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of the European Social Charter

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THE GOVERNMENT OF BULGARIA

Follow-up to collective complaints

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APPROVED BY
Minister of Labour and Social Policy:

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NATIONAL REPORT

For the period from 1 January 2017 to 30 September 2020,
presented 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 implementing measures for the provisions adopted by it

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Introduction

This Report has been prepared after consultations and cooperation with the competent departments.

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

The Bulgarian side shall remain available for any further questions or clarifications that may arise in the process of reviewing this Report.

Follow-up to complaint No. 31/2005 lodged by the European Roma Rights Center (ERRC) against Bulgaria

Follow-up to complaint No. 31/2005 lodged by the European Roma Rights Center (ERRC) against Bulgaria for the period after 01.01.2017:

I. On the issue of unsatisfactory housing conditions of Roma families and lack of public works

The Ministry of Regional Development and Public Works (MRDPW) provided information for the period for a joint project with the World Bank "Assessment of the housing and the living conditions of the most marginalized and vulnerable communities (with focus on the Roma) in Northwestern Bulgaria". The results of this project will be used for the preparation of the programme "Improving the Housing Conditions of the Most Vulnerable Groups of the Population", which is part of the currently developed draft of National Housing Strategy. A team of MRDPW and the World Bank will carry out a basic assessment of the housing and the living conditions of the marginalized communities in three districts (six settlements in five municipalities) in the north-west part of the country.

The planned activities aim to analyse the housing conditions of the marginalized groups (with a focus on the Roma) and to identify potential obstacles to a more efficient housing policy, both on the supply side (policy development, implementation and supply) and on the demand side (beneficiaries — representatives of marginalized groups with a focus on the Roma).

The completion of the mission and the presentation of the results of the field work and the analytical report is expected at the end of December 2020.

In view of the importance of the housing policy as a basic policy for the state government of the country and the need to accelerate the procedures for preparation and approval of strategic documents in the housing sector, a draft of a new National Housing Strategy (NHS) has been developed. The overall process is supported by an interdepartmental working group with broad public participation. The NHS project was developed on the basis of the conclusions and findings made in the "Assessment of the Housing Sector" prepared by the World Bank.

The draft of NHS defines the general framework for the development of the housing sector. It will be implemented with national/targeted programmes aimed at meeting the specific objectives set out therein. The planned programme package is aimed at building the framework of the national housing system and addressing priority issues, some of which include the implementation of specific actions to improve the housing conditions of vulnerable population groups and reduce the relative share of the homeless people and the citizens in need of social housing.

The strategic objectives of NHS are oriented towards finding sustainable long-term solutions to the issues addressed to the housing sector, and their direct realization on site will be within the competence of the municipal administrations.

Programmes towards the specific objectives of the strategy are currently being identified.

It is indisputably important to find a solution to the problem of the illegal housing. According to the Bulgarian legislation, illegal construction is one that was built without construction papers (without a building permit and/or an approved investment project) or in non-compliance with the requirements of the Spatial Planning Act (SDA). The residential buildings up to 10 m high fall into the categories of construction – fourth, fifth and sixth under the SDA and their control is entirely within the powers of the mayor of the respective municipality.

At the initiative of the Minister of Regional Development and Public Works, a working group was established to propose amendments to the SDA, the State Property Act and the

Municipal Property Act, which would introduce an obligation to assess the proportionality in administrative proceedings and to assess the circumstances of the dwelling of the illegal housing, namely — whether the housing is not dangerous to the health and life of its inhabitants, whether it is inhabited by minors, as well as by persons with permanent disabilities, as well as what are the possibilities for providing suitable alternative accommodation. The proposed changes provide for a postponement of the order to remove illegal construction in cases where it is used as a sole residence and there is no danger to the health and life of the inhabitants.

The National Association of Municipalities in the Republic of Bulgaria (NAMRB) also participates in the activities of this working group. The Association participates in various working formats in the field of the protection of the families of the Roma community in terms of housing, including the conditions for relocation.

Thus, in the process of preparation by the MRDPW of the National Housing Strategy in 2018, they gave their recommendations for:

- Expanding priorities and measures to ensure the exercise of the right to decent housing at an affordable price, in accordance with Art. 34 of the Charter of Fundamental Rights of the EU in the section on the right to social assistance and housing assistance designed to ensure a decent existence of persons who do not have sufficient resources;
- Consideration of the access to housing as part of the European Pillar of Social Rights proposed by the EC - COM (2017)251, paragraph 19, in the following recommended directions it is mainly a target group - vulnerable persons:
 - o Access to social housing or housing assistance for those in need;
 - o Adequate assistance and protection against forced relocation of vulnerable groups;
 - o Providing adequate shelter and services to the homeless people to promote their social inclusion.
- Inclusion of specific measures and programmes concerning housing in ghettoized neighbourhoods or areas, etc.

NAMRB has prepared "Analysis for identifying the development status of segregated areas (ghettos) with concentration of Roma population“ with good practices implemented by municipalities, as well as possible solutions, current at this time too. The survey was conducted by the NAMRB in the period December 2015 - January 2016 by an agreement between the Deputy Prime Minister for Demographic and Social Policy and the Minister of Labour and Social Policy, the Deputy Minister of Regional Development and Public Works and the NAMRB.

In this analysis the following urban planning problems and possible solutions have been identified:

- To define a specific procedure in the SDA for legalization when the buildings are not dangerous to live in;
- To amend and supplement Ordinance No. 7 on RRDCTTDZ;
- To provide model projects for the construction of residential buildings and regarding simplified procedures for them;
- To prepare current cadastral maps of segregated areas (from CA);
- The change of the purpose of the land and the elaboration of the DDP - RCP of the zones to be carried out by the state or with its protection;
- To support the activities for the preparation of geodetic surveys and approval of GDPMs;
- Non-admission of uncontrolled migration and self-accommodation of Roma from other regions;
- Amendment of the regulatory framework in the part for regulation of built-up agricultural land (transitional period for implementation of certain actions by stakeholders and the relevant competent authorities) in order to incorporate municipal and state property in regulation under the Law, not through separate and costly procedures in each settlement;
- Facilitation of all procedures for design and change of land use, incl. introduction of a more social type of construction — for the poor. Specific rules and

norms in spatial planning in relation to such areas. Anticipation of the steps and the stages throughout the cycle, incl. for legalization of illegal buildings — after detailed photography and completion of all procedures for inclusion in regulation or regulation of properties; specific rules and norms in the MPA and the SPA for provision of land in these areas. Regulated properties to be sold not only at market prices (as per the MPA and the municipal ordinance). This can only happen after the necessary political decisions and their respective legal changes;

- Due to the fact that there is a lot of agricultural land of private owners, which are built with illegal houses, this does not allow municipalities to even start procedures for reallocation. To give legal opportunity to replace private agricultural lands with equivalent municipal ones before the start of the procedures for reallocation and regulation;

- Facilitation of the procedure for approval of the DDP and inclusion in a regulation in such cases;

- Financing of the GDPMs of the municipalities should be entirely at the expense of the state.

- For municipalities to provide incentives and financial relief for the implementation of a procedure for land use change, as well as for the procedures for land reallocation; less bureaucratic procedures;

- Support in the preparation of cadastral plans and facilitation of procedures;

- Easing the procedures for changing the use of forests from FF, as AUP provides the municipalities with a part of the areas affected by construction;

- Partial application of the DDP;

- Relief of Ordinance 4 on the investment design of MRDPW;

- Official change of land use and DDP-RCP to be prepared by the MRDPW, including co-financing of regulation, cadastral photography, as well as DDP and RCP. Easing the approval procedures regarding the DDP;

- To Art. 137, para. 1, item 5 and item 6 it is imperative the introduction of a subgroup "constructions" "Urgent shelter" with a temporary status for up to 5 years, without rights (in rem) even on the land, if it is common, and with contracts and indemnities for commitments without their regime for proceeding, auditing, etc. which are impossible for socially weak people;

- MLSP to cover/support the design costs and the fees for issuing a building permit to socially disadvantaged families.

