 2013 to 14,873 mothers;
- 2014 to 12,823 mothers;
- 2015 to 9,730 mothers;
- 2016 to 9,395 mothers;
- 2017 to 8,897 mothers.

8. Monthly allowances for raising children under the age of one year are granted to a mother (adoptive mother) whose average monthly income per family member is lower or equal to the income determined by the SBRBA for the respective year, provided that the mother (the adoptive mother) is not secured and does not receive benefits for pregnancy, childbirth and raising a child in accordance with the procedure of the SSC; the child is not placed for raising outside the family in accordance with the procedure of Article 26 of the Child Protection Act; the mother (adoptive mother) and the child reside permanently in the country; the child has all required immunisations and prophylactic examinations according to his or her age and health status. In the same conditions, monthly child-raising allowances are also granted to the lone adoptive father. Monthly allowances for raising a child up to the age of one year are granted regardless of the income of the families of relatives and friends and foster families for children placed in accordance with the procedure of Article 26 of the Child Protection Act, as well as for children with one living parent.

For a child with permanent disability, monthly allowances are granted until the child attains the age of two years, regardless of family income.

Where the mother (adoptive mother) is secured for general sickness and maternity but does not receive benefits for pregnancy, childbirth and raising a young child due to the fact that she does not have the necessary contributory service under Article 48a and Article 52a of SSC, she is entitled to a monthly child-raising allowance until she obtains the required contributory service. The amount of the monthly allowance is BGN 100.

In the period 2010-2017, the allowance was granted as follows:

- 2010 to 23,201 average monthly number of mothers;
- 2011 to 21,557 average monthly number of mothers;
- 2012 to 21,773 average monthly number of mothers;
- 2013 to 21,417 average monthly number of mothers;
- 2014 to 20,765 average monthly number of mothers;
- 2015 to 18,593 average monthly number of mothers;
- 2016 to 16,291 average monthly number of mothers;
- 2017 to 15,083 average monthly number of mothers.

9. Monthly allowances for raising a child until graduation from high school, but not after the age of 20 years are granted to support families in raising children in a family environment. They are provided in cash and/or in kind to families whose average monthly income per family member for the 12 months preceding the month in which the application-declaration was submitted is lower than or equal to the income specified for that purpose in the SBRBA for the respective year and reside permanently in the country, provided that the child is not placed for raising outside the family in accordance with the procedure of Article 26 of the Child Protection Act; regularly attends the preparatory groups in kindergartens or the preparatory groups in schools for compulsory pre-school education of children unless this is impossible due to the child's health status until graduation from high school, but not after the age of 20 years; has all required immunisations and prophylactic examinations according to his or her age and health status; resides permanently in the country. The monthly allowance for children placed in families of relatives, friends or foster families in accordance with the procedure of Article 26 of the Child Protection Act, as well as for children with one living parent, is granted regardless of family income.

In the period 2010-2013, the amount of monthly allowances for raising a child until graduation from high school, but not after the age of 20 years was BGN 35 for each child and for twin children – 150 percent of the amount of the allowance (BGN 52.50).

The amount of monthly child allowances in 2014 and 2015 was as follows:

- for first child – BGN 35;
- for second child – BGN 50;
- for third child and each subsequent child – BGN 35.

Where the mother simultaneously gives birth of two and more children, the allowance for each of them was BGN 75. The amount of the monthly allowance for children placed for raising in families of relatives, friends or in a foster family in accordance with the procedure of Article 26 of the Child Protection Act was BGN 35. The amount of the monthly allowance for a child with permanent disability was BGN 100.

Since 2016 the amount of the allowance has been defined as a total amount of the family allowance depending on the number of children for whom it is received. The amount of the monthly child-raising allowances in 2016 and 2017 was as follows:

- for a family with one child – BGN 37;
- for a family with two children – BGN 85;
- for a family with three children – BGN 130;
- for a family with four children – BGN 140 and for each subsequent child in the family, the family allowance increases by BGN 20.

The amount of the monthly twin-raising allowance was BGN 75.

The amount of the monthly allowance for raising a child placed in accordance with procedure of Article 26 of the Child Protection Act was BGN 37.

The amount of the monthly allowance for raising a child with a permanent disability was BGN 100.

In the period 2010-2017, the allowance was granted as follows:

- 2010 for 839,698 average monthly number of children;
- 2011 for 820,892 average monthly number of children;
- 2012 for 808,680 average monthly number of children;
- 2013 for 797,903 average monthly number of children;
- 2014 for 777,726 average monthly number of children;
- 2015 for 741,364 average monthly number of children;
- 2016 for 680,121 average monthly number of children;
- 2017 for 625,060 average monthly number of children.

10. Monthly allowances for raising a child with a permanent disability (in force since 1 January 2017) are granted to parents (adoptive parents) when they raise children with permanent disabilities, regardless of family income, provided that the child resides permanently in the country and is not placed for raising outside the family in accordance with the procedure of Article 26 of the Child Protection Act. Monthly allowances for raising a child with a permanent disability are provided regardless of the income of the family and the families of relatives or friends and foster families with which children with permanent disabilities are placed in accordance with Article 26 of the Child Protection Act. The amounts of the allowances are determined annually by the SBRBA for the respective year, but they may not be less than the previous year and are fixed depending on the type and degree of the disability or the degree of permanently reduced working capacity and according to their purpose. They aim at supporting families to raise children with permanent disabilities in a family environment and their social inclusion.

For all children with permanent disabilities, the allowance is granted for the purpose of meeting basic and disability-specific needs. For children with defined 90 or more than 90 percent of type and degree of disability or degree of permanently reduced working capacity, who are raised by their parents (adoptive parents), the allowance is higher so that these children could be provided with care and support in a home and family environment.

In 2017, the monthly allowances for children with permanent disabilities were granted in the following amounts:

- for a child with defined 90 or more than 90 percent of type and degree of disability or degree of permanently reduced working capacity, who is raised by parents, adoptive parents or guardians – BGN 930. The amount of the allowance for a child placed in a family of friends or relatives or foster family in accordance with Article 26 of the Child Protection Act was BGN 490.
- for a child with defined 70 to 90 percent of type and degree of disability or degree of permanently reduced working capacity – BGN 450. The amount of the allowance for a child placed in a family of friends or relatives or foster family in accordance with Article 26 of the Child Protection Act was BGN 420.
- for a child with defined 50 to 70 per cent of type and degree of disability or degree of permanently reduced working capacity – BGN 350.

In 2017, the allowance was granted to 26,226 average monthly number of children.

In the period 2010-2016, the families of permanently disabled children were granted monthly allowances for children with permanent disabilities under the procedure of the FAA, as follows:

- in 2010 for 20,144 average monthly number of children;
- in 2011 for 20,126 average monthly number of children;
- in 2012 for 22,549 average monthly number of children;
- in 2013 for 23,650 average monthly number of children;
- in 2014 for 24,946 average monthly number of children;
- in 2015 for 25,599 average monthly number of children;

- in 2016 for 26,092 average monthly number of children.

The amount of the monthly allowances for permanently disabled children was the same for the different types and degrees of disability. Until the end of 2011, the amount of these allowances was linked to the minimum wage (MW) for the country (70 per cent of the MW). Since 2012 the amount of monthly allowances for children with permanent disabilities has been determined annually by the SBRBA for the respective year, but it may not be less than the previous year and is not based on the MW. In 2012, the monthly allowance for children with permanent disabilities was BGN 189, and from September 2013 it was increased to BGN 217. In the period 2014-2016, the amount of the allowance was BGN 240.

- *In particular, as regards the Committee's conclusion that it has not been established that Roma families are adequately protected in relation to housing, it is noted the following;*

The establishment of mechanisms and conditions for active inclusion of Roma in economic and social life is a key prerequisite for preventing the multiplication of the social model of exclusion and even greater social encapsulation. Within the previous programming period 2007-2013, the operation INTEGRA was implemented, which contributed to the simultaneous fulfilment of both the objectives of Operational Programme 'Human Resources Development' and the objectives of Operational Programme 'Regional Development' insofar as it was targeted at improving the quality of life and the permanent integration of the most marginalised communities.

In particular, auxiliary services were provided to improve access to employment and education and to promote the social inclusion of the target groups of the procedure 'Support for Provision of Modern Social Housing for the Accommodation of Vulnerable, Minority and Socially Disadvantaged Groups of the Population and Other Disadvantaged Groups' in Operational Programme 'Regional Development' 2007-2013, in which social housing for representatives of the most marginalised groups of the population was built.

As the problems of the socio-economic integration of marginalised communities, such as Roma, are complex, an integrated approach has also been applied in the current programming period, which combines simultaneously interventions in the following areas: improvement of access to employment; improving access to education; improvement of access to social and health services, and provision of normal housing conditions.

In this respect, an integrated scheme for integration of vulnerable groups, 'Socio-economic Integration of Vulnerable Groups' in Operational Programme 'Human Resources Development' 2014-2020 (OP HRD) was developed in two components. The objective of the integrated procedure is improvement of the quality of life, social inclusion and poverty reduction as well as permanent integration of the most marginalised communities, including Roma, through the implementation of complex measures and application of an integrated approach.

