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Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant pursuant
to the optional reporting procedure**

Fourth periodic reports of States parties due in 2016

Bulgaria^{*}, ^{}**

[Date received: 3 November 2016]

* The present document is being issued without formal editing.

** The annexes to the present report are on file with the secretariat and are available for consultation.
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I. Introduction

1. The present fourth periodic report of Bulgaria contains all legislative provisions, and judicial, administrative and other measures, undertaken in the period after the presentation before the Human Rights Committee of Bulgaria's third consolidated periodic report (CCPR/C/BGR/3).
2. The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues shall constitute its report under article 40 of the Covenant. Under this procedure, the Government of the Republic of Bulgaria received a list of issues, contained in document CCPR/C/BGR/QPR/4.
3. The Government of the Republic of Bulgaria hereby submits its replies to the list of issues, which shall constitute its fourth periodic report before the Committee. The information contained in the report covers the period between 2008 and May 2016. The report has been presented for public discussion and was subsequently approved by the National Coordination Mechanism for Human Rights.
4. The recommendations made by the Human Rights Committee following its consideration of Bulgaria's third periodic report have been taken into account.
5. Included in this consolidated report are the laws and sub-normative acts adopted during the period from 2008 to 2016 concerning the International Covenant on Civil and Political Rights, as well as information on new mechanisms in the field of human rights.

II. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

Response to issues raised in paragraphs 1-2 of the list of issues (CCPR/C/BGR/QPR/4)

6. In view of the Committee's previous recommendations, the Council for Electronic Media (CEM) had made a specialized thematic monitoring for equality between sexes in 2013. There were no disturbing findings for the equality between sexes in the Bulgarian audiovisual sector. This applies both for the participants in the programmes and for the men-women ratio as hosts. No sexist or discriminatory advertisements were observed.
7. Another monitoring from 2014 additionally confirmed that women are not discriminated in the electronic media. In the public television BNT 1, there is equality of presence between the sexes. In the private national television BTV, the number of women on screen vs. men is respectively 33 to 20. For the journalists in Nova television, the ratio is 41:34 in favour of women, while in the entertaining programmes, it is 11:5 in favour of men.
8. The Commission for Protection against Discrimination (CPD) has supported the measures, undertaken by the state and short-term and long-term programs for Roma integration. The activity of the specialized panels of the Commission contributes to the fulfilment of the requirements for the integration of Roma referred to in the Communication COM (2011) 173 final ("Member States need to ensure that Roma are not discriminated

against but treated like any other EU citizens with equal access to all fundamental rights as enshrined in the EU Charter of Fundamental Rights”).

9. In the field of prevention and public awareness of citizens about the rights for protection against discrimination, the CPD has fulfilled projects, seminars, trainings, including in prevention, analysis and administrative practice with a wide range of senior officials from the central government. It further conducted a number of joint initiatives at national level with NGOs. The CPD also held training seminars with lawyers, representatives of key institutions in the legislative process and judicial authorities, the Ministry of Interior (MoI), representatives of the education and media systems.

10. The Protection against Discrimination Act (PaDA) provides for a special administrative proceeding for protection against discrimination, along with the judicial one. It is under the responsibility of the CPD. The CPD has issued decisions affirming the sustainability of incentives and policies on equal conditions and equal treatment, under the priorities specified in the National Strategy for Roma Integration in Bulgaria 2012-2020 (NSRBIR) and in the National action plan for the Decade of Roma inclusion 2005-2015.

11. According to the practice in CPD, there are acts of discrimination against Bulgarian citizens of Roma origin in various fields and areas of socio-economic and public life. To this end, initiatives are planned for active cooperation in with NGOs and representatives of the Roma ethnic group, working in the field of human rights. There is a trend of positive change in the demand of Roma for protection against discrimination

12. The number of complaints for discrimination on the ground “ethnic origin” in the form of “harassment” is growing. Under the PaDA, “harassment” includes any unwanted behaviour based on signs of art. 4, para. 1 expressed physically, verbally or otherwise, which has the purpose or effect of violating the dignity of a person and creating a hostile, debasing, humiliating, offensive or intimidating environment.