Conclusions and recommendations of the analysis (to be updated, supplemented and clarified):

- Problems related to housing conditions and the separation of segregated areas have existed for more than two decades, the delay and transfer of solutions to problems exacerbate them and multiply the negatives rather than improve the situation. The transfer of commitments and new functions regarding the illegal construction of the TSD municipal units without any expert and resource security is an attempt to "erase" the traces and responsibility of the respective control bodies that failed to manage the problem by 2012.

- The number of zones does not depend on the number of settlements or population, but on other reasons — concentration of the population in one neighbourhood around which a segregated area has been established or numerous settlements, buildings or neighbourhoods around which ghettos have formed. Domestic migration, livelihood opportunities and other factors have an additional impact.

- There are a number of options for solutions, but applied separately and sporadically by units of municipalities, the changes will not lead to a substantial improvement in housing conditions and the elimination of segregated areas.

- There is no comparison of birth rates by type of territory, i.e. urban planning lags seriously behind the dynamics of the "real life" and the tendencies for population growth within a community, a settlement and a territory.

- It is necessary to further investigate the impact of the measures related to the address registration of persons introduced a few years ago and, if so, to comment on similar

alternatives for solving the remaining problems. To be assessed the extent to which a match can be made between the domicile and the address registration of persons.

In last year's report, which has not yet been reviewed by the ECSP, the Ministry of Labour and Social Policy also provided information on the measures that were implemented during the reporting period from 01.01.2017 to 30.06.2019 under the Operational Programme "Human Resources Development" (OPHRD) 2014-2020 related to the complaint:

We believe that there is a need to continue the coordination efforts to provide complete and comprehensive support to the target groups of the Roma communities, including marginalized communities, while continuing to intervene **simultaneously in different areas: education, employment, healthcare, *improving housing conditions*, overcoming negative stereotypes, etc., as well as to have an integrated approach.**

Creating mechanisms and conditions for active inclusion of the Roma, including to be citizens of full value in the economic and social life of the country, is a key prerequisite and it is essential for their subsequent socio-economic integration. OP HRD2014-2020 continues to implement and develop coordination efforts to provide complete and comprehensive support to target groups of the Roma communities, including marginalized communities, as the interventions continue to be simultaneously in the aforementioned different areas through the implementation of the integrated approach.

Therefore, the specific investment priority "Socio-economic integration of marginalized communities such as the Roma" was laid down in the process of programming of the OPHRD 2014 – 2020. All support measures are implemented in a comprehensive and integrated manner within this priority. The main objective is to create lasting and successful coordinated mechanisms, to share experiences, to solve long-standing local problems and to involve as many interested parties as possible, incl. representatives of the Roma community and various experts working and responsible for the priorities of the Roma integration.

In this regard, by a decision of the Council for Coordination in the Management of EU Funds of 06.10.2016 it was approved the launch of an integrated scheme for inclusion of vulnerable groups, incl. to further develop the pilot model from the period 2007-2013 for integrated investments for vulnerable groups.

After pre-selection, **52 municipalities were invited to submit integrated project proposals under Component 1** of the integrated direct grant award procedure "Socio-economic integration of vulnerable groups. Integrated measures to improve access to education" with a total budget of BGN 70,000,000, including funds from OP HRD — BGN 50,000,000 and funds from OP SESG — BGN 20,000,000.

Invitations were made to the following municipalities:

Borovo, Kubrat, Antonovo, Satovcha, Cherven bryag, Nikola Kozlevo, Tvarditsa, Yakimovo, Septemvri, Bratsigovo, Lukovit, Tundzha, Pavlikeni, Rakitovo, Dryanovo, Zavet, Tervel, Sredets, Pravets, Ihtiman, Vidin, Samuil, Valchi Dol, Sliven, Belitsa, Gulyantsi, Lesichovo, Boychinovtsi, Hadzhidimovo, Krivodol, Polski Trambesh, Asenovgrad, Etropole, Ispereh, Dve Mogili, Botevgrad, Elin Pelin, Strazhitsa, Smyadovo, Lyaskovets, Radomir, SM Krasna Polyana District, Dolna Mitropoliya, Borovan, Kaspichan, Dolna Banya, Shabla, Byala (Ruse), Novo selo, Kyustendil, Vetovo and Simitli.

After completing the evaluation of Component 1 of the integrated procedure, **48 project proposals have been proposed for funding.**

The total value of the project proposals proposed for funding under the procedure amounts to **BGN 37,120,542.42**. (thirty-seven million one hundred and twenty thousand five hundred and forty-two BGN and 42 st.), including funds under OP HRD — **BGN 20,985,019.96** (ESF — **BGN 17,837,266.97** and national co-financing — **BGN 3,147,752.99**) and funds under OP SESG — **BGN 16,135,522.46** (ESF — **BGN 13,715,194.09** and national co-financing — **BGN 2,420,328.37**).

Component 2 of the integrated procedure, targeting the large 39 beneficiary municipalities of the Operational Program "Regions for Growth" was announced on March 26,

2019. Component 2 of the procedure will be implemented with the support of the three operational programmes — OP HRD, OP SESG and OP RG. 39 municipalities — beneficiaries under Priority Axis 1 of the OP RG 2014 - 2020 whose Integrated Urban Recovery and Development Plans include measures for the construction of social housing — are eligible under this component.

At the beginning of 2019, **about 26 of these 39 municipalities** have planned to build social houses, and both of the programs – OP HRD and OP SESG — foresee identical activities with the target groups of the procedure, planning the placement in social housing to be tied to activities in the other 4 main directions — labor market, education and training, social and health services, local community development and overcoming the negative stereotypes.

The total budget of this second component is **BGN 33 million — the budget of the OP HRD is BGN 30 million and the OP SESG provides BGN 3 million.**

The deadline for applying for this Component-2 is **16 December 2020.**

At the same time, a number of schemes are being implemented under priority axis 2 of the OP HRD, which are not explicitly targeted at the Roma ethnic minority, but the Roma fall within their reach (**mainstream approach**) as vulnerable groups. At the beginning of **2019** the following data have been reported in relation to the Roma included in the operations under OP HRD:

- "New alternatives" — 792 Roma;
- "Independent life" — 1,124 Roma;
- "Accept me 2015" — 1,674;
- "Early Childhood Development Services" — 14,193 Roma;
- "Active involvement" — 429 Roma.

The total number of persons included by 01.01.2019 reached **18,510 persons from the Roma communities**, as within 2018 their number was 1,559. Over 85% of all involved persons are children aged 0 to 18 within the two operations "Early Childhood Development Services" and "Accept Me 2015".

Finally, we would like to point out that the existing opportunities for Roma integration under the ESIF are not limited, in their capacity of vulnerable groups. First steps have been taken to solve various and many problems. The forthcoming implementation of the set complex and integrated measures will show **to what extent and grade the municipalities themselves, as local authorities, will solve the existing difficulties and problems at the local level** in the processes of integration of the Roma community.

In addition to the information on the integrated approach implemented by Bulgaria, we would like to provide information on the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration (2012 – 2020), adopted with a decision of the National Assembly from March 1, 2012. It is a political framework document, setting guidelines for the implementation of the Roma social integration policy. The Strategy also helps with the implementation of the National Action Plan for the period of 2015 – 2020, which includes specific measures and actions implemented by different institutions to help with the socio-economic integration of the Roma.

During the period of 01.01.2017 – 30.06.2019, more than 114 thousand people were included in various activities supporting the integration of the unemployed persons self-identified as Roma.