The implementation of the operation and its main objective require a thorough and coherent approach and for this purpose the use of the possibilities of three operational programmes – Operational Programme 'Science and Education for Smart Growth', Operational Programme 'Regions for Growth' and Operational Programme 'Human Resources Development' in a complementary manner.

Currently, the operation has started Component 1and the submitted project proposals are being evaluated. Component 1 is implemented in OP HRD and OP SESG with the financial support of the European Social Fund. The total budget is BGN 70,000,000, out of which BGN 50,000,000 in OP HRD and BGN 20,000,000 in OP SESG.

Component 2 of the integrated procedure (with a budget of BGN 30 million in OP HRD) is still to be announced and will be implemented in a complementary manner with the support of the three operational programmes OP HRD, OP SESG and OP RD and, in this component, 39

beneficiary municipalities are eligible under Priority Axis 1 of OPRD 2014-2020, whose Integrated Urban Regeneration and Development Plan (IURDP) includes measures for construction of social housing. Currently, approximately 26 of these 39 municipalities intend to build social housing.

❖ ***On the improvement of living conditions:***

The National Programme for Improvement of the Housing Conditions of Roma in the Republic of Bulgaria 2005-2015 takes into account the results achieved under the pilot grant scheme BG161PO001/1.2-02/2011 'Support for the Provision of Modern Social Housing for Accommodation for Vulnerable, Disadvantaged and Minority Groups and Other Disadvantaged Groups', funded in OPRD 2007-2013.

The main purpose of the scheme is to contribute to the social inclusion of persons in disadvantaged and vulnerable situation by enhancing their standard of living and improving the quality of urban housing.

Specific objectives:

- Provide modern social housing for accommodating vulnerable, minority and socially disadvantaged groups and other disadvantaged groups;
- Ensure social inclusion, spatial integration and equal access to adequate housing conditions for persons in disadvantaged and vulnerable situation.

Funds of the scheme - **BGN 15,659,106.46.**

The scheme implementation model is based on the identification of pilot projects selected by an inter-ministerial working group with the Council of Ministers for the elaboration of a concept for an integrated project under Operational Programme 'Human Resources Development' 2007-2013 and OPRD 2007-2013 for construction of housing for disadvantaged groups and development of a mechanism for coordination with other horizontal policies funded by the EU.

The designated pilot municipalities implement integrated projects for sustainable social housing, including mandatorily a combination of an investment component (social housing construction or renovation/reconstruction of existing social housing, energy efficiency measures, etc.), funded under Scheme BG161PO001/1.2-02/2011 of OPRD 2007-2013, and activities for provision of education, employment, healthcare, social inclusion of the target group, funded under Operational Programme 'Human Resources Development'.

Mandatory conditions for project activities:

- Provision of **an integrated approach – OPRD interventions must be complemented by actions** to ensure education, employment, healthcare, social inclusion of the target group, taking into account the opportunities provided by OP HRD, programmes for access to social and healthcare services and other (donor, national, local) programmes.

- **Anti-segregation nature of interventions** – the physical location of housing construction should ensure spatial integration of the representatives of marginalised communities as a whole and **should not contribute to their segregation, isolation and exclusion.**

An eligible target group for the scheme projects should include representatives of at least 2 of these groups:

- Homeless people and/or people living in very poor living conditions;
- Parents with children, including underage parents, large families, children with poor health and disabilities;
- People at risk of poverty and social exclusion.

The persons from the target group must reside in/inhabit a housing estate in poor condition and/or having poor or missing engineering infrastructure (plumbing, sewage, etc.) and must not possess real property.

On 30 August 2011, the Scheme BG161PO001/1.2-02/2011 was launched through a procedure for direct grant awarding to designated specific beneficiaries – the municipalities of Burgas, Vidin, Devnya and Dupnitsa and reserve beneficiaries in the event of release of sufficient funds – Varna, Peshtera, Tundzha, Kazanlak, Lom and Sofia Municipality.

Eligible activities for funding under the scheme are:

- Construction of new building stock intended for social housing on plots of 100% municipal property, in which to accommodate representatives of the target group.
- Repair, reconstruction and renovation of existing building stock, being 100% municipal property, intended for social housing.
- Supply of appropriate equipment and furnishings for the abovementioned buildings/premises related to the provision of basic living conditions.
- Improvement of access of disabled persons to the abovementioned buildings/premises.
- Measures for the development of the adjoining area of the newly built/renovated social housing, etc., are eligible under the current scheme.

On 28 June 2012 grant contracts with the municipalities of Vidin and Dupnitsa were signed, a contract with the municipality of Devnya was signed on 18 January 2013, a contract (terminated) with the municipality of Varna was signed on 13 February 2015 and a contract with Sofia Municipality was signed on 18 September 2015.

In the period 1 January 2014 – 31 December 2017, the four projects of the total amount of BGN 14.4 million for provision of modern social housing for accommodation of vulnerable, disadvantaged and minority groups of the population and other disadvantaged groups were completed. The reported results for these projects are as follows:

Indicators under Scheme BG161PO001/1.2-02/2011	Reported value
Number of persons in the target group who benefit from the improved social housing infrastructure (i.e. number of persons accommodated in the social housing)	**684 persons**
Improved social housing infrastructure - sq.m of total built-up area	**35,036.77 sq.m**
Number of provided individual social dwellings	**334**
Energy savings from renovated residential buildings (MWh/year)	**352.50**

The main challenges in the implementation of the pilot integrated social housing scheme are is the achievement of positive attitudes and community support for the projects, including support from media and non-governmental organisations. An important issue concerning the social housing projects is the achievement of support from the local community to enable municipalities to apply with such projects. Two projects for social housing (in Burgas and Varna) are failing due to public protests and negative attitudes of the residents in the areas intended for construction of social housing. A key factor for success is the preliminary targeted

work with the local community, including information campaigns, in order to obtain the necessary public support and social tolerance towards projects aimed at improving the living conditions of vulnerable groups, including Roma. The involvement of all stakeholders, including media and local civil society structures, is also essential for the achievement of support for the implementation of projects for construction of social housing for disadvantaged groups.

Based on the lessons learned and the experience gained from the implementation of the pilot integrated social housing scheme in OPRD 2007-2013, **the support for the provision of social housing continues also in the programming period 2014-2020.**

Social housing projects are planned in Procedure BG16RFOP001-1.001-039 'Implementation of Integrated Urban Regeneration and Development Plans 2014-2020' in Operational Programme 'Regions for Growth' 2014-2020 (OPRD 2014-2020). The procedure was announced in July 2015 and it aims to support the implementation of the Integrated Urban Regeneration and Development Plans in 39 cities from the 1st, 2nd and 3rd level of hierarchy in accordance with the National Concept for Spatial Development of Bulgaria for the period 2013-2025.

The procedure supports the implementation of Investment Programmes, which include priority projects set out in the Integrated Urban Regeneration and Development Plans, aimed at improvement of urban environment, renovation of educational, social and cultural infrastructure, energy efficiency of buildings, development of urban transport systems.

According to the Application Guidelines of Procedure BG16RFOP001-1.001-039 of OPRD 2014-2020, support for provision of modern social housing for accommodation of vulnerable groups of the population and other disadvantaged groups takes place in a group of 'Social Infrastructure' actions within Investment Priority 4 'Social Infrastructure'. At least 5% of the total grant amount allocated to each beneficiary are directed to the implementation of the group of 'Social Infrastructure' actions, including the construction of social housing.

All 39 Investment Programmes in Procedure BG16RFOP001-1.001-039 'Implementation of Integrated Urban Regeneration and Development Plans' were approved in 2016 and currently the specific beneficiaries are submitting project proposals for evaluation by the 39 intermediate bodies.

According to the approved Investment Programmes, the municipalities which have social housing projects included are as follows (the list is indicative and is based on the approved investment programmes): Blagoevgrad, Burgas, Varna Municipality, Velingrad, Vratsa, Gabrovo, Gotse Delchev, Dobrich (it will be specified in 2019 what kind of social site will be included in the IURDP), Dupnitsa (it will be specified in 2019 what kind of social site will be included in the IURDP), Kazanlak, Kardzhali, Lovech, Lom, Montana, Pernik, Petrich, Plovdiv, Razgrad, Ruse, Svishtov, Silistra, Smolyan, Stara Zagora, Targovishte, Haskovo, Shumen and Gorna Oryahovitsa. The envisaged resource, according to the **social housing** construction projects included in the Integrated Urban Recovery and Development Plans, amounts to **BGN 54,916,985.88** in total. According to the approved investment programmes, it is planned to have 1,140 rehabilitated dwellings in the urban areas in 2023.

Project proposals in Procedure BG16RFOP001-1.001-039 'Implementation of Integrated Urban Regeneration and Development Plans 2014-2020', including for social housing, are currently submitted until 31 December 2019.

As at 31 December 2017, a grant contract for one social housing project of the Municipality of Blagoevgrad was signed to the total grant amount of BGN 9,506,000.