13. In 2015, there is a drastic increase in complaints and signals for hate speech, incitement to discrimination through mass media and social media on ethnic grounds, from Roma people or organisations involved in the field of equal inclusion. Since the establishment of the CPD, until 31.12.2015, the statistics show that 13% of the total initiated case files are on the ground “ethnicity”. Of the total number of decisions, 12% are on case files with complaints under “ethnic origin”.

14. Over the past five years, the statistics for initiated cases on the grounds of ethnicity are as follows:

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
49	52	56	53	88

15. In 2015, CPD initiated two forums on the issues of hate crimes’ registration, reporting, legal prosecution and statistics in Bulgaria. The goal was to initiate inter-institutional dialogue and discussion, and to increase the understanding and awareness of hate crimes, as well as the planning of specific measures to improve the recording and reporting of crimes with racial, religious and xenophobic motives. An inter-institutional agreement was reached to coordinate efforts in this direction. Furthermore, a definition of hate crime was negotiated and a coordination mechanism to develop practical tools for statistical purposes and to encourage registration of hate crimes was formed.

16. Work continues on the training module “Lessons of Tolerance”, during which regional representatives participate in classes of civic education in school. They also regularly make presentations on the topic of “Schools without discrimination” to students and teachers from primary, basic and secondary schools, as well as University students.

17. In the period 2011-2015, the Ministry of Education and Science (MES) took measures to ensure equal access to quality education to all children and students and no restrictions are permitted based on ethnic or social origin, religion and public attitude, but additional work with children and parents is needed in order to enhance the motivation for participation in the education process. A number of policies have been implemented for equality and adaptation of children and students from ethnic minorities.

18. With the modification of the National Education Act (NEA), began an introduction of compulsory two-year preparation of children before first grade in the school year 2010/2011. Thus, the State takes specific commitments for early childhood development and provides the necessary conditions to all children aged 5, including those from vulnerable groups, to go to kindergarten.

19. Given the risk of early school drop-out, it is essential to increase the cover of children by kindergartens. Non-attendance of kindergartens increases the risk of having difficulties at school, particularly for children from vulnerable groups. In the period from school year 2010-2011 to school year 2014-2015, the net ratio of pre-school enrolment of children aged 3-6 years rose from 8.3% to 83.6%.

20. In the period 2011-2015, measures were taken ease the access to education of children from disadvantaged groups. In 2013, a Strategy for Reducing the Share of Early School Dropouts (2013-2020) was adopted. It builds on the existing policies and measures for elimination of early school dropouts and combines and synchronizes the efforts of the institutions in a comprehensive integrated approach. The Strategy sets out policies and measures for prevention, intervention and compensation for early leave of the education system, especially for students from vulnerable ethnic communities and those with special education needs.

21. To improve access to education and enhance the quality of education of children and students from ethnic minorities a Strategy for Educational Integration of the Children and Students from Ethnic Minorities (2015-2020) is being implemented.

22. Since 2011, Bulgaria has adopted the following significant developments in the legal and institutional human rights framework:

- In 2011, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified. In this regard, the Ombudsman Act was amended and supplemented, in order to designate the institution of the Ombudsman as National Preventive Mechanism. The amendments further explicitly conferred on the Ombudsman competence to protect the rights of the child, to propose to the Government and to the Parliament the signature and ratification of international legal acts in the field of Human Rights, as well as to give opinions on draft legislation relevant to Human Rights protection.
- On 18.12.2015, the Constitution was amended in order to fully reflect the guidelines contained in the strategic documents on the judicial reform and the fight against corruption, as well as the standards and the recommendations of the EU institutions in this area.
- The bill amending and supplementing the Bulgarian Penal Code (PC) in 2013 modified the effective provision of Article 10 of the Child Protection Act (CPA) by extending the scope of subjects who are entitled to protection. Protective measures were introduced for victims of violence or exploitation whose age has not been identified but based on the circumstances a reasonable assumption can be made that they are children. Thus, until the actual identification of the person, there are no obstacles to undertake protective measures.