	2017	2018	01.01. - 30.06.2019
<i>Total number of persons covered by the different activities, including:</i>	46,293	43,844	24,344

To increase employability and qualification of unemployed Roma persons	27,031	24,508	12,588
Providing employment for Roma job seekers	19,144	19,251	11,756
Promoting entrepreneurship, starting and managing your own business	118	85	65
Promoting social and civil dialogue in support of the employment of Roma	389	260	101

Recruitment intermediaries – Roma mediators – work to improve access to the labor market for economically inactive Roma people, incl. discouraged persons. The Roma mediators are persons who identify themselves as Roma and are employed by the Labor Office Directorates (LOD) under the National Program "Activation of Inactive Persons". They motivate the economically inactive Roma people to register in the Labor Offices for the purpose of using employment mediation and training services. In this regard, the mediators carry out information campaigns and individual and group meetings with inactive and discouraged persons in the neighbourhoods and settlements served by the LOD with a more compact Roma population. The Roma mediators have activated and motivated for registration in the Labor Offices economically inactive persons who identify themselves as Roma, as follows: in 2017 — 5,506 persons; in 2018 — 5,177 persons and in the first six months of 2019 — 3,005 persons.

Labor exchanges are organised in order to facilitate access for Roma people to information about job vacancies and to provide direct contact and contracting with employers to start work. The labor exchanges are visited by job seekers belonging to more than one target group, including the Roma group. In 2017, 4 labor exchanges targeting the Roma community were held, as a result of which 211 people started working. In 2018, there was one labor exchange targeting the Roma community, as a result of which 121 people started working. In the same year, 28 specialized labor exchanges were held for persons with basic and lower than basic education and/or without qualifications, with the number of employed persons being 1,963. In the first half of 2019, 87 labor exchanges were held, 21 of them were specialized. As a result 8,876 job seekers were employed and 5,843 of them were registered in the labor offices.

In Bulgaria there is a practice **to solve housing and assistance for the needy and homeless people by establishing and maintaining the already established social services**, which can be used by the respective target groups. The aspiration is the access to social housing or housing support to be of good quality, the vulnerable people to be entitled to get and appropriate assistance and protection, and the homeless people to be provided with adequate shelter.

Within the operation "Integrated actions for sustainable urban development" under the OP HRD with a budget of BGN 18 million support is provided for complementarity through the so-called "soft" measures (establishment and operation of social services — temporary accommodation centers, crisis centers, shelters and centers for children living on the streets) for the interventions planned for financing by the OP RG in the social infrastructure. The municipalities where the crisis centers under the operation will be built are: Burgas, Veliko Tarnovo, Plovdiv, Sliven, Sofia Municipality, Yambol, Asenovgrad.

Sofia Municipality provided information on the order and the conditions for establishing the residential needs of the citizens in Sofia. They, as well as the rental relations, are regulated by an Ordinance on the terms and conditions for management and disposal of municipal dwellings on the territory of Sofia Municipality. Pursuant to Art. 4 of the cited Ordinance. The

mayors of districts organize and are responsible for the maintenance and management of municipal dwellings on the territory of the respective district.

Under a contract between Sofia Municipality and the Ministry of Regional Development and Public Works and Priority Axis I: "Sustainable and Integrated Urban Development" Operation 1.2: "Housing Policy" Scheme BG 161RO001/1.2-02 /2011 "Support for the provision of modern social housing for vulnerable, minority and socially disadvantaged groups of the population and other disadvantaged groups" under Operational Programme "Regional Development" 2007-2013 the project "Provision of modern social housing for vulnerable groups of the population" has been implemented on the territory of the districts Lyulin and Vrabnitsa of Sofia Municipality.

The overall goal of the project is to develop a sustainable and integrated model for raising the standard of living of people from vulnerable and disadvantaged groups by ensuring equal access to modern and adequate housing conditions, creating prerequisites for spatial integration, social inclusion and motivation for active inclusion in public life. Its specific objective is to improve the social housing infrastructure and to provide housing conditions which are affordable and consistent with the generally accepted standards on the territory of Sofia Municipality by additional building of a block in Lyulin district to level 9 floor, with 45 social dwellings and construction of a four-storey residential building in Vrabnitsa district with 26 social dwellings with different area and functionality. For social housing it is also used the residential block No. 3 in "Slatina" district.

In the absence of any opportunities for use of social housing, municipal and/or private property, people in need can benefit from the established social services in the community and the specialized institutions.

As a result of the high migration in the region of Sofia, there is overcrowding in the city of Sofia and inability to provide housing and shelter for all those in need. The data in recent years show that it is in Sofia that the largest number of homeless and beggars is concentrated. Many of them are covered by the social services system.

All year round there is a Center for Crisis Accommodation of Homeless Persons with its branch in the residential area Zaharna Fabrika, the residential block 51, entrance A and the residential block 48-A. with a total capacity of 70 positions (provide shelter from 6 p.m. to 10 a.m. on the next day).

In addition to the group of homeless people, through the social services it is aimed to meet the needs of shelter and support for elderly people and persons with special needs. For them there are eight specialized institutions, state delegated activities, that are profiled according to their age, physical and mental health. The total capacity is 1,013 positions.

For people with disabilities, six protected homes, profiled according to the psychic and mental health status of users, with a total capacity of 48 positions, have been discovered and they are operating.

For support and shelter of mothers with children the social service "Mother and baby" functions with a focus on prevention of abandonment.

Providing support in the community of victims of domestic violence and other forms of schedule is provided in Crisis Centers. There are three of them which are profiled for children who are victims of violence, children who are victims of trafficking and persons who are victims of domestic violence — women and their children. The capacity of the three centers is 40 positions.

A family-type Accommodation center for physically disabled adults with a capacity of 8 positions was opened for accommodation of disabled people who need care in an environment close to the family one.

24 family-type accommodation centers for children and young people with and without disabilities, as well as a family-type accommodation center with permanent medical care, have been established for the care, upbringing and education of children who are raised in residential services for children and young people.

Complex care for minor children, young people and persons from vulnerable groups, as well as for those with long institutional stay for whom there is currently no possibility for reintegration into a family environment or into one which is close to a family environment is provided in the social service transitional housing. There are three in total with a total capacity of 24 positions.

Surveillance housing is a social service in the community for providing support, counselling to people over 18 who leave a specialized institution for children and are about to lead an independent lifestyle, supported by a team of professionals, and need help to achieve social integration and professional realization on their way to independent living. In Sofia there are two homes with surveillance, state delegated activity, with a total capacity of 12 positions.

The Temporary Accommodation Center is a service that aims to provide close to family care for persons temporarily or permanently deprived of a home. It is a complex of social services provided to homeless persons aimed at meeting their daily needs. There are three temporary accommodation centers on the territory of the city of Sofia, state delegated activity, with a total capacity of 510 positions. They accommodate families in need and their children.

Sofia Municipality uses all opportunities offered under operational programmes and projects to meet the needs of vulnerable groups of support, shelter and accommodation.

II. In respect of the lack of legal certainty regarding the possession of property and non-compliance with the conditions accompanying the removal of the Roma families from the illegally occupied homes by them

As early as for the last year's report, regarding the follow-up to complaint 31/2005, the Ministry of Justice provided information relevant to the Conclusions on the complaint, in the part on the lack of legal certainty regarding the possession of property and the non-compliance with the conditions accompanying the removal of the Roma families from illegally occupied homes by them. The information is in the context of the implementation of the group of decisions *Yordanova and others v. Bulgaria* of the European Court of Human Rights (hereinafter ECHR). This group refers to the removal of illegal housing or the seizure of illegally used state and municipal property, including by people belonging to ethnic minorities.