Up to now, there are no completed grant contracts in the procedure to report about results achieved.

❖ ***On the improvement of access to education:***

In the OPRD 2014-2020, the following procedures containing the indicator 'Representatives of marginalised groups, including Roma, who benefit from modernised educational infrastructure' have been launched:

• Procedure BG16RFOP001-1.001-039 'Implementation of Integrated Urban Regeneration and Development Plans 2014-2020', where specific beneficiaries are the municipalities of 39 cities from 1st to 3rd level of hierarchy of the national polycentric system. 14,395 children who benefit from the supported educational infrastructure is a milestone that is expected to be achieved in 2018. 34 contracts for projects for the provision of educational infrastructure to the total grant amount of BGN 289.6 million were signed within the procedure with the municipalities of Burgas, Varna, Veliko Tarnovo, Velingrad, Vidin, Vratsa, Gabrovo, Gorna Oryahovitsa, Gotse Delchev, Dimitrovgrad, Dobrich, Kazanlak, Karlovo, Kardzhali, Kyustendil, Lovech, Lom, Montana, Pazardzhik, Panagyurishte, Pernik, Petrich, Pleven, Razgrad, Ruse, Svishtov, Silistra, Sliven, Smolyan, Stara Zagora, Targovishte, Haskovo, Shumen and Yambol. Up to now, there are no completed grant contracts in the procedure to report about results achieved.

• Procedure BG16RFOP001-3.001 'Culture and Sports at School' was announced on 17 December 2015. Specific beneficiaries in the procedure are the Ministry of Youth and Sports and the Ministry of Culture. 5 contracts were signed to the total grant amount of BGN 14.1 million. Up to now, there are no completed grant contracts in the procedure to report about results achieved.

• Procedure BG16RFOP001-3.002 'Support for Vocational Schools in the Republic of Bulgaria' was announced on 17 December 2015. Specific beneficiaries are the Ministry of Education and Science and municipalities, according to a prioritised list. Up to now, there are no completed grant contracts in the procedure to report about results achieved.

• Procedure BG16RFOP001-3.003 'Support for Higher Education Institutions in the Republic of Bulgaria' was announced on 26 February 2016. Specific beneficiaries are 13 higher education institutions, according to a methodology for prioritisation of higher education institutions for the needs of OPRD 2014-2020, made by the Ministry of Education and Science. 13 contracts were signed to the total grant amount of BGN 42.4 million. Up to now, there are no completed grant contracts in the procedure to report about results achieved.

The envisaged milestone that is expected to be achieved in 2018 in the procedures 'Culture and Sports at School', 'Support for Vocational Schools in the Republic of Bulgaria' and 'Support for Higher Education Institutions in Republic of Bulgaria' is 6,304 children who benefit from the supported educational infrastructure.

❖ ***On social protection:***

Within Procedure BG16RFOP001-1.001-039 'Implementation of Integrated Urban Regeneration and Development Plans 2014-2020', activities related to social infrastructure for provision of community-based social services – temporary placement centres, crisis centres, shelters and centres for work with street children are supported. As at 31 December 2017, four social infrastructure contracts were signed to the total grant amount of BGN 5,645,539.06. Up to now, there are no completed grant contracts in the procedure to report about results achieved.

It should be borne in mind that all of the abovementioned procedures implemented in OPRD 2014-2020 do no focus exclusively on Roma but on all identified target groups.

Information on follow-up actions regarding Collective complaint ERRC v. Bulgaria No 31/2005 was submitted in last year's report.

Information regarding the questions of the Committee on the Childcare facilities:

Below is provided information from the three of the biggest cities in the country.

I. Information concerning childcare facilities on the territory of **Sofia municipality** for the period from 01.01.2010 to 31.12.2017

1. Kindergartens:

	NUMBER OF PLACES IN KINDERGARTENS		**ANNOUNCED PLACES FOR ENROLMENT DURING THE NEW SCHOOL YEAR**		**UNSATISFIED APPLICATIONS**	
	In nursery age	**In kindergarten age**	**In nursery age**	**In kindergarten age**	**In nursery age**	**In kindergarten age**
2010|	4 604	33 075	2 274	3 872	7 877	5 383
2011	4 930	33 648	2 765	3 577	9 139	7 318
2012	5 351	35 259	4 327	3 896	8 940	7 414
2013	5 947	37 567	4 362	3 749	8 400	7 213
2014	6 758	39 014	4 561	3 967	6 335	6 286
2015	6 835	39 045	4 815	3 920	6 158	4 815
2016	7 469	39 380	5 526	4 110	5 249	830
2017	7 500	41 979	5 755	3 927	4 869	585

2. Qualification of the staff – awarded educational-qualification degree /EQD/:

YEAR	NUMBER OF PEDAGOGICAL STAFF WITH EQD, INCL.:				
	I EQD	II EQD	III EQD	IV EQD	V EQD C
2010	55	242	35	171	329,5
2011	75,5	245	33	191	311
2012	56	244	41	199	328
2013	60	248	55	202	359
2014	58,5	260	40	233	407
2015	67	261	34	268,2	442
2016	68,7	248	47	307	474
2017	72,5	256	80	384	663

3. Sofia municipality also ensures qualification of the assistant-tutors. For the specified reference reporting period the number of trained assistant-tutors was 72.

4.In compliance with the provisions of the collective agreement, the funds foreseen in the budgets of kindergartens for qualification during the period from 01.01.2010 to 31.12.2017 were increased from 0,8% to 1,5%.

5. The parents of children enrolled at the municipal kindergartens on the territory of Sofia municipality paid a fee in an amount determined in accordance with the Ordinance on setting and administering the local fees and price of services, issued by Sofia Municipality. The monthly fee covers part of the costs on food. The fee is paid at 50% discount for children of single parents and children from families where one of the parents is a full-time student or full-time PhD student. For children from families with many children, the fee paid for the first enrolled child is discounted by 50% and by 75% for the second child enrolled in a kindergarten. Where two children of a family are enrolled in one or in two different child facilities, the fee for the second child is paid with a discount of 50%.

No fee is paid for: children whose parent/parents with permanent incapacity for work of 71% or more, children who are full orphans, children of parent/s who died in industrial accidents, in natural disasters or in line of duty, children with a medical expertise showing reduced potential for social adaptation by 50% or more, issued in accordance with the Ordinance on the medical expertise, adopted with Council of Ministers Decree No 87 of 5.05.2010, as well as for the third and subsequent children of a family with many children.

II. Information concerning childcare facilities and social services for children aged from 0 to 6 years on the territory of the **municipality of Varna** for the period from 01.01.2010 to 31.12.2017

1. Number of places by age group:

1.1.Social service: Home for Children deprived of Parental Care „Drugarche“:

- In 2010 59 children aged from 3 to 6 years were enrolled there;
- In 2011 30 children aged from 3 to 6 years were enrolled there;
- In 2012 30 children aged from 3 to 6 years were enrolled there;
- In 2013 30 children aged from 3 to 6 years were enrolled there;
- In 2014 30 children aged from 3 to 6 years were enrolled there;
- In 2015 30 children aged from 3 to 6 years were enrolled there;
- In 2016 20 children aged from 3 to 6 years were enrolled there.

1.2. Social Service: Family Type residential Center „Drugarche“:

- In 2014 one child was enrolled there aged below 6 years.

1.3. Pre-school Education:

As of September 2018 there are a total of 60 kindergartens functioning on the territory of the municipality of Varna, of which – 51 full-day kindergartens and 18 of them had a total of 21 nursery groups; 1 kindergarten with logopedic groups, 1 kindergarten with special groups and 8 private kindergartens. The capacity of kindergartens is 10 556 places. The number of children covered during the 2014/2015 school year was 12 731. In the 2014/2015 school year the group net co-efficient of enrollment of children in kindergartens in the municipality of Varna was 82,9%, which was higher than the one for the country.

Year	Number of kindergartens-municipal & private	Enrolled children aged 3 to 5 years	Places in kindergartens	Staff		Groups of children
				Total	Thereof teachers	
2010/2011	56	8 726	8690	877	823	410
2011/2012	55	8992	8983	911	857	421
2012/2013	55	9520	9741	956	903	448
2013/2014	59	10086	9820	983	926	459
2014/2015	60	10611	10556	1036	978	488
2015/2016	59	8630	10356	1046	880	478
2016/2017	59	8557	10200	1602	870	473

The number of children enrolled in municipal kindergartens in the period 2010 – 2015 has increased by 2 105, which was due to the actions undertaken by the municipality of Varna to increase the number of places in kindergartens.

The shortage of places in the kindergartens in some of the administrative regions of the municipality of Varna, made this issue one of the priorities of the municipality in the recent years. The investment program of Varna municipality and the municipal budgets for 2010 – 2015 foresaw funds and measures aimed at increasing the number of places in the kindergartens.

The period 2010 – 2015 saw the construction of 4 new buildings for kindergartens with capacity to accommodate 600 children, 12 new blocks to extend existing kindergarten buildings were also built, with capacity of 1 285 places. The new buildings and blocks of kindergartens ensured the enrollment of more than 1800 children.