- The Bulgarian legislation has been amended and supplemented in order to implement the provisions of:
 - Directive 2011/36/EU of the European Parliament and of the Council of 05.04.2011 on preventing and combating trafficking in human beings and protecting its victims.
 - Directive 2011/93/EU of the European Parliament and of the Council of 13.12.2011 on combating the sexual abuse and sexual exploitation of children and child pornography.
 - Directive 2012/13/EU of the European Parliament and of the Council of 22.05.2012 on the right to information in criminal proceedings.
 - Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.
 - Directive 2012/29/EU of the European Parliament and of the Council of 25.10.2012 establishing minimum standards on the rights, support and protection of victims of crime.
 - Directive 2013/48/EU of the European Parliament and of the Council of 22.10.2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.
 - The Asylum and Refugees Act (ARA) was amended in order to introduce the requirements of Directive 2011/95/EC, Directive 2013/32/EU and Directive 2013/33/EC laying down standards for the reception of applicants for international protection and on common procedures for granting and withdrawing international protection.
- A Law amending the ARA was adopted on 22.12.2015. Through its adoption, full compliance with the general and highest standards the process of building a Common European Asylum System, in full respect of fundamental rights, has been achieved.
- The Bulgarian authorities have signed the CoE Convention on preventing and combating violence against women and domestic violence. A commitment in this direction was taken in response to the recommendations made during the Second Cycle of the UPR (07.05.2015, Geneva). Subsequently, the accession of the country to the Istanbul Convention was included among the priorities of the Bulgarian chairmanship of the Committee of Ministers of the CoE (November 2015-May 2016).
- A new draft Natural Persons and Support Measures Act (NPSMA) has been published on the official website of the Ministry of Justice (MoJ), for public discussion. It contains all principles and standards, provided in Art. 12 of the Convention on the Rights of Persons with Disabilities, and a fundamental value change is introduced in the regulation of capacity, with full coverage of the recommendations for legislative reform as given in General Comment No. 1 (2014) by the United Nations Committee on the Rights of Persons with Disabilities. The draft Act provides for the state to develop support mechanisms for everyone to enjoy their rights independently and make their personal choices, including those with disabilities, on equal basis with others, in accordance with their will, values, and preferences.

- A new special Act on diverting juveniles from criminal proceedings is under preparation. It will regulate the organization and functioning of bodies and institutions responsible for providing educational support to juveniles, as well as their interaction with the Police, health care, social care and educational services, with the judiciary system and the penalty execution bodies. The Act aims at ensuring and promoting the rehabilitation and development of the juvenile offenders in view of their reintegration into society and prevention of re-offending. According to its provisions, juveniles will be exempt from criminal and administrative liability, by applying alternative measures.

23. Bulgaria adopted the Equality between Men and Women Act on 26.04.2016. It provides for the state policy principles of equality between men and women and the main approaches for their implementation. It further provides for the bodies, defines the powers and their interaction in regard to the policy of equality between men and women:

- The Council of Ministers (CM) defines the state policy and approves the basic documents in this field
- The National Council on Equality between Men and Women continues to function as a consultative and coordinating body
- The figure of “coordinator of the equality between men and women” is being established. He or she is a public servant, entrusted with the functions to apply these policies in relevant sectors
- The main documents of the state policy of equality between men and women are also established

24. The National Strategy for Promotion of Gender Equality is the main strategic document, along with its Action plan. It provides for mechanisms and tools for the efficient implementation of the policy of equality between men and women:

- Through a system for monitoring the equality between men and women whereby the state bodies gather, register and process data by gender and prepare reports on the equality between men and women.
- Enables the application of temporary promotional measures in implementing the policy of equality between men and women.
- Establishes the creation by the Minister of Labour and Social Policy of a distinction sign for significant achievements in the equal treatment of men and women.

25. The Act aims to reinforce a national institutional mechanism to ensure that the policy of equality between men and women will continue to have a leading role in the social agenda. Bulgaria also considers this policy to be one of the main factors for sustainable growth.