The decision *Yordanova and others v. Bulgaria* (complaint No. 25446/06) found that there would be a violation of Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), the right to respect private and family life and housing if the municipal properties on which the complainants' dwellings were built were seized. The decision stipulates that the mayor's order to seize municipal property and the resulting removal of the complainants from their homes are legitimate and pursue a legitimate purpose, but in this case constitute a disproportionate interference with the rights under Art. 8 of the Convention. The order was issued on the basis of a law that does not require a study of its proportionality. For this reason, the competent authorities, the mayor of the region and the administrative courts, have not assessed whether the seizure of municipal property on which the complainants' dwellings are located and the conditions of such seizure violate the rights protected by Article 8 of the Convention.

In order to assist the state in the implementation of the decision, the ECHR recommends legislative changes and changes in the case-law to ensure that, in similar situations when deciding to remove illegal housing or confiscate municipal or state property, the authorities will clearly identify the goals pursued, the persons concerned and the measures to comply with the principle of proportionality. It must be recognised that the implementation of the group of decisions from the case of *Yordanova and others* does not impose an obligation for the Bulgarian state to legalize the illegally constructed housing of Roma people.

The complaints against orders for seizure of municipal and state property representing one's sole residence (Art. 80 and 80a of the SPA and Art. 65 of the MPA) are currently considered as second instance of the III Division of the Supreme Administrative Court (SAC).

In a number of decisions, this department ordered that, in such cases, it must be assessed whether the rights of the persons living in the property will be affected excessively by comparing their individual situation with the pursued public interest of the seizure.

The complaints against orders for the removal of illegal constructions under Art. 225 and 225a of the SDA (Spatial Development Act) are reviewed by the 2nd Department of the SAC as a cassation instance. Until recently, this department had a firm opinion that the construction control authorities were not entitled to judge if it is found that a construction was illegal and that the only possibility for them in such cases was to order its removal. The SAC considered that the bodies under Art. 225 and 225a of the SDA are not bound by the general requirement for proportionality under Art. 6 of the APC (Administrative Procedure Code), because it can be applied only in cases where the administrative body has operational autonomy. The court considered that, given the purpose of the SDA to resolve the problem of illegal construction, the decision to remove the construction did not imply consideration of the individual circumstances of the persons using it as a sole residence.

In view of this practice and the need to harmonize the approach of the national courts, an interdepartmental working group was set up by order RD-02-14-652/28.06.2018 of the Minister of the Regional Development and Public Works. This group shall analyse the current regulations and shall propose legislative changes in the SDA, the SPA and the MPA, introducing a compulsory assessment of the proportionality of the interference with the right to privacy and family life and the inviolability of the housing when issuing orders for the seizure of property, state and municipal property, as well as to eliminate illegal construction. As a result of the group's activity, specific proposals for amendments of Art. 225 and 225a of the SDA, Art. 80 and 80a of the SPA and Art. 65 of the MPA were made. They envisage that the competent administrative authority is required to carry out an analysis of the proportionality of the intervention by examining certain circumstances inexhaustibly listed in the law, where there is data that the property to be seized or removed is one's sole residence. There is no provision for introducing new grounds for legalizing illegal constructions beyond those ones which already exist in the SDA. The bill for public comment is due to be published.

Meanwhile, for the first time in the decision No. 11731/03.10.2018 under administrative case No. 1517/2018, the 2nd Department of the SAC referred directly to Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), to Art. 6 of the APC and to the case *Ivanova and Cherkezev v. Bulgaria*, No. 46577/15 (included in one group with the decision *Yordanova and others* for their implementation), accepting that before issuing an order for the removal of an illegal construction under the SDA, the competent administrative authority should assess whether the interference with the right to privacy and family life and housing under Art. 8 of the ECHR is proportionate to the objective pursued. Since such an assessment was not made by the competent administrative authority in the present case, the order to remove the construction was revoked. In this decision, the SAC states that a number of circumstances must be examined and discussed during the assessment, including whether the disputed person belongs to a disadvantaged social group.

Although the above case-law is not yet shared by all the compositions of the 2nd Department of the SAC, after decision No. 11731/03.10.2018, decision No. 8940/12.06.2019 was also published under the administrative case No. 12106/2018 as per the dockets of the SAC, annulling a decision of the Plovdiv Administrative Court. This court is given mandatory instructions to collect evidence of the personal situation of the occupants of an apartment building for whose removal the mayor of Central region of the city of Plovdiv issued an order and to assess the proportionality of the interference with the right of these persons to inviolability of the housing.

In addition to the foregoing, it should be noted that according to Art. 294 and the subsequent articles of the APC, the decrees, actions and inactions of the bodies implementing the administrative acts shall be subject to single instance judicial control before the administrative courts. The practice of these courts in cases of complaints against acts and actions on the execution of orders for the removal of illegal dwellings and the seizure of state

or municipal property is undergoing significant development under the influence of the decisions of the ECHR, in particular of the decision of Yordanova and others. There are increasing cases of respecting complaints or suspension of enforcement after a proceeded court analysis, which concludes that the enforcement actions are disproportionate interference in respect of the personal situation of the residents of the housing to be removed or seized.

In conclusion, it should be noted that in June 2019 the Committee of Ministers of the Council of Europe (CM) published its decision from its session on 4 – 6 June 2019 regarding the implementation of the group of decisions Yordanova and others of the ECHR. In item 3 of this decision it is noted with interest the prepared draft law and it is assumed that it seems to provide an adequate basis for assessing proportionality when issuing orders for the removal of illegal building.

Follow-up to complaint № 41/2007 filed by the Advocacy Center for Persons with Mental Disabilities (ACPMD) against Bulgaria

Follow-up to complaint No. 41/2007 filed by the Advocacy Center for Persons with Mental Disabilities (ACPMD) against Bulgaria:

In addition to the information from last year's report, we provide the following information:

- I.** In connection with the Committee's statement that the legislation is not in line with the ESC (European Social Charter) with regard to the right to effective education for children with intellectual disabilities residing in the Homes for Children with Mental Disabilities (HCMD), and that the children from those homes who are guaranteed the right to education are very few compared to other children:
- ***Whether comprehensive/special schools are equipped in practice to meet the needs of children with intellectual disabilities — the situation in practice with regard to the training of teachers and other professionals involved in the education and the learning materials;***

According to data of the Ministry of Education and Science in 2019 for the first time under the National Programme "Providing a Contemporary Educational Environment" a module "Providing a Contemporary Specialized Environment in the Centers for Special Educational Support by Modernizing the Material Base for Providing Support for Personal Development of Children and Students" was implemented. The aim was through the module to create conditions for providing a modern specialized environment in the centers for special educational support by modernizing their facilities. The programme provided an opportunity for the special educational support centers to apply on a project basis for the implementation of activities related to providing conditions for training, therapeutic and rehabilitative work in specialized offices. With the funds under the module in the amount of BGN 1,600,000 the projects of 38 centers for special educational support are financed, of which 31 state centers and 7 municipal centers, for the purchase of specialized appliances, equipment, installations, devices, tools and software products, didactic materials, consumables, etc. to provide activities for training, therapeutic and rehabilitative work in specialized offices in order to provide support for personal development of children and students. In the special educational support centers, 2,850 children and students with special educational needs receive additional support.

In 2020, under the National Programme "Development of teaching aids and methodological guides, evaluation and approval of projects of teaching aids to support training organized abroad, textbook projects and projects of learning kits" - 2020, for the first time, a module "Development of teaching aids for the training of students with special educational needs and methodological guides to adapt the learning content" was implemented, which enables the regional centers to support the process of inclusive education (RCSPIE) and the centers for special educational support (CSES) to apply on a project basis for:

- development and/or adaptation of teaching aids for students with special educational needs, who are trained under individual curricula in schools in the system of school education, for students with mental disabilities and multiple disabilities, who are trained in CSES under individual curricula;
- methodological manuals for teachers to adapt the educational content for students with special educational needs who are trained under individual curricula in schools in the system of school education, for students with mental disabilities and multiple disabilities who are trained in CSES under individual curricula.