Premises which were rented out to private educational structures were taken back and used as a basis for formation of eight new groups, where more than 200 children were enrolled. The execution of the program resulted in increasing the places from 8690 in 2010/2011 school year to 10 556 in 2014/2015 school year.

As a result of the measures undertaken in 2015, the municipality has resolved the problem of shortage of places for children aged 3 to 6 years in all settlements of the municipality of Varna. With the introduction of compulsory pre-school education for children aged 5 and 6 years, pre-school education was introduced not only with the preparatory groups at the kindergartens for children aged 5 and 6 years, but also in special pre-school groups at the municipal schools. The children of this age group, covered by the municipal schools in the 2014/2015 school year were 1250, and in 2015/2016 school year they were 1203 children enrolled in 46 half-day groups and 15 full-day groups.

The enrolment in municipal kindergartens of children aged from 2 to 5 years in the 2015/2016 school year showed no deficit of places any more.

1.4. Nurseries for Children in the age Bracket of 0-3 years:

Number of children in nurseries:

Year	**Number of children**
2010	1453
2011	1568

2012	1568
2013	1512
2014	1612
2015	1599
2016	1618
2017	1568

2. Financial Contribution by the Parents:

2.1.Social Services:

The parents of children below 18 years of age and till the completion of secondary education, but not older than 20 years of age, do not pay fees for using social services on the basis of Article 3 (1) of the Tariff for fees for social services financed from the state budget, in force from 01.01.2003.

- The social services are financed from the republican budget and under the project „Together for the Children of Varna".
- *Home for children deprived of parental care „Drugarche":*
- 2010 – financing in the amount of BGN 356 301, this being an activity delegated by the state;
- 2011 - financing in the amount of BGN 183 180, this being an activity delegated by the state;
- 2012 – financing in the amount of BGN 183 180, this being an activity delegated by the state;
- 2013 - financing in the amount of BGN 201 510, this being an activity delegated by the state;
- 2014 – financing in the amount of BGN 209 640, this being an activity delegated by the state;
- 2015 – financing in the amount of BGN 216 090, this being an activity delegated by the state;
- 2016 – financing in the amount of BGN 220 410, this being an activity delegated by the state.

- *Center for family type accommodation „Drugarche":*

- 2011 – financing in the amount of BGN 60 504 according to the report on Social Program 2011, this being an activity delegated by the state;
- 2012 – financing in the amount of BGN 58 040, this being an activity delegated by the state;
- 2013 – financing in the amount of BGN 63 848, this being an activity delegated by the state;
- 2014 – financing in the amount of BGN 66 432, this being an activity delegated by the state;
- 2015 – financing in the amount of BGN 69 064, this being an activity delegated by the state;
- 2016 – financing in the amount of BGN 70 448, this being an activity delegated by the state;
- 2017 – financing in the amount of BGN 72 560, this being an activity delegated by the state;

2.2. Nurseries and Kindergartens:

The financial contribution by the parents is made in compliance with Ordinance on setting and administering of local fees and service prices on the territory of the municipality of Varna.

3.Qualification of the Staff:

3.1. Social Service: Home for Children deprived of Parental Care „Drugarche“:

- 2010 – 12 tutors, with Bachelor's and Master's educational-qualification degrees; a social worker with Bachelor's educational-qualification degree;
- 2011 - 11 tutors, with Bachelor's and Master's educational-qualification degrees; a social worker with Bachelor's educational-qualification degree;
- 2012 – 5 tutors, with Bachelor's educational-qualification degrees Bachelor's and a social worker with Bachelor's educational-qualification degree;
- 2013 – 5 tutors, with Bachelor's and Master's educational-qualification degrees; a social worker with Master's educational-qualification degree;
- 2014 – 5 tutors, with Bachelor's and Master's educational-qualification degrees Bachelor's and Master's; a social worker with Master's educational-qualification degree;

- 2015 – 5 tutors, with educational-qualification degrees Bachelor's and Master's ; a social worker with Master's educational-qualification degree;
- 2016 – 2 tutors, with educational-qualification degree Master's; a social worker with Master's educational-qualification degree.

3.2. Center for Family Type Accommodation „Drugarche":

- 2010 – 6 social workers with Bachelor's and Master's educational-qualification degrees;
- 2011 г. - 2 social workers with Bachelor's educational-qualification degree;
- 2012 г. – 2 social workers with Bachelor's educational-qualification degree;
- 2013 г. – 2 social workers with Bachelor's educational-qualification degree;
- 2014 г. – 2 social workers with Bachelor's educational-qualification degree;
- 2015 г. – 2 social workers with Master's educational-qualification degree;
- 2016 г. – 2 social workers with Master's educational-qualification degree;
- 2017 г. - 2 social workers with Master's educational-qualification degree.

In implementation of a Contract from 2014, funds from the Social Program of the municipality of Varna were used in conducting Training for raising the qualification of the staff in social services and the specialized childcare institutions of the municipality of Varna. The training program included the following themes:

- Organizing the Environment. Casework Evaluation and Planning Casework;
- Working with Children with behavioral Problems;
- Social Work with Families of Children at Risk;
- Art therapeutic Methods of working with disadvantaged Children.
- A Team and a Group. Team Interactions and Team Development.

Individual and group supervisions of all specialists working in the area of social activities were performed in 2015 – 2016. The raising of their professional qualification, as well as the improvement of the conditions of work, rest, remuneration are provided for in the collective agreement on social activities, concluded between the Mayor of the municipality of Varna and the organizations of the Confederation of Labor "Podkrepa" and the Confederation of Independent Trade Unions in Bulgaria (CITUB).

3.3. In the Kindergartens:

- The educational structure of the pedagogical staff has been improving during the period under review. 88% of this staff have already obtained Bachelor's and Master's educational-qualification degrees.

Qualification degree	Qualification degree of the teachers at kindergartens
I EQD	43
II EQD	129
III EQD	40
IV EQD	151
V EQD	185

- The private educational institutions have created employment relationships with 118 specialists, working on pedagogical positions, 56% of them having Master's educational-qualification degree. 10 pedagogical specialists have acquired EQD and one specialist has a scientific degree. All the pedagogical specialists have graduated from higher education institutes.
- The state educational institutions have employment relationships with 870 specialists holding pedagogical positions.
- With the aim of supporting the development and qualification of the staff at the educational institutions, the municipality organizes annually different forms of raising their qualification – workshops, round tables, etc. mainly on issues connected with the management of the respective structures.
- The year 2016 saw the conducting of 224 internal qualification courses as a form of internal effort at raising the qualification of the staff, including different themes: Improving the Work Environment and Assisting the young Teachers; Improving the Organization and Management Culture; Developing a Toolkit for Assessment of the Achievements of the Students; More efficient application of the modern information and network technologies by introducing innovations and sharing good pedagogical practices, etc.
- Training of kindergarten directors was carried out in the 2016/2017school year on the issues of the delegated budget management, the introduction of a Financial Management and Control System, stress management, working in interaction with the parents, on the Public Procurement Act, on disseminating of good practices by organizing methodological meetings.

- Two awards – "Varna" and "Young Teacher" were introduced as an instrument for motivating the directors and teachers to give publicity to the positive practices and models in education. They are awarded annually to honor directors, teachers and teams of kindergartens and schools, and as an evaluation of their special merit. The awards create opportunities to promote the good practices and further develop and enrich the application of good management models.
- For the purpose of encouraging the people working in the educational system in Varna, the collective agreement was developed and adopted in cooperation with the social partners, thus ensuring conditions of work, that are better than the ones under the individual employment contracts.

3.4. Personnel of Kindergartens:

Year	Qualified staff	Unqualified staff
2010	206	198
2011	206	198
2012	206	198
2013	205	202
2014	221	222
2015	221	222
2016	221	222
2017	219	220

4. Control Measures:

4.1. For Social Services:

The control is performed by the State Agency for Child Protection (SACP), the Inspectorate of the Agency for Social Assistance (ASA) and Social Activities Directorate at Varna Municipality.

4.*2. For Kindergartens:*

The control of the activity of the directors of kindergartens is performed by the employer – Municipality of Varna and Regional Department of Education (RDE). The pedagogical activity of the teachers is controlled by the director and RDE Varna.

4.*3. For Nurseries:*

The enrollment in nurseries is performed in accordance with Rules and Criteria for Enrolment in Nurseries on the territory of Municipality of Varna, the control being performed through check-lists, to be filled in for the process of ranking.

III. Information concerning childcare facilities on the territory of **Burgas municipality** for the period from 01.01.2010 to 31.12.2017

Within the reference period the following number of children, at pre-school age, are covered:

Per school years, total number of children

	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Total number of kindergartens/ **number of children**	34/ 7 292	34/ 7 496	33/ 8 198	33/ 8 161	33/ 8 177	33/ 7 969	33/ 7 712

Within the same period, 10 new kindergartens are build, including through expansion of the existing stock of building and major repairs were performed – implementation of energy efficiency measures, construction and renovation of playground and sports facilities, yard areas, fences and heating installation, as well as renovation of the facilities in all 34 kindergartens. The stated construction and repair works were performed within the framework of the Burgas Municipality capital program, as well as with the assistance of funds, provided by OP "Regional Development", OP "Human Resources Development", Project "Social Inclusion", Fund "Energy Efficiency", Fund "Kozloduy", Project "Beautiful Bulgaria" etc.