26. In order to improve the treatment of people with physical and mental disabilities, including children, for the first time in 2015, the Health Act (HA) provided for new types of integrated health and social services. They are defined as activities through which medical professionals and specialists in the field of social services provide healthcare and medical supervision and carry out social work, including at home, in support of children, pregnant women, people with disabilities and chronic illnesses and elderly who need help in performing daily activities. These services may be provided by municipalities, healthcare establishments and social services’ providers.

27. Furthermore, amendments to the Health Care Establishments Act in 2015 served for the establishing of a centre for complex services for children with disabilities and chronic diseases, and for providing hospitals for active treatment. The new type of health care

establishment carries out appointment and conduct of early diagnosis, diagnosis, treatment and medical and psychosocial rehabilitation, long-term treatment and rehabilitation, support and training for parents of children with disabilities and chronic diseases within the family environment, visits from medical specialists to families and residential-type social services, and provision of specialist palliative care for children.

28. Using resources from its budget, the Ministry of Health (MH) subsidises health care establishments for hospital care and centres for mental for daily inpatient treatment, daily continuous 24-hour supervision of persons with mental illness, urgent treatment of patients with mental disorders with high risk, as well as rehabilitation through labour.

29. Between 2011 and 2015, the Homes for medico-social care for children in Teteven; the village of Shiroka Laka; Kyustendil; the village of Vetren, Septemvri Municipality; Razgrad; Gabrovo; Montana; Pazardzhik; Pernik; Plovdiv; Ruse; Targovishte; Shumen; and the Home for medico-social care “St. Paraskeva” — Sofia, have been closed. Currently, the MH is developing a concept for further actions regarding the restructuring of the rest of the homes for medico-social care for children and for deinstitutionalisation of the children placed there.

30. In addition to the above, other changes are also undertaken concerning the rights of patients:

- Amendments to the HA of 2012, introduce the obligation for health care establishment for hospital care to provide patients with medical supplies required for their treatment through the hospital pharmacies.
- Amendments in the HA of 2014, introduce a national registry of rare diseases, with focus on type and frequency, for the purposes of planning and provision of preventive, diagnostic and treatment activities.
- Amendments to the Health Insurance Act of 2014, introduce the right to cross-border healthcare of persons with compulsory health insurance.
- Amendments in the Health Insurance Act of 2015, introduce the right of persons with compulsory health insurance to lodge complaints with regional health insurance funds.

31. On 30.09.2015, a Pre-School and School Education Act (PSSEA) was adopted by the National Assembly. It provides opportunities for implementation of the national strategic objectives and ensures sustainability and improvement of the policies of equal access to pre-school and school education and reducing the share of early dropouts from the education system. PSSEA provides diverse options for inclusion of children in pre-school education.

32. It sets out an option for children to be enrolled in kindergartens on reaching the age of 2, while municipal and state kindergartens may organize hourly, weekend and seasonal activities as an additional service at the request of parents. Ensuring equal access to school education is provided by continuing the operation of community and protected schools and by establishing combined schools from 1st to 10th grades.

33. Since 04.2011, the work on ethnic issues has been transferred from the Ministry of Labour and Social Policy (MLSP) to the administration of the CM. The Chairperson of the National Council for Cooperation on Ethnic and Integration Issues is a Deputy Prime Minister. The membership of the National Council is composed of Deputy Ministers from the respective ministries, heads of institutes and agencies, a representative of the Bulgarian Academy of Sciences and a representative of the National Association of Municipalities, as well as NGO representatives of persons belonging to ethnic minorities. The Council is supported administratively by a Secretariat within the Administration of the CM.

34. In 2012, NSRBIR was adopted by the National Assembly, in accordance with the European framework for National Roma Strategies. The operational implementation of the Strategy is carried out through the Action Plan till 2020. The Secretariat is the National Contact point in the implementation of the NSRBIR. It is an administrative structure at highest level acting coordinating functions regarding the activities of administration at national level. In 2013, a Commission was formed under the National Council related to the formation, implementation and monitoring of the implementation of state policy for Integration of Roma in Bulgarian society. Its establishment is a very important step forward in the empowerment of civil society.