By the end of September 2020, the projects of teaching aids and methodological manuals for teachers to adapt the learning content for students with special educational needs have already been developed and are to be evaluated by evaluators.

- ***Measures taken to implement the policy of "inclusive education" and results achieved in cases of children with moderate, severe or deep mental disabilities residing in Family-type centers for children and young people with disabilities", which replaced "Homes for children with mental disabilities" (HCMD);***

As of the beginning of the academic year 2020/2021 there are 42 centers for special educational support (CSES) in the country, 34 of them are state centers and 8 of them are municipal centers.

Centers for special educational support function in connection and interaction with educational institutions in the system of pre-school and school education, with specialized institutions for children, with community social services, with medical institutions and integrated health and social services, and with parents. These centers target children and pupils with moderate and severe mental retardation as well as multiple disabilities for whom the regional personal development support teams for children and pupils with special educational needs to the relevant regional inclusive education support centers have assessed that training opportunities in mainstream schools have been exhausted.

The CSES shall provide the following type of support: diagnostic, rehabilitation, correctional and therapeutic work with children and pupils for whom the assessment of the regional support center for the inclusive education process has established that according to their educational needs they can be trained in a special educational support center; pedagogical and psychological support; implementation of support and training programmes for the families of children and pupils; training of children and pupils of compulsory preschool and school age. The CSES also provides vocational training for acquiring a first degree of professional qualification and/or for acquiring a qualification by part of the profession, which allows for future professional realization of students, for social adaptation and socialization in society.

According to data of the Center for Information Provision of Education (CIPE) the number of children and pupils who are trained in CSES as of February 2020 is 2,850, out of which 95 children. 755 pedagogical specialists - special pedagogues, psychologists, speech therapists, art therapists, chiropractors, etc. have been appointed to provide support and to conduct training in these centers.

- II.** Regarding the right to education of children with disabilities, we would like to draw your attention to the fact that **the Law on Persons with Disabilities (LPD)**, which entered into force on January 1, 2019, governs public relations related to the exercise of the rights of persons with disabilities and their support for social inclusion, and outlines the horizontal state policy on the rights of persons with disabilities. This extends the responsibilities of the central government and the local authorities in coordinating the policy in this area.

According to data of **the Ministry of Education and Science**, as of February 2020, children and students with special educational needs study in kindergartens and schools and they are assisted by teams appointed in the kindergartens or schools or by specialists of the regional centers for support of the process of inclusive education (CSES), as follows:

Resource support is provided in total to **22,033 children and students with special educational needs (SEN)** by specialists assigned in the educational institutions:

- in kindergartens — a total of 5,394 children with SEN;
- in schools — a total of 16,639 children and students with SEN.

As of February 2020, a total of 4,422 pedagogical specialists were appointed in all kindergartens and schools, of which: resource teachers — 1,204, psychologists — 951, speech

therapists — 716, rehabilitation counselors of hearing and speech — 87, teachers of children with impaired vision — 133, pedagogical advisers — 757, teachers of children with mental disabilities — 29, educators — 460, pedagogues others — 85.

A total of 948 specialists have been appointed to provide resource support to children and students with SEN in the regional centers for support of the process of inclusive education (CSES) — 28 in the country, out of which: resource teachers — 668, psychologists — 123, speech therapists — 126, hearing and speech rehabilitation counselors — 18, pedagogues of visually impaired children — 12, chiropractors — 1.

III. With regard to the policy of inclusive education for children and pupils with special educational needs:

Third amendment of the Ordinance on Inclusive Education

In the context of the COVID-19 pandemic and overcoming its consequences, our country has developed measures for safe distance learning in an electronic environment, as well as for equal access to school education, in connection with the training and provision of various types of support to children with special educational needs, including children from vulnerable groups, at a distance in an electronic environment. In 2020, the Ministry of Education and Science adopted the Ordinance on Inclusive Education, which provides a normative opportunity for additional training in educational subjects (under Art. 17 and Art. 27, para. 1, item 1 of the Ordinance on Inclusive Education) to be carried out also for students who during the suspended attendance classes at school due to the introduced anti-epidemic measures in the country have not participated in distance learning in an electronic environment using the means of information and communication technologies or have partially been trained with educational materials on paper. This change in the normative regulation largely applies to children from vulnerable groups. A regulatory option was established so that the training under Art. 14, para. 2 of the Ordinance on Inclusive Education, namely training through additional modules, for children who do not speak Bulgarian or for whom the Bulgarian language is not their mother tongue, to be proceeded in additional forms of pedagogical interaction during non-school hours.

The supplement to the Ordinance was intended to provide students with the opportunity to acquire the educational content for the respective class for the academic year 2019 - 2020 and to prevent the occurrence of learning difficulties, which often cause students to drop out of school.

In order to overcome the limited access to information of the hearing impaired persons, the Ministry of Education and Science has periodically presented news in sign language in the field of education since 2018. In 2019, the second scientific study of Bulgarian sign language grammar was completed and another study of Bulgarian sign language grammar is currently under way. In 2019, new curricula for special subjects were also updated and prepared: development of speech; development of speech and pronunciation/individual rehabilitation of hearing and speech; phonetic rhythm; motor functions; musical stimuli; speech and subject matter activity. The Ministry of Education and Science supported, including financially, testing of a platform for converting speech into text in the learning process of students with hearing impairments in cooperation with the foundation "Keep listening".

Regarding the coverage and sustainable inclusion of children and students in the educational system, a Strategy for reducing the share of early leavers from the educational system (2013 - 2020) has been approved, which is currently implemented through the Plan for 2018 - 2020, adopted by Protocol No. 18 on 02.05.2018 of the Council of Ministers.

The share of early school leavers aged 18-24 is one of the two leading indicators in the field of education set out in the strategy "Europe 2020". In the National Development Programme Bulgaria 2020 is set national target 4, which provides for the share of early leavers from the education system in Bulgaria to fall below 11% by 2020.

According to data from the National Statistical Institute, the share of early leavers from the education system for 6 years as from 2011 increased from 11.8% to 13.8%, and in 2017 this negative trend was interrupted and declined by 1.1 percentage points to 12.7%. In 2018, the percentage remained, but in 2019 there was again an increase to 13.9%.

To achieve the objectives of the 2017 Strategy, as a preventive measure, a Mechanism for joint work of the institutions on the coverage and inclusion of children and students in the educational system is implemented (Council of Ministers Decree No. 100 of 8 June 2018, amended and supplemented, No. 82 of 18.10.2019), which includes the engagement of all responsible institutions.

As a result of the actions of the scope teams under the Mechanism, the returned and included children and students in the educational system by the beginning of the second academic term of the academic year 2019/2020 are 10,164, out of which: 2,223 are the children and students enrolled for the first time in a school or a kindergarten in the months of July and August (the newly enrolled do not include children who for the first time according to their year of birth were enrolled in a PG -5 years old, PG- 6 years old or in first grade before the beginning of the school year); 1,355 are the children and students enrolled for the first time in a school or a kindergarten in the period from 15.09.2019 to 06.02.2020 and 6,586 children and students are returned by the teams after having dropped out.

- ***Whether all children in an irregular migration situation seeking or receiving international protection have access to education;***

According to the Law on asylum and refugees the access to the educational system shall not be postponed for more than three months as from the date on which the application for international protection was lodged. In view of the above, the Ministry of Education and Science has taken a number of measures to meet the needs of asylum seekers or beneficiaries. The reception and training of children and students seeking or receiving international protection shall be carried out in accordance with Ordinance No. 3 of 06.04.2017 on the conditions and procedures for the reception and training of persons seeking or receiving international protection.