3 756 free places were announced for the school year 2018/2019, which, to a significant extend, satisfy the needs and provide a full coverage of the children in pre-school year in the kindergartens and the number of accepted and enrolled children is 2 917. It should be noted, that within the reference period, there are no unsatisfied applications for acceptance of children in the kindergartens at the territory of the Municipality of Burgas. The traditionally higher level, especially in the central city par and living area Meden Rudnik are satisfied in stages, where Municipality of Burgas takes timely measures for the provision of sufficient number of places through the construction of new kindergartens, extension of the existing stock of buildings and redirection of children to kindergartens with present free places.

The number of the pedagogical personnel in the 34 kindergartens at the territory of Municipality of Burgas consists of 534 pedagogues, 285.5 of which have a Master degree, 235.5 have a bachelor degree and 13 pedagogues are with college level education. The professional and qualification levels (PQL), owned by the pedagogues are distributed as follows: pedagogues with PQL1 - 1 2 , pedagogues with PQL II - 51, pedagogues with PQLIII - 26, pedagogues with PQL IV - 99, pedagogues with PQL V - 129.

Article 259, paragraph 1 of the Pre-schooling and Schooling education regulates that the headmaster of the kindergarten organizes, controls and is responsible for the entire operations of the institution, according to his/her powers, determined by the state educational standard about the status and professional development of the teachers, headmasters and other pedagogical specialists. According to Article 19, paragraph 2, item 1 of Regulation 12 from 01.09.2016 about the status and the professional development of teachers, headmasters and other pedagogical specialists, the headmaster plans, organizes, controls and is responsible about the activities, related to the education, behaviour and specialization of the children in the kindergarten. As per his/her powers, the headmaster implements control measures, which are described in details in the kindergarten's annual development plan and

in the control operations plan of the headmaster. The control measures consist in the performance of thematic and complete inspection of the educational and behavioral, administrative and commercial operations of the kindergarten, preparation of reports of findings, with recommendations, about the improvement of operations and their discussion at the pedagogical council. Other bodies, implementing control measures over the organization of the operations in the kindergarten are Municipality of Burgas and the Regional Education Management Body - Burgas.

The parents of children who attend kindergarten pay fees according to the Regulation for determination and administration of the local fees and prices of services at the territory of Municipality of Burgas, which fee comprises of a permanent fee, equal to 18 BGN and a differentiated fee for each day of attendance, equal to 1.10 BGN. According to article 29, paragraph 1, no fee for the nursery and kindergarten is paid for the children of whom one of the parents is with reduced working capacity of 70% or above 70%, evidenced by decision of Territorial Expert Medical Board/National Expert Medical Board; orphaned children; children with diseases and disabilities, with 50% and above 50% evidenced by decision of Territorial Expert Medical Board/National Expert Medical Board; third and any subsequent child of a families with many children, providing that three of the children are minors. The latter pay the full amount of the fee for the first child and 50% of the fee for the second child. The fee is reduces by 50% for twins; half-orphans; children, the parents of who are regular students as well as when two of the children of one and the same family are accepted in same or different nurseries (kindergartens). No differential fee is paid for the time, when the children are absent from the kindergarten as well as in cases, when the kindergarten is closed due to emergency situation or repairs, quarantine and other objective reasons, regulated by an Ordinance of the Mayor.

In relation to the questions of the Committee on article 16 of the Charter, concerning the kindergartens' personnel qualification, below is provided the following information:

The education is a national priority and it is realized in compliance with the unified state policy for the provision of the right of pre-schooling and schooling education for children and pupils, between 5 and 16 years of age. According to article 8, paragraph 1 of Pre-schooling and Schooling Education Act, the pre-schooling education is compulsory from the school year, starting in the year in which the child gets at age of 5 years, and the state and the municipalities are obliged to provide conditions in order to ensure coverage of the children in the kindergartens and the groups of pre-schooling education. According to the provisions of article 8, paragraph 2, 'Schooling education is compulsory until the age of 16 years and it begins with the school year, starting in the year in which the child gets at age of 7 years.'
The total number of the pedagogical specialists in the system, for the school year 2017/2018, was 87,910 people, 98.4% of which are employed in the public educational sector and 1,5% in the private. Out of them, 18,894 people are employed in the pre-schooling sector.
In the conditions of new normative environment, taking in consideration the common European principles for teachers' competences and qualifications, the continuous qualification is with significant importance.
The organization of the activities for qualification of the pedagogical specialists is taking in consideration, on one hand, the national programs and schedules for performance of activities, targeted at teachers' qualification and carrier development and the annual schedule for activities in the kindergartens, on the other. As a reaction to the so established organizational environment, a coordination is taking place between National Program 'Qualification', project 'Qualification for Professional Development of the Pedagogical Specialists', Plan for Qualification Activities of the Regional Governments in Education, Municipalities and the institutional qualification plans. Each of the four aspects is targeted at covering a different spectrum of subjects, pedagogical specialists groups, according to the identified requirements and opportunities of the environment.
The continuous qualification of the pedagogical specialists system is one of the instruments for successful realization of the main strategic target – provision of higher quality in education. At the same time, it should ensure high results in breeding and education of children, transferring itself in a required condition for the teachers' professional growth.
The continuous qualification is targeted at increase of the competence of teachers and headmasters in order to overcome the deficiencies in the professional, pedagogical and social skills, as well as at the opportunities for career development of the pedagogical specialists.

1. Support measures, related to improvement of access to higher education:

- students' scholarships;
- mobility support;
- support of the system for provision of credits for students and PhD students;
- support for PhD students, postgraduate students and young scientists;
- support of the access to higher education for young people from vulnerable social groups.

2. Support measures, related to improvement of the quality of higher education:

- advanced higher education schools rating system;
- improvement of the accreditation system;
- provision of additional education through support of the students' clubs of interests;
- provision of practices and internships in real work environment;
- refinement of the schooling programs, with the participation of employers, introduction of digital content and digital education;
- the state requirements for the acquisition of the professional qualification 'teacher' are modified, incorporating enlarged practical training for the future teachers;
- a modification in the schooling plans and programs of the higher schools is taking place, a study subjects, like inclusive education, information and communication technologies and work in digital environment are introduced;
- provision of access to scientific data bases and European networks;
- provision of mobility conditions for researchers and teachers;
- support for creation and participation in partnership networks;
- stimulation of the professional training in the field of engineering and technical sciences and/or professional directions of the economy's priority areas;
- application of clear mechanisms for control and assessment of the readiness of the future pedagogical specialists;
- scholarships for teachers, engaged in PhD studies in regular, distant or free form;
- scholarships for students in priority professional directions are provided for, and the students will be financially supported for very good grades. The purpose of these scholarships is to stimulate the education of specialists in specialties, for which there are significant and long-term deficiencies;
- conditions for the practical preparation for young teachers, like trainee-teachers, working under mentor-teacher guidance are provided for;
- opportunities for pedagogical internships of Bulgarian students from pedagogical specialties in Bulgarian and foreign higher schools are provided for, including distant learning, as per national and European programs.

A regulatory framework is established, based on standards, related to the common European principles of teachers' competences and qualifications – Pre-schooling and Schooling Education Act, Regulation of the state requirements about acquisition of the professional qualification 'teacher', Regulation No 12 about the teachers, headmasters and other

pedagogical specialists status and professional development, Regulation about the labour adjustment and payment, Regulation about inclusive education etc.:

- a professional profiles of all pedagogical specialists have been developed;
- the professional profiles and the acquired results of the children and pupils serve as a base for the determination of the professional improvement priorities, as well as for the support of the self-assessment and attestation of the pedagogical specialists;
- a flexible paths to profession introduction are incorporated;
- a compulsory qualification and qualification credits system is incorporated;
- the accent on the intra-institutional qualification is underlined, which will help to develop the kindergarten/school as a professional learning community, places for good practices sharing, organization of interdisciplinary lessons;
- the qualification is binded with the teachers' professional development as well as with the pupils' achievements;
- the opportunity for utilization of different qualification forms is provided for, as well as for the selection of an educational program, approved by the Minister of Education and Science;
- a system for career and professional development of all pedagogical specialists is created;
- the payment of the pedagogical specialists is increased;
- a social incentives for the support of pedagogical specialists are guaranteed;
- conditions for participation in mobility and professional networks and communities are provided for;

the qualification structure of the pedagogical specialists is improving. An increase of the share of the specialists with acquired professional and qualification degree is observed. The share of specialists with acquired fourth and fifth professional and qualification degree is increased from 10.7% for year 2007 to 22% for year 2017.