III. Specific information on the implementation of articles 1 to 27 of the Covenant

Paragraph 3

35. Whether a violation of the rights contained in the Covenant constitutes a crime, under the provisions of the PC, the individuals claiming such a violation have the possibility to lodge a claim for remedy in the framework of the criminal proceedings according to the rules, stipulated in the Penal Procedure Code (PPC). If the victim does not lodge a claim for remedy or considers that the awarded compensation does not cover all the damages suffered, he/she shall be entitled to lodge a claim for remedy in conformity with the provisions of the Obligations and Contracts Act before the civil court and the case shall be heard in accordance with the procedure established in the Civil Procedure Code (CPC).

36. In numerous cases, it is not possible for the victim to receive remedy from the perpetrator. So, the victim may receive remedy from the state under the Crime Victims Assistance and Financial Compensation Act (CVAFCA). The purpose of the Act is to recognize and ensure the protection of the rights and legitimate interests of victims of crime. It regulates the conditions and the procedure for rendering assistance and providing financial compensation by the state to victims of serious deliberate crimes. Assistance and financial compensation is available to Bulgarians, EU citizens and also to foreign citizens, if this is envisaged in an international treaty to which Bulgaria is party.

37. The National Institute of Justice (NIJ), as an institution for continuing qualification of magistrates, aiming at strengthening the efficiency of the judiciary system in the field of human rights protection. The correct application of the ICCPR, the ECHR and the Charter of fundamental rights of the EU, require specialised professional preparation and thorough understanding of the principles established by the afore-mentioned legal instruments.

38. The NIJ has included the subject of protection of human rights in its training modules, in the framework of compulsory initial training of candidates for junior judges and junior prosecutors and in the current qualification of magistrates. The curriculum includes introduction to the general principles of the protection of human rights and civil and penal aspects of the provisions of the Convention. Distance-learning opportunities and electronic seminars are also available.

39. During the reporting period, the NIJ organized 66 trainings with 2171 trainees (judges, prosecutors, investigators, and experts of the MoJ, MoI and the State Agency for National Security, judge assistants, prosecutor assistants and other experts). The trainings were delivered in various attendance and non-attendance formats, as described in detail in Annex 1.

40. In pursuance of the project "Support for the Supreme Judicial Council (SJC) for capacity building and improving the efficiency of the judicial system" aimed at better

knowledge of the functioning and case law of the ECHR, 35 magistrates were seconded from different bodies of the judicial system across the country and 5 court employees from the SJC administration. The training was held in the period 22-24.02.2016 in Strasbourg, France.

41. Increasing the knowledge of the prosecutors and inspectors in the field of human rights is a priority in the training program of the Prosecutor's Office. Between 2011 and 2016, a total of 465 prosecutors and investigators went through human rights trainings. In 2016, 18 prosecutors successfully underwent a specialised training course on "Hate crimes". In 2015-2016, 20 prosecutors successfully finished a training course on "Protecting the rights of the child in the Penal Justice System".

Paragraph 4

42. The Office of the Ombudsman is considering the recommendations of the Accreditation Committee in view of compliance with the Paris Principles. Significant measures and legislative amendments are undertaken, including for expansion of the mandate. The Ombudsman shall apply for reaccreditation from statute B to statute A. Steps are undertaken in view of strengthening the transparency and engagement with the Human Rights system and civil society organizations.

43. The CPD is an independent state body for prevention from discrimination, protection against discrimination and ensuring equal opportunities. It is a specialized body on equality, established and operating in accordance with the Paris Principles and Recommendation № 2 of the European Commission against Racism and Intolerance (ECRI) of the CoE. The Commission has status B under the said principles.