Adult foreigners who have received international protection have the right to access primary and secondary education, including vocational education and vocational training, under the conditions and in the manner for Bulgarian citizens. They can be trained in evening, part-time, individual or independent form of training.

The number of children and students seeking or receiving international protection in state and municipal kindergartens and schools enrolled for the first academic term of the academic year 2019/2020, broken down by sex, is as follows:

- **children:** girls — 4, boys — 11; **students:** girls — 34 boys — 65.

The number of children and students seeking or receiving international protection for the second term of the school year 2019/2020, broken down by sex, is as follows:

- **children:** girls — 0, boys — 7; **students:** girls — 39, boys — 58.

- ***What measures have been taken to implement anti-bullying policies in schools, i.e. awareness-raising, prevention and intervention measures;***

The Ministry of Education and Science annually performs a summary and analysis of the number and types of aggression for each school year and comparative tracking of the trends for the last three years. The analysis of the data for the school year 2019/2020 on incidents related to children and the aggression and the harassment in educational institutions shows that there is a tendency to decrease their number for most types of incidents, possibly due to the situation of distance learning in an electronic environment. In registered cases of violence against a child there is an increase compared to the academic year 2018/2019, which raises a topic for reflection that in conditions of distance learning in an electronic environment there may be prerequisites for raising this indicator as a possible reason. Overall, in the last two school years there has been optimisation of indicators of incidents related to children, incidents related to aggression, violence against a child, violence against a teacher, due to the many and

continuously optimising measures that the Ministry of Education and Science is taking to ensure a secure school environment as a means of preventing the violence and the harassment in educational institutions.

In connection with the implementation of the 2018 - 2022 Partnership Programme between UNICEF and the Government of the Republic of Bulgaria, a working group in the Ministry of Education and Science prepared a programming document for the prevention of violence and bullying in schools and for the creation of a secure school environment. The activities will be carried out with the active participation of schools, through which the programme will be tested and developed additionally. For this purpose, 5 schools have been designated for participation in the pilot project of the programme, which lasts 2 years and started from the beginning of the school year 2020/2021.

- ***Guaranteeing the right of the child to be heard in the framework of education is crucial for the realization of the right to education within the meaning of Article 17.2. It requires the states to ensure the participation of children in a wide range of educational decision-making and activities, including in the context of the specific learning environment for children. The Committee asks what measures have been taken by the state to facilitate children's participation in this regard.***

In the Law on Pre-school and School Education (LPSE) in Art. 171, para. 1, item 10-12 the rights of children and students related to the right to express opinions and to be heard are regulated: "to give opinions and suggestions on school activities, including elective and optional classes; to participate in the discussion through forms of student self-government in addressing issues affecting school life and the school community, including the school curriculum; to receive assistance from the school and local government authorities in expressing their opinion on issues that directly affect them, as well as when participating in community life".

In the same article in para. 2 it is stated that students participate in school life and in the organizational development of the school through various forms of student self-government at class and school level, defined in the school regulations on the proposal of the students.

According to data from the regional education authorities, 1,470 schools in the country have established student school councils. The Student School Council is a democratic body of student self-government that enables students to participate actively in the decision-making processes that relate to the student community. It develops an activity in accordance with the educational and health programme, the rules of internal order, hygiene requirements and interests of the students. In this sense, building the school council is a response to the needs of humanizing and democratizing relationships in school. In carrying out its activities, the student council shall interact with the school's pedagogical council, respecting the principles of democracy, tolerance and initiative. Though the Student School Council child participation on all topics that concern both individual personal development and the discussion and implementation of school policies aimed at children, are stimulated.

As a conclusion, there is a development in student self-government compared to the academic year 2019/2020, when the number of schools with not formed student councils was 324, and this year it was optimized to 181.

Follow-up to complaint No 46/2007, European Roma Rights Center (ERRC) against Bulgaria, and
Complaint No 151/2017 European Roma Rights Center against Bulgaria,

In view of the Committee's comment that the requirements of Article 13 § 1 of the European Social Charter (revised) are not met, as persons who do not receive social assistance are not entitled to medical care other than emergency care, obstetric and hospital treatment, the Ministry of Health maintains its opinion expressed in **the information for the last reference period (ending June 2019)**, which provides in details the access to health care and a number of measures taken in relation to vulnerable groups. The implementation of these measures is in the long term and their implementation continued in 2020.

Attention should be also paid to the fact that children, pregnant women, mothers of children up to one year old and persons with physical disabilities and mental disorders are provided with special health protection, and this is regulated by the Health Act (HA) and the by-laws. To ensure risk-free motherhood, every woman has the right to access health care activities aimed at ensuring the optimal health of the woman and the fetus from the onset of pregnancy to the age of 42 days of the child.

Health care include the following activities:

- promotion aimed at preserving the health of the woman and the fetus;
- prevention of the risk of abortion and premature birth;
- training in nutrition and care for the newborn;
- active medical monitoring of pregnancy, carried out on a dispensary basis by the medical establishments for primary and specialized outpatient care;
- prenatal diagnosis and prophylaxis of genetic and other diseases;
- ensuring optimal living environment for the woman who has recently given birth and the newborns;
- dispensary monitoring and health care for the woman who has recently given birth and for the child;
- free access of the pregnant woman or the woman who has recently given birth to specialized outpatient care facilities;
- free access of the pregnant woman to specialized outpatient and hospital care facilities in pregnancy-threatening conditions;
- the right of choice by the pregnant woman to a medical institution for hospital care for childbirth.

Regarding the claim that Roma women in Bulgaria do not benefit from adequate access to healthcare in relation to maternal care and that this constitutes indirect discrimination in violation of Article E in conjunction with Article 11(1) of the Charter, it is ungrounded, for which we provide further information in support of the expressed opinion.

The policy of the Ministry of Health is aimed at creating better conditions and ensuring equal access of all citizens of Bulgaria to health care services, regardless of their gender, age, ethnicity and social affiliation. Particular attention is paid to improving the health care of disadvantaged groups.

The Ministry of Health does not conduct policies and activities in the field of health care based on ethnic grounds. All drafts of normative documents concerning medical care, as well as the control of their implementation, take into account the equality of all groups of society, which is in accordance with the provisions of Article 6(2) of the Law on Protection against Discrimination, according to which when drafting and implementing normative acts, the state authorities shall take

into account the objective of preventing direct or indirect discrimination on the grounds specified in the law. The measures reported below are aimed at the society and all citizens of Bulgaria, including the Roma community as part thereof.

Under the Bulgarian legislation, health insurance in the country is compulsory. Each health insured person has the right to certain type, amount and scope of medical care, which is paid from the budget of the National Health Insurance Fund (NHIF). The activities, which are paid from the budget of the NHIF, are regulated in an ordinance of the Minister of Health and include activities in outpatient care – primary and specialized, and in hospital care. In order to improve access to health services, the ordinances defining the package of health care activities and the prophylactic examinations and dispensarization guaranteed by the NHIF budget are updated annually, extending the scope of medical, promotional and prophylactic activities.

For pregnant women and women who have recently given birth, medical care is provided under the “Maternal Health” program in outpatient medical care. The monitoring under the “Maternal Health” program in 2019 was carried out by a general practitioner or a doctor specializing in obstetrics and gynaecology, at the request of a pregnant woman.-The regulations provide for the general practitioner to monitor pregnant women during normal pregnancy, while during risky pregnancy the monitoring is carried out by a physician specialized in obstetrics and gynaecology.