Attached to that report, in the form of annexes, are Annex No 1 Reference of the number of pedagogical specialists from kindergartens, who have visited a course and a number of participation as per the duration of the course and Annex No 2 Reference of the number of pedagogical specialists from kindergartens, who have visited a training course and a number of participations in courses, according to their duration and as per their position

Article 17 – The right of children and young persons to social, legal and economic protection

Paragraph 2 – Free primary and secondary education

2018 Report

Development of the legislation

The right to free education is regulated in **the Pre-School and School Education Act (PSSEA).** According to Article 9 (1), 'The compulsory pre-school and school education at state-owned and municipal kindergartens and schools shall be free for children and pupils'. According to Article 9 (2), 'School education at state-owned and municipal schools shall be free also above the compulsory school age for:

1. Bulgarian citizens;

2. citizens of another Member State;

3. citizens of third countries:

a) holding a permanent residence permit;

b) entitled to long-term or prolonged stay in the country, as well as members of their families;

c) admitted in accordance with acts of the Council of Ministers;

d) admitted in accordance with an international treaty or agreement on these matters;

e) in accordance with a special law;

f) seeking or granted international protection in the country.'

According to Article 9 (4), 'The right to free education shall be exercised by not paying tuition fees for the training financed from the state budget, and using free-of-charge the facilities for training and development of the interests and skills of children and pupils. No fees shall be paid also in the case of sitting for state matriculation exams and state exams for obtaining professional qualifications in the theory and practice of the occupation for the purposes of acquiring a secondary education degree.'

Education is a national priority and is performed in accordance with state educational policy for safeguarding the right to pre-school and school education for children and pupils from 5 to 16 years of age. According to Article 8 (1) of the PSSEA, pre-school education shall be compulsory as from the school year starting in the year in which the child becomes five years of age, whereas the state and the municipalities shall create conditions for kindergartens and pre-school education groups to cover all children. According to the provisions of Article 8 (2), 'School education shall be compulsory until the age of 16, starting from the school year which begins in the year in which the child becomes seven years of age.'

Some of the principles for the implementation of the right to education that are laid down in the PSSEA are: equal access to high-quality education and inclusion of every child and every pupil; equal treatment and non-discrimination; humanism and tolerance; preservation of cultural diversity and inclusion through the Bulgarian language.

The educational process aims at early identification of the aptitudes and abilities of every child and every pupil and promotion of their development and realisation, as well as shaping of lasting attitudes and motivation for lifelong learning regardless of ethnicity. The process includes commitment of the state, municipalities and not-for-profit legal entities, employers,

parents and other stakeholders and dialogue among them on education issues. Key competences are acquired in the educational process, including competences for understanding and applying the principles of democracy and the rule of law, human rights and freedoms, for fostering tolerance to and respect for the ethnic, national, cultural, linguistic and religious identity of every citizen, for fostering tolerance to and respect for the rights of children, pupils, and people with disabilities.

Each citizen exercises the right to education in accordance with his or her preferences and abilities at a kindergarten or a school of his or her choice. The state pursues policies to enhance the quality of education and to prevent early school drop-out.

The Council of Ministers adopted a Mechanism for joint work of institutions for covering and retaining in the educational system children and pupils in the compulsory pre-school and school age, including Roma.

The teams working for an outreach within the mechanism carry out activities for:

- identification of children and pupils in compulsory school age not covered by the education system and taking measures to include them;

- identification of children and pupils who dropped out of school and implementation of activities to reintegrate them into the education system;

- identification of children and pupils at risk of dropping out of school and implementation of measures to retain them in the education system;

- drawing up a list of measures with respect to each child identified as being out, or dropped out, or in danger of dropping out of the education system and interaction with competent institutions for implementation of a comprehensive approach of interventions.

The teams' joint work presented in figures, as of 31 July 2018, is:

• A total of 216,904 addresses have been visited and 197,659 children and pupils have been approached;

• A total of 23,898 children and pupils have been returned or enrolled for the first time in the education system;

• 21,774 children and pupils have been returned and retained in schools and kindergartens. 7,741 of them dropped out during the last 2016/2017 year and in previous school years. 9,719 children and pupils have been enrolled for the first time in the educational system.

• A total of 2,124 of the returned children and pupils had dropped out for the second time, out of which 708 went abroad (according to team data) and 235 have attained 16 years of age;

• As a result of the work on the mechanism, 7,974 five-year-old and 2,863 six-year-old children were enrolled in the education system. These are children who had not been included in compulsory pre-school education groups by 15 September 2017.

• 9,357 were the children and pupils who were found and whom the teams failed to enrol in or return to school;

• 14,058 are the children and pupils who dropped out in the year 2017/2018. These children are different from those already approached and returned under the Mechanism. The children will be among the first to be covered under the Mechanism after the beginning of the teams' work in the first phase in August - September 2018.

• It is important to note that the dynamic order of the children who have newly dropped out of the education system marks a significant point of decrease: 2014/2015 – 21,146 children and pupils, 2015/2016 – 21,172; 2016/2017 – 20,092; 2017/2018 – 14,058.

As regards the need for effective educational inclusion of children and pupils from vulnerable groups, including Roma, changes are proposed to the Ordinance on inclusive education which should regulate the compulsory nature of:

- modules of the educational field 'Bulgarian language' for children who are subject to compulsory pre-school education, for whom the Bulgarian language is not a mother tongue;

- additional instruction on the subject of Bulgarian language and literature and other subjects for pupils for whom the Bulgarian language is not a mother tongue, as well as for pupils who have gaps or difficulties in learning the content, and for pupils for whom such support is recommended.

Regarding Article 17, paragraph 2 – Information on the criteria applied to the provision of grants and scholarships, as well as any information on the funds allocated by the Ministry of Education and Science for children suffering from chronic diseases or having special learning needs:.

The Council of Ministers adopted Decree No 328 of 21 December 2017 on the terms and procedure for receipt of scholarships by pupils who have completed primary education. Pursuant to the terms and procedure of the Decree, scholarships are granted to pupils in daily, individual, combined form of instruction and in work-based instruction (dual system of instruction) after the completion of primary education, which are:

'1. Bulgarian citizens and citizens of a Member State of the European Union or of a State party to the Agreement on the European Economic Area or of the Swiss Confederation - pupils in state-owned, municipal and private schools;

2. foreigners – students in state-owned, municipal and private schools:

a) holding a permanent residence permit;

b) entitled to long-term or prolonged stay in the country;

c) admitted in accordance with an international treaty or acts of the Council of Ministers;

d) seeking or granted international protection in the country.'

Pursuant to the terms and procedure of the abovementioned Decree, scholarships are granted to pupils with permanent disabilities and pupils with special learning needs, who have completed the 7th grade with a certificate for the completion of the 7th grade and have continued their educationi in the grades of the first or second high school stage. Pupils' scholarships are financed by assigned funds from the state budget, which are determined annually by the State Budget of the Republic of Bulgaria Act for the respective year. According to Article 4 (1) of Decree No 328 on the terms and procedure for receipt of scholarships by pupils who have completed primary education, the monthly scholarships are granted for:

1. achieved educational results;

2. support of the access to education and prevention of dropping out;

3. support for pupils with permanent disabilities;

4. pupils without parents.

Regarding Collective complaint No 41/2007 - Mental Disability Advocacy Centre (MDAC) v. Bulgaria - information on follow-up actions was submitted in last year's 16th National Report of Bulgaria.

Article 27 - The right of workers with family responsibilities to equal opportunities and equal treatment

Paragraph 2 – Parental leave

2018 Report

The legal framework of parental leave is laid down in the Labour Code (LC) and in respect of benefits received – in the Social Security Code.

In the reference period – 1 January 2010 – 31 December 2017, amendments were made to the legal framework as set out below:

In its Conclusions, the Committee points out that the situation in Bulgaria is in line with Article 27, paragraph 2 of the Charter.

The Committee requires that the next report should specify the level of financial compensation or benefits that are granted during the period of the leave referred to in Article 163.

The Bulgarian labour law regulates different opportunities for the use of childcare leave by both parents. Such is the pregnancy and childbirth leave under Article 163 (1) of the Labour Code, lasting for a period of 410 days, which may be used by the father after the child's 6 months of age (Article 163 (10) of the Labour Code). During the leave under Article 163 of the Labour Code, a compensation is paid and the daily cash benefit is determined at 90 percent of the average daily gross remuneration or the average daily insurance income on which contributions have been paid or are payable and for self-employed persons – the paid-in contributions for general sickness and maternity for the period of 24 calendar months.

We refer once more to the data provided under Article 8.