44. Mandate of the CPD to protect and promote human rights:

- The Commission considers files on all grounds — art. 4 para. 1 of the PaDA lists 19 grounds of discrimination, and it is also explicitly stated that discrimination is prohibited on any other grounds, established by law or an international treaty to which Bulgaria is a party.
- The powers of the CPD are defined in the PaDA, which provides for a special administrative nature proceeding for protection against discrimination.
- CPD shall deliver decisions, in order to: determine the committed violation; ascertain the offender and the affected person; determine the type and the size of the sanction; enforce coercive administrative measures; or ascertain that no violation of the law has been committed.

45. The decisions of the CPD are compulsory. Under the PaDA, whoever does not implement the provisions of a Commission's decision is to be fined, unless he/she is liable to a more severe punishment. The Commission is empowered to exercise control over the application of coercive administrative measures.

46. The CPD holds awareness campaigns on anti-discrimination legislation for representatives of state and local authorities, NGOs, trade unions, employers and citizens. The CPD supports innovative educational policies to prevent discrimination in schools, to improve equality between men and women, and combat hate speech in the media. Transparency in the process of recruitment and selection of CPD members is guaranteed by law.

Paragraph 5

47. Bulgaria strictly adheres to its obligations under the Optional Protocol to the Covenant. Furthermore, in 2014, the Government adopted a decision for one-time payment of compensations to all individual complains for which damages had been recommended by the Treaty Bodies of the UN universal instruments on HR. Meanwhile, the National Coordination Mechanism for Human Rights approved on 22.01.2015 a legal mechanism for financial compensations under the recommendations of the Treaty Bodies on individual complains.

48. On cases with evictions and demolitions of illegal buildings, the law and practice have been strengthened. All orders to remove illegal constructions are strictly monitored for compatibility with relevant legal requirements. All persons concerned, including the legal representatives of minors, shall be informed for the upcoming demolition. Teams of social workers, psychologists and mediators should be sent on the ground, advising on the possibilities for accommodation in social institutions. Temporary shelters may be set up, if necessary, provided with bedding, hygiene products, food and clothing. Experts, social and health workers, psychologists, mediators, and representatives of the Bulgarian Red Cross (BRC) may also be dispatched to the grounds to work extensively to offer suitable accommodation possibilities for everyone and inform about the possibilities for one-time financial assistance, papers, employment, access to education and municipal facilities. Bulgaria's efforts in the area of integration of the Roma minority have been consistent and are constantly evolving. The efforts continue, in line with the national legislation, the international obligations and the highest human rights standards.

Paragraph 6

49. The commitment and facilitating of terrorist activities are criminalised under Articles 108a-110 of the PC. On 26.09.2015, these articles were amended and supplemented in order to achieve compliance of the "terrorist financing" crime with international standards and to introduce the requirements of the UNSC Resolution 2178 (2014). No rights under the Covenant were affected with these amendments. The aim is to: address the acute and growing threat posed by foreign terrorist fighters; prevent radicalization to terrorism, stemming recruitment, inhibiting foreign terrorist fighter travel; counter violent extremism; prevent terrorists and their supporters from exploiting communications and resources to incite support for terrorist acts, while respecting human rights and fundamental freedoms.

50. The Bulgarian legislation does not stipulate a special procedure for sentencing persons suspected of having committed terrorist acts. The rules and principles governing the investigation and prosecution of terrorist related offences are the same, as for any other offence. They are laid down in the PPC. The persons accused of terrorist activity have the same rights as other accused persons during the preliminary proceedings and the trial and with regard to the conditions for appeal.

Paragraph 7

51. Bulgaria is pursuing a consistent policy aimed at preventing and eliminating all forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population. Our country has an adequate and solid legal framework for combating all cases of hate crime, racism, intolerance and xenophobia.

52. All hate crimes are punishable and are being prosecuted with the full capacity of the state. In the period 2011-2015, amendments to the legislation were adopted in order to bring the national law in conformity with international and European standards in the field of criminalization of the acts related to racial discrimination. This includes the introduction of racial and xenophobic motivation as qualifying circumstances in the elements of crime in the commission of homicide and bodily injury; enhanced sanctions; criminalization of incitement to discrimination and violence on religious grounds; the acts of condoning, denying or grossly trivialising crimes against peace and humanity; strengthening the responsibility of the State for prevention and intolerance to any direct or indirect discrimination. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger.