Pregnant women have the right to determine for themselves which doctor will monitor their pregnancy, perform the examinations and appoint the tests necessary during this period, as well as to change the obstetrician, if they are not satisfied with the provided assistance. **This regulates the possibility for activities to be carried out not only by a specialist but also by a provider of primary outpatient care, which guarantees access to medical services in all areas of the country, including for pregnant women, women who have recently given birth and children living in the villages.**

Access to primary non-hospital medical care is guaranteed by the obligation of providers of permanent 24-hour access to medical care for the insured persons. In case of risk pregnancy (if the woman is over 35 or under 20 years old; or has blood group incompatibility with the biological father; risk of developing diabetes or other risk arising from external factors - obesity, malnutrition, family history, burdensome obstetric history, problems of a social nature, etc.), monitoring is carried out by a doctor specializing in obstetrics and gynaecology.

Mandatory laboratory and instrumental tests are included in the monitoring of pregnancy over a wide range of periods of pregnancy: complete blood count; blood sugar test; urinalysis once at the first visit and once at the fifth and eighth lunar months; blood group and Rh-factor –determination once at trimester I (or at the first visit); syphilis and hepatitis B (HbS Ag) testing and, if the pregnant woman agrees, HIV, as well as two ultrasound examinations once at trimester I and once at 16 – 20 gestation weeks, and in high-risk pregnancies - two additional ultrasounds are performed in women over 35 years old at risk of pregnancy. Serum screening is also performed to assess the risk of Down syndrome and neural tube defects; oncoprophylactic PAP smear testing; vaginal secretion testing; periodic monitoring of fetal heart rate.

For **prophylactic examinations under the “Maternity Health” program** in outpatient care in 2019, **EUR 3,847,380** were paid from the budget of the NHIF.

EUR 9,359,217 were paid from the budget of the NHIF for providing **care of the pregnant woman by hospital medical care providers** in 2019, and **for hospital medical care at childbirth**, regardless of the duration of the pregnancy and the fetus – **EUR 19,248,159**.

The NHIF, through transfers from the Ministry of Health, pays medical expenses to insured women for the duration of pregnancy: a prophylactic examination and research, regardless of the mode of delivery, in accordance with Article 82(1)(2) of the HA, and in accordance with Article 19 of Ordinance No. 26 of 14.06.2007 on the provision of obstetric care to women without health insurance and for carrying out examinations beyond the scope of the compulsory health insurance for children and pregnant women. The amount paid under this heading in 2019 amounts to **EUR 2,733,176** , which is allocated as follows:

- For prophylactic specialized gynaecological examinations and tests – **EUR 45,431** ;
- For hospital care on the clinical pathway “Childbirth” – **EUR 2,687,745**

Free postpartum health care is also provided on the issues of breastfeeding and the health of newborns. Under the “Maternal Health” program, routine postpartum monitoring is performed until the 42nd day after birth, which includes examination and tests – general examination, including assessment of mental status, measurement of blood pressure, etc.; promotion of breastfeeding; tests of: haemoglobin, haematocrit, differential leukocyte count, ESR, albumin and urinary sediment. **In hospital medical care**, the NHIF provides treatment of newborns in all stages of prematurity with or without application of surfactant and/or application of mechanical ventilation – on clinical pathways (CP), to which in 2019 the NHIF budget paid **EUR 25,181,126**.

Also under the National Programme for Improvement of Maternal and Child Health 2014-2020, for yet another two years comprehensive measures have been provided to improve care and medical service from the period before birth, after birth and for children aged 0-18 years. These activities are of utmost importance as they build on the activities provided under health insurance.

Female and child consultations were provided with an extension of the functions and scope related to the monitoring of pregnant women, nursing mothers and newborns. Through the activities of 31 Health Consultation Centres (HCCs) access to health services has been improved and additional medical consultations have been provided for pregnant women and children, as well as for home visits of premature children up to 1 year old and children with disabilities and chronic diseases, for whom a specialist from the medical institution has assessed the need to carry out consultation at home. In 2019, 8,940 medical consultations and home visits were carried out.

Additional consultations in the presence of diseases occurring during pregnancy, including additional examination by a specialist in obstetrics and gynaecology, were also provided through the HCCs, in addition to the examination under Ordinance No. 26/2007 on the provision of obstetric care to women without health insurance and for carrying out examinations beyond the scope of the compulsory health insurance for children and pregnant women.

The National Program provides biochemical screening (research and counselling) for pregnant women to assess the risk of childbirth with Down’s disease, other aneuploids, spina bifida, anencephaly and severe abdominal wall defect. In 2019, 20,496 pregnant women were tested.

Pursuant to Ordinance No. 26/2007 the Ministry of Health has provided funds amounting to **EUR 997,635** for reagents and consumables for laboratory tests.

The payments made for expenses under the National Programme amount to **EUR 2,061,753**. They also include activities for early detection and timely intervention of hearing impairment in newborns through mass neonatal auditory screening, examining 51,796 newborns, as well as highly specialized consultations for children with certain diseases, to the centres at 5 university hospitals (Specialized Hospital for Active Treatment in Obstetrics and Gynecology “Maychin

Dom”, Specialized Hospital for Active Treatment for Children’s Diseases “Prof. Iv. Mitev”, University Multiprofile Hospital for Active Treatment (UMHAT) “Sv. Georgi” - Plovdiv, UMHAT “Sv. Marina” – Varna and UMHAT “Prof. Dr. G. Stranski” – Pleven). The 13 established committees continue to carry out comprehensive medical surveillance of children with the following diseases and conditions: diabetes, congenital heart malformations, congenital facial malformations, congenital haematological diseases, preterm infants. For 2019, the committees prepared 1,736 medical and social plans for children.

The policy of the Ministry of Health in the field of maternal health has continued in 2020, but specific data can be provided in 2021.

In addition, measures have been taken **in 2020 to prepare a draft National Health Strategy 2030, where the maternal and child health and the health for vulnerable groups are priorities.** Measures have also been taken **to update the National Programme for Improvement of Maternal and Child Health 2014-2020,** which will also set **measures for vulnerable groups with a view to improving access and overcoming health inequalities.**

Policy leadership on the health of vulnerable groups continues to be the understanding that addressing health vulnerability requires an integrated and coordinated approach in the delivery of different public services - social, health, education, etc.

The Ministry of Health also implements the **“Health Care” priority to the National Roma Integration Strategy of the Republic of Bulgaria for 2012-2020.** Every calendar year the implemented activities under the Strategy are reported to the National Council for Cooperation on Ethnic and Integration Issues (see **details in annex**).

The report identifies results by main activities included in the Health Priority of the National Strategy and the Action Plan as follows:

- Performing obstetric and gynaecological examinations with mobile offices in settlements with compact Roma population;
- Number of immunized/re-immunized children with mobile offices for general practice;
- Conducting prophylactic examinations with mobile paediatric offices in neighbourhoods with predominantly Roma population and in remote settlements;
- Carrying out early diagnosis and screening studies with mobile mammography for the prevention of breast cancer;
- Performing early diagnosis and screening for arterial hypertension, cardiovascular diseases, pulmonary diseases, diabetes mellitus with mobile fluorography, echographs and laboratories;
- Explanatory campaigns on the importance of prophylactic examinations among the Roma population; on the need to vaccinate the population with mandatory immunizations under the National Immunization Calendar for the benefits of recommended immunizations, etc.;
- Analysis of activities for uninsured pregnant women and women who have recently given birth;
- Prevention and control of HIV, tuberculosis and sexually transmitted infections among vulnerable Roma communities;
- Training of health mediators and their realization.

In conclusion it should also be stated that information was requested from the **National Network of Health Mediators (NNHM) – the NGO which works to overcome the negative phenomena in healthcare for persons belonging to vulnerable communities and ethnic minorities and supports the efforts of the state to consistently implement policies for equal access to quality healthcare.** In support of Bulgarian citizens belonging to ethnic minorities, since 2007 the state has provided a delegated budget for the appointment of health mediators in

municipalities. During this period, **the number of health mediators has increased from 55 people in 2007 to 245 in 2019 and 230 in 2020 in all 28 districts of the country** (295 people planned for 2021).