Table No 3 : Statistical indicators characterising pregnancy and childbirth cash benefits in the period 2009-2017

Year	Number of benefits	Costs (million BGN)	Costs/GDP (%)	Average amount of benefit (BGN)	Average amount of benefit/Average insurance income (%)
2009	858, 844	311.9	0.4	363.11	65.5
2014	697, 436	293.2	0.4	420.46	61.5
2015	719, 444	324.8	0.4	451.44	62.1
2016	732, 077	348.5	0.4	476.10	61.8
2017	708, 053	372.0	0.4	525.45	64.0

Table No 4 : Statistical indicators characterising childcare cash benefits in the period 2009-2017

Year	Number of benefits	Costs (million BGN)	Costs/GDP (%)	Average amount of benefit [2] (BGN)	Average amount of benefit/Average insurance income (%)
2009	558, 219	118.7	0.2	240	43.3
2014	491, 717	144.5	0.2	340	49.8
2015	517, 349	152.7	0.2	340	46.8
2016	528 ,418	155.7	0.2	340	44.2
2017	528, 525	155.3	0.2	340	41.4

In addition, childcare leave until the child's attainment of the age of 2 years, which is used after the pregnancy and childbirth leave, may be granted to the father (adoptive father) with the consent of the mother (adoptive mother) (Article 164 (3) of the LC). During the time of use of the leave under Article164 of the Labour Code the mother (the adoptive mother), respectively the father (adoptive father), is paid a monthly pecuniary compensation in an amount determined by the Budget of the State Social Security Act.

In view of the legal opportunity to use two types of paid childcare leave for a total period of up to two years, the national legislation (Article 167a of the Labour Code) regulates the parental leave for raising a child until the child's attainment of the age of 8 years, which is 6 months long for each parent, as unpaid leave. The Labour Code provides for an individual right for each of the parents (adoptive parents) if they work in an employment relationship, regardless of the grounds for its occurrence and type, to use unpaid leave of 6 months for raising a child until the child becomes 8 years of age. Each parent (adoptive parent) may use up to 5 months of the other parent's (adoptive parent's) leave with his or her consent. The entitlement to parental leave is not subject to prior length of employment service. The leave may be used in a single uninterrupted period or in parts. The person wishing to use the leave should notify his or her employer at least 10 working days in advance. It is necessary to submit a written application to the employer who is obliged to grant the leave from the day specified in the application. The employer is not entitled to postpone the use of the leave. If the person is not entitled to the leave, the employer is required to notify him or her in writing immediately.

In this regard, Bulgaria has established legal opportunities that guarantee participation of men equal to that of women in care responsibilities.

The report states that there are no statistics on the number of parents who benefit from the opportunity for parental leave. Such statistics are not available.

The Committee asks whether, at the end of their parental leave, workers have the right to return to the same job.

The LC regulates the rights of mothers (fathers) who return to work after a maternity (paternity) leave. Pursuant to Article 167b of the LC, where a worker or employee returns to

[2] The amount of the childcare cash benefits until the child's attainment of the age of 2 years is determined annually by the Budget of the State Social Security Act for the respective year.

work at the end of a period of leave under Articles 163 - 167a or earlier due to discontinuance of such leave, he or she shall have the right to propose to the employer changes in the length and distribution of his or her working time for a certain period or other changes in the employment relationship facilitating his or her return to work. For example, it is possible to negotiate part-time work (Article 138 of the LC), flexible working time (Article 139 (2) of the LC), etc. In view to encourage more successful reconciliation of the worker or employee's professional and family responsibilities, the employer is obliged to take into consideration the proposal. Upon agreement between the parties, the alteration in the employment relationship is made by an additional agreement in writing to the employment contract under Article 119 of the LC. Article 167b (3) of the LC provides that the worker or employee and the employer may agree on amendment of the employment relationship under Article 119 of the LC even while the worker uses a leave under Articles 163 - 167a and the agreed changes will take effect after the person's return to work.

Moreover, according to Article (3) of the Protection Against Discrimination Act, when the mother who uses pregnancy and maternity leave or childcare leave (including under Article 167a of the LC) or the person who uses the leave under Article 163 (8) (paternity) of the LC or childcare leave (including Article 167a of the LC) returns to work due to the lapse of the leave or due to discontinuance of its use, he or she has the right to occupy the same or another equivalent position and benefit from any improvement in the working conditions for which he or she would have the right if he or she was not on leave. In addition, after their return from pregnancy and maternity leave or childcare leave, if a technological change has occurred, such persons are provided with training in order to attain professional qualifications that correspond to the change.

In view to ensure better reconciliation of the professional and private life of parents with young children and provide employment for unemployed persons by creating childcare opportunities, the operation 'Parents in Employment' was announced in the framework of Operational Programme 'Human Resources Development'. The implementation of the procedure will facilitate access to the labour market of parents who raise children aged 0 to 5 years so that they could maintain the level of their labour and economic activity, employment and income, or find job. At the same time, this will enable unemployed people to get hired and care for young children. Parents on sick leave or childcare leave and unemployed parents whose children are not enrolled in a childcare facility may benefit from the services. As a result, the operation will have a positive effect, preserving the quality of workforce and the labour productivity of parents and enabling them to start or continue their careers.

In the previous programming period 2007-2013, the operation 'Back to Work' was implemented. It ensured an opportunity for provision of high-quality care for children aged 0 to 3 years, whose both parents are employed in an employment or official employment relationship or are self-employed. During the implementation of the project a total of 3,569 child carers were employed and 3,569 parents of 3,569 children benefited from the project.

Article 27 - The right of workers with family responsibilities to equal opportunities and equal treatment

Paragraph 3 – Unlawful termination of employment on the grounds of family responsibilities

2018 Report

The legal framework of the grounds for termination of employment relationship and protection from dismissal is laid down in the Labour Code (LC).

In the reference period – 1 January 2010 – 31 December 2017, no amendments to the legal framework were made.

The Committee has concluded that the situation in Bulgaria is not in line with Article 27, paragraph 3 of the Charter, due to the fact that the legislation does not provide sufficient protection for workers with family responsibilities against dismissal.

The Committee considers that, generally, the Labour Code does not provide sufficient protection for workers with family responsibilities against dismissal – the Labour Code does not contain explicit prohibition against such dismissal (nor it contains an automatic presumption that the dismissal of a worker who uses parental leave or childcare leave is unjustified). Moreover, not all employees who use parental leave are covered by the provisions of Article 333, for example those who use unpaid leave under Article 167a.

The grounds for termination of the employment relationship are imperatively defined in the Labour Code. The grounds for termination of the employment relationship on the initiative of the employer include general grounds that are regulated in Article 325 of the LC and grounds without notice under Article 330 of the LC, as well as grounds that presuppose notice of workers or employees – Article 328 of LC. The Labour Code also provides for an option for termination of the employment relationship in consideration of compensation negotiated with the worker or employee under Article 331 of the LC. Employers may not terminate a worker or employee's employment contract on grounds other than those expressly provided for in the Labour Code. It has already been noted in the previous national report that there are no legislative provisions for termination of an employment contract on the basis of marital status.

In addition, it should be noted that Article 8 of the Labour Code stipulates that, in respect of the exercise of labour rights and duties, there shall be no direct or indirect discrimination on grounds of ethnicity, origin, gender, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade union and other public organisations and movements, family and property status, existence of mental or physical disabilities, as well as differences in the contract term and the duration of working time. If a worker or employee considers that he or she has been dismissed on a ground other than the ground specified in the order terminating the employment relationship, including because of his or her parental responsibilities for childcare, he or she may challenge it in court. The employer must prove the ground for dismissal that is specified in the order terminating the employment relationship.

Last but not least, the protections provided by the Labour Code on termination of the employment relationship should be mentioned. A worker or employee who uses a leave under Article 163 (pregnancy and childbirth, paternity, etc.) may be dismissed only upon closure of the enterprise (Article 328 (1) (1) of the LC). A pregnant worker or a worker in an advanced stage of in vitro treatment may be dismissed with notice only on the grounds of closure of the enterprise, upon refusal of the worker or employee to follow the enterprise or a division thereof, in which the worker or employee works, when the said enterprise or division

relocates to another nucleated settlement or locality, where the position occupied by the worker or employee must be vacated for reinstatement of an unlawfully dismissed worker or employee, who previously occupied the same position and when performance of the employment contract is objectively impossible (Article 328 (1) (1), (7), (8) and (12) of the LC), and without notice when the worker or employee has been detained for execution of a sentence or the worker or employee is dismissed by reason of breach of discipline (Article 330 (1) and (2) (6) of the LC). The dismissal by reason of breach of discipline requires the advance permission of the labour inspectorate. Termination of the employment relationship of a female worker or employee, who is the mother of a child who has not attained the age of three years, an occupational-rehabilitee worker or employee, as well as a worker or employee who has commenced the use of a leave permitted thereto, including under Article 167a, is only possible after advance permission of the labour inspectorate for precisely stated reasons – closure of part of the enterprise or downsizing of personnel, reduction in the volume of work, change of the requirements for execution of the position, if the worker or employee does not satisfy the said requirements, and dismissal by reason of breach of discipline. As regards occupational-rehabilitee workers or employees, the opinion of a labour-expert medical commission shall be considered as well. It is evident from the foregoing that any worker or employee who has commenced the use of the leave under Article 167a of the LC enjoys protection from dismissal.

The Committee concludes that, in the event of award of compensation for unlawful dismissal by the courts or other competent authority, there must be no prior limit on its amount as this may prevent the award of compensation that is commensurate with the actual loss suffered and may not have sufficient deterrent effect (Conclusions 2005, Estonia).