According to the experience and information shared by local health mediators over the years, in some hospitals in the country there has been practice of separating Roma mothers in separate rooms or even on separate floors. In order to overcome tensions in different wards of hospitals, NNHM has developed a profile of a health mediator working in a hospital. For the first time in 2012 the Multiprofile Hospital for Active Treatment (MHAT) in Haskovo invited a health mediator to work to improve communication between Roma women and medical staff in children's, infectious and gynaecological wards. In the following years, this model was implemented as part of a project in three more hospitals: MHAT in Yambol, MHAT in Samokov and MHAT in Lom. After the completion of the project, this practice continued to exist at MHAT Samokov, MHAT Haskovo and MHAT Blagoevgrad.

In many places, health mediators assist hospital teams in resolving conflict situations, including situations that are interpreted as discriminatory. In addition, **through their work in the target municipalities the number of health insured persons among the hard-to-reach communities increases by more than 1 000 people per year.**

During the last two years two key steps for institutionalizing the profession of health mediator were realized – the inclusion of the health mediator in the Health Act (amended and supplemented in 2019, SG 58/23rd July,) and the adoption of Ordinance No. 1 on the Activity of the Health Mediator (19 August 2020). Insofar, as among the main tasks of the health mediators is namely the mediation between people from prominent communities and health and social institutions, we believe that these are steps towards improving equal access of Roma women to childbirth care and health care.

Follow-up to complaint No 121/2016 of Equal Rights Trust against Bulgaria and the adopted Resolution CM/ResChs(2019)9

Follow-up to Resolution CM/ResChs(2019)9 of the CM, adopted on the complaint No. 121/2016 of the NGO Equal Rights Trust against Bulgaria:

By Order of the Minister of Labour and Social Policy No. RD-02-14/31.07.2020, an ad hoc working group was established to prepare an analysis of the norms of domestic law that contravene the European Social Charter (revised), as established in a resolution of the Committee of Ministers (CM) of the Council of Europe regarding the collective complaint (Resolution CM/ResChs(2019)9), and the possibilities for their change so that they can be brought into line with it.

It includes experts from the Ministry of Labour and Social Policy (MLSP), the Social Assistance Agency (SAA), the Ministry of Foreign Affairs (MFA) and the Ministry of Education and Science (MES). On 14 September 2020, a first working group meeting was held to discuss initial options for aligning provisions of our domestic law with the resolution of the CM of the Council of Europe. The second meeting of the ad hoc working Group was held on 28.09.2020. The work of the group continues at this time.

The collected materials and references were discussed during the meetings — information from the Labour and Social Affairs Offices of the Ministry of Labour and Social Affairs to different MS of EU on the provisions on accreditation in force in their countries on the topic, a report on collective complaints and the decisions on them of the Council of Europe on a similar topic, full comparative information on legislation in the field of family allowances of MS of EU and EEA from the MISSOC database.

The current sanctions under the Law on Preschool and School Education (LPSE) for parents who do not ensure the presence of their children subject to compulsory preschool/school education were discussed. We emphasize on Art.347 of the Law — the fines that mayors can impose on parents who do not ensure their children's visit to school. The measures for general and additional support for personal development — Art.178 and 187 of the LPSE, Art.15 of the Ordinance on Inclusive Education and their relationship with Art.7, para. 17 of the LFAC were also discussed.

A starting point in the analysis of our internal legislation is that the scope of the Law on Family Allowances for Children (LFAC) includes families who raise their children in Bulgaria and the access to family support is for all families with children who meet the conditions for this, regardless of any specific feature of theirs. The aim of the law is to support families for raising children in a family environment, while encouraging their pre-school and school education, access to health care, etc.

Family allowances under the LFAC are funds in cash and/or in kind, which aim to provide financial support during pregnancy, childbirth or raising of children in a family environment by parents or by their carers. They shall be provided in the form of one-off payments or monthly payments by the Social Assistance Directorates on the basis of a submitted application-declaration together with the necessary documents. The application-declaration must be submitted according to the current address by the mother or other legal representative of the child.

Family allowances are provided to families who live permanently in the Republic of Bulgaria and raise their children in the country. The conditions for receiving them are the same for all families. The allowances under the LFAC are financed from the state budget and do not depend on the social security status of the parents/carers or the payment of social security contributions.

In order to guarantee the right of children to education, the monthly allowance for raising a child up to the completion of secondary education, but not exceeding 20 years of age, shall be granted provided that the children regularly attend classes and shall be terminated

before the expiry of the period for which it is granted where there are absences within one month of the school year for more than three days by a child attending a compulsory pre-school group and for 5 classes by a student for which there are no proper circumstances.

The termination of monthly allowances where the child does not attend regular classes and the parents fail to fulfil their obligation to guarantee his right to education is a measure aimed at making appropriate use of family allowances and at promoting pre-school and school education among the children for whom allowances are granted.

For this reason, and in order to limit the birth of children by minors, the monthly childcare allowance until completion of secondary education is terminated in all cases where the child for whom it is received becomes a parent. At the same time, the LFAC provides, under certain conditions, that if a minor parent continues to attend regular school, he/she will receive a one-off allowance corresponding to the amount of the terminated allowance for the period from the termination to the expiry of the period for which it was granted.

In addition, when a child for whom the family receives family allowances becomes a parent, he/she is entitled to receive family allowances on an independent legal basis for raising his/her child in accordance with the terms and conditions stipulated in the LFAC.

With regard to the conclusion on presence of discrimination against the Roma population, and in particular against underage Roma women, we point out that when providing family allowances, there shall be no direct or indirect discrimination against persons on the grounds of sex, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, belief, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other grounds established by law or international treaty to which the Republic of Bulgaria is a party.

The conditions for granting family allowances for children are the same for all families raising children. The Social Assistance Agency does not aggregate data on the ethnicity of the supported families. We should note again that after the entry into force of the amendments to the LFAC of 28.07.2015, neither the Ministry of Labour and Social Policy nor the Social Assistance Agency (SAA) received a complaint from citizens or the Bulgarian civil sector regarding the provisions concerning the provision of allowances in kind, including to minor parents, termination of the allowances when the child has become a parent or upon irregular visits of children to a school or a preschool group.

It should also be considered that the in the draft law on the state budget of the Republic of Bulgaria for 2021 changes to the LFAC are proposed, which will expand the financial support of families with children so that it reaches every child in Bulgaria. These changes are aimed at alleviating inequalities in helping families with children in the current difficult time caused by the COVID-19 crisis. It is therefore proposed to extend the universal approach of supporting families with children. The main changes are related to the dropping for 2021 of the applied income criterion when awarding monthly childcare allowances until completion of secondary education, but not more than 20 years of age, which are received by most families with children. This temporary measure aims at universal support for families precisely when the effects of the crisis are expected to be felt most strongly. Other changes are also regulated, as the more significant ones are dropping the income criterion for two more types of aid — the one-off aid for students enrolled in the first grade and the one-off aid for students enrolled in the eighth grade.

It is considered at expert level in the group that the elimination of the problem of disproportionately severe measures such as termination of family allowances in the event of non-attendance at school will also affect a positive solution of the identified non-compliance with Art. F of the ESC. As for Art. 7, para.11, item 3 of the LFAC (children who have become parents), there will be no legislative amendments proposed, as the objectives of the law and the provided allowances are achieved through the current texts.

The Ministry of Labour and Social Policy develops options for amending texts of domestic legislation, as it informally consults the other institutions participating in the group. At the time of the approval of this report, further coordination with the MES is being under way

with regard to the possibilities for changes to the legislation so as to bring the situation into line with the ESC (r.).

On the basis of all the above actions and opinions received, an analysis and options for actions are to be prepared, which should be shaped as a joint report by the Minister of Labour and Social Policy and the Minister of Foreign Affairs.