So far there is no change in Article 225 (3) of the LC concerning the worker or employee's right to compensation in the event of unlawful dismissal for the period of unemployment caused by reason of the dismissal, but not more than six months. It should be borne in mind that the Civil Procedure Code provides for summary proceedings in the examination of claims for remuneration, for pronouncing the dismissal unlawful and revoking the dismissal, for reinstatement to the previous work, for compensation for the period of unemployment as a result of the dismissal and for correction of the ground for the dismissal which is entered in the work book or in other documents (Article 310 of the CPC). Summary proceedings are also a precondition for shorter periods of the unemployment compensation.

Apart from the compensation for unlawful dismissal as provided in Article 225 of the Labour Code, the worker or employee is entitled to claim compensation for non-pecuniary damage, which, according to the Obligations and Contracts Act (OCA), is not limited in terms of time and amount. The court may award compensation for the non-pecuniary damage suffered that is a direct and immediate consequence of the tort.

In addition to the abovementioned benefits under the LC and the OCA, the worker or employee is also entitled to unemployment allowance under the Social Security Code.

Apart from the right to compensation for unlawful dismissal, the Labour Code regulates, the worker or employee's right to be reinstated at work.

According to Article 345 (1) of the LC, upon reinstatement of the worker or employee to the previous work thereof by the employer or by the court, the worker or employee may take the work if the worker or employee reports to work within two weeks after receipt of the communication, unless this time limit be exceeded for valid reasons.

Article 172 (2) of the Criminal Code (CC) provides for penal responsibility of an official who fails to carry out an order or a court decision that has entered into force for reinstatement at work of an unlawfully dismissed worker or employee. The punishment is imprisonment for up to three years.

Punishment is also provided for a person who intentionally compels another person to leave a job because of his or her nationality, race, religion, social origin, membership or non-membership in a trade union or another type of organisation, political party, organisation, movement or coalition with political objective, or because of his or her or of his or her next-of-kin political convictions. The punishment is imprisonment for up to three years or a fine of up to BGN five thousand (BGN 5,000) (Article 172 (1) of the CC).

The Committee requests confirmation that there is no cap amount that may be offered as compensation under Article 331 of the LC.

Pursuant to Article 331 (1) of the LC, the employer, acting on his or her own initiative, may offer the worker or employee termination of the employment contract in consideration of compensation, i.e. no matter what the reasons for it are. If the worker or employee fails to react in writing to any such offer within seven days, rejection of the offer shall be presumed. If the worker or employee accepts the offer, the employer shall owe the worker or employee compensation to the amount of not less than the quadruple amount of the gross monthly labour remuneration as last received, unless the parties have agreed on a larger amount of the compensation. If the compensation is not paid within one month after the date of termination of the employment contract, the grounds for termination of the said contract shall be presumed lapsed.

It is apparent from the above provision that the termination of an employment contract on these grounds is made on the initiative of the employer and with the consent of the worker or employee and the parties are entitled to agree on the amount of the compensation but not less than the quadruple amount of the gross monthly labour remuneration as last received, i.e. at least four gross monthly labour remunerations and there is no statutory cap on the number of gross monthly labour remunerations.

Annex No 1

Reference of the number of pedagogical specialists from kindergartens, who have visited a course and a number of participation as per the duration of the course

Reference of the number of pedagogical specialists, who have visited a course and number of participations in a course, according to the duration of the course, of the pedagogical specialists type, who are employed on a main or secondary labour contract, employed at full-time for the school year 2018/2019 in kindergartens, as per positions, as to 15.09.2018.													
Qualification course as per its duration	Number of pedagogical specialists, who have visited a course	Number of participations and number of participants in a course as per the positions of the pedagogical specialists											
		Headmaster - participations	Headmaster - participants	Vice-Headmaster - participations	Vice-Headmaster - participations	Teacher - participations	Teacher - participants	Senior Teacher - participations	Senior Teacher - participants	Head Teacher - participations	Head Teacher - participants	Pedagogical adviser/psychologists - participations	Pedagogical adviser/psychologists - participants
Full day	6562	2849	891	124	43	2889	1467	9076	3862	688	286	61	25
short-term - up to 18 school hours	8314	4919	1072	246	52	5051	2002	14530	4804	1300	371	138	44
mid-term - from 18 up to 60 school hours	6964	2808	1034	73	30	1716	1175	7710	4360	739	352	38	22
long-term - above 60 school hours	1466	516	317	17	11	305	254	973	793	122	83	16	12
one year specialization	390	124	107	3	3	66	61	202	188	35	30	2	2
long-term specialization (more than 1 year)	180	52	48	0	0	56	53	73	71	6	5	4	3
half-day	5275	1449	594	50	28	2745	1291	7333	3131	573	220	31	21
16 hours (1 credit)	13121	5861	1455	217	60	10672	4395	16532	6748	1317	426	206	79
32 hours (2 credits)	2279	414	353	13	11	902	820	1118	1019	87	75	7	4
48 hours (3 credits)	56	17	15	0	0	8	8	28	28	4	4	1	1
long-term training	298	53	46	2	2	118	110	132	129	11	10	1	1
without specific duration	1665	611	227	43	11	1487	534	2378	831	143	54	20	11
From total number of pedagogical specialists	18894	From total number of headmasters	1806	From total number of of vice headmasters	94	From total number of teachers	7493	From total number of senior teachers	8790	From total number of head teachers	521	From total number of pedagogical advisors /psychologists	190

Annex No 2

Reference of the number of pedagogical specialists from kindergartens, who have visited a training course and a number of participations in courses, according to their duration and as per their position

Reference of the number of pedagogical specialists, who have visited a course, as per the course type, of the of pedagogical specialists type, from kindergartens as per their position, as to 15.09.2018													
	Number		**Number of participations and number of participant in a course as per the positions of the pedagogical specialists**										
Qualification course type, as per the qualification course type	**pedagogical specialists, who have visited a course**	**Headmaster - participations**	**Headmaster - participants**	**Vice-Headmaster - participations**	**Vice - Headmaster - participants**	Teacher - participations	Teacher - participants	Senior Teacher - participations	Senior Teacher - participants	Head Teacher - participations	Head Teacher - participants	Pedagogical advisor /psychologist/	Pedagogical advisor /psychologist/
Instruction course (ITU)	1283	640	260	18	10	429	241	1207	695	108	74	5	3
thematic course of the subject taught	5329	1825	578	72	24	2344	1151	7944	3313	655	244	61	33
seminary / practice of the subject taught	5455	2303	721	98	35	2529	1239	7230	3211	632	237	55	31
products development of the subject taught	359	71	59	6	4	81	72	246	203	25	23	0	0
training	3431	982	469	49	23	1339	749	4207	2020	339	157	52	18
for acquisition of new professional qualification	1920	515	329	15	13	457	355	1626	1121	141	102	7	6
for acquisition of pedagogical capacity	79	13	10	0	0	24	23	43	42	3	3	1	1
for new skills (foreign languages usage)	626	166	129	2	1	96	89	396	365	48	42	0	0
for new skills (work with computer)	3094	619	457	33	22	465	396	2516	2048	219	169	8	6
for new skills (communication skills)	1103	235	176	12	7	334	236	832	623	77	58	10	7
for new skills (other)	3936	1776	626	54	26	1475	787	4730	2309	383	175	38	22
specialization	478	175	143	9	7	71	57	330	238	35	31	2	2
introductory course	119	29	26	0	0	42	37	57	51	5	4	1	1
master class	45	13	11	0	0	15	13	16	16	4	4	1	1
introductory – for individuals, employed for first time in the Pre-schooling and Schooling Education System (article 45,	194	18	12	0	0	219	152	40	28	1	1	2	1
introductory – assigned for first time at new position	67	33	25	1	1	46	35	7	6	1	1	0	0
introductory, taking a position, which is new for the Pre-schooling and Schooling Education System	25	4	3	0	0	6	6	14	13	2	2	1	1
introductory – after a suspension of the teaching profession in the specialty for more than	23	1	1	0	0	20	16	8	6	0	0	0	0
introductory – in case of modification of the educational plans and programs at schools and of subject taught	528	157	87	12	5	291	172	345	234	37	27	8	5
continuous – short trainings and practices	13071	6716	1423	265	60	12428	4331	19378	6798	1498	426	223	78
continuous – participation in researches, research and creative activities	129	38	30	0	0	34	32	62	59	11	8	0	0
continuous – for acquisition of higher professional and qualification degree	792	123	95	7	5	339	278	505	397	27	18	1	1
continuous – acquisition of new or additional professional qualification	60	231	115	5	3	306	189	466	268	36	22	4	4
preparation, presentation and publishing of a report in specialized issue	105	53	38	0	0	25	19	46	38	11	9	1	1
scientific or scientific and methodical publication in specialized issue	38	19	16	4	2	9	8	13	11	2	2	0	0
other course type...	5134	2918	757	126	28	2591	1122	7821	2984	725	232	44	20

From total number of pedagogical specialists	**18,894**	**From total number of head masters**	**1,806**	**From total number of vice head masters**	**94**	From total number of teachers	7,493	From total number of senior teachers	8,790	From total number of head teachers	521	From total number of pedagogical advisors and psychologists	190