53. In respect of the correct identification of “hate crimes”, the prosecutor is obliged to investigate the reasons and motives of the act, even when they are not elements of the offense. There is essential improvement of the interaction between the Prosecutor Office and the investigating authorities in order to identify, distinguish, and report discriminatory motive in the earliest possible stage of pretrial proceedings. The investigators and prosecutors have an obligation to establish the objective truth in any particular criminal proceedings which guarantees the finding of the facts, revealing a discriminatory motive, even in the absence of such a claim by the victim.

54. Taking into account the negatives trends around the world, continuing efforts should be made aiming at forming positive attitudes towards citizens belonging to any ethnic group, and of combating any prejudices in this regard. In this context, important measures have been taken to encourage the promotion of tolerance and cultural pluralism. The MoJ is the Programme Operator of two projects under the Norwegian Financial Mechanism concerning the fight against discrimination.

55. Statistical data on crimes against national and racial equality (Art. 162-163 of the PC) and on crimes against religions (Art. 164-166 of the PC) is as follows:

	<i>Crimes against national and racial equality, PC, Art. 162-163</i>		<i>Crimes against religions — PC, Art. 164-166</i>	
	<i>Registered crimes</i>	<i>Identified perpetrators</i>	<i>Registered crimes</i>	<i>Identified perpetrators</i>
2011	16	3	12	22
2012	6	3	15	6
2013	8	7	8	0
2014	8	0	18	17
2015	7	0	13	8

56. Additional data may be consulted in Annex 2.

57. Under the Memorandum of Understanding between the MoI and the OSCE ODIHR, in the period 2012-14, in the MoI Academy (MIA) has implemented the TAHCLE¹ program. 50 instructors in the MoI, as well as local police officers, were trained for investigation of hate crimes. Bulgaria is the first country where TAHCLE program has been fully implemented.

¹ The program was developed by the ‘Tolerance and non-discrimination’ department to ODIHR, in order to strengthen the capacity of law enforcement officials to detect, report, register, respond and prove hate crimes.

58. Concerning some findings on the inadequate approach of police officers upon receipt of notice for committed crime with a discriminatory element, and on lacking guidelines and recommendations to the police authorities, the General Directorate National Police to the MoI (GDNP) developed a “Supporting material on training for work in pretrial proceedings, initiated upon signals for committed crimes with a discriminatory element”. It was submitted to the Regional directorates of MoI, together with the “Methodological guidelines for work on case files and pretrial proceedings, initiated on signals for committed crimes with a discriminatory element”, developed by the Supreme Prosecutor’s Office of Cassation. In the period 2014-2015, trainings were conducted at the Regional Directorates of the MoI on the subject of “Practical difficulties in investigating crimes with a discriminatory element”. The main purpose was non-admission of violations in the pretrial investigation of such criminal proceedings.

59. On 10.12.2015, a scientific conference, namely “Protection against Discrimination in Bulgaria and Europe”, was held in MIA, with the participation of law enforcement agencies’ representatives, universities, the CPD, etc. The international and domestic aspects of hate crimes, public-legal mechanisms for prevention of discrimination, as well as anti-discrimination legislation were discussed.

60. The MoI Act forbids discrimination from side of police officers. The principles of non-discrimination and prohibition of racial profiling in the officials’ conduct are also regulated in the Code of Ethics for Civil Servants in the MoI. During trainings in the MIA, attention is paid to the fight against discrimination, racism and intolerance, to the protection of human rights and the work of police officers in multi ethnic environment. European legislation and internal legal acts on these topics are being studied. In 2015, 145 police officers were trained within the project “Protection of human rights and training of police officers, working in multi ethnic environment”. A new “Supporting material for conducting education about working in pretrial proceedings, initiated upon signals for committed crimes with a discriminatory element” was introduced. In 2016, 1600 police officers will be trained within this project.

61. Since 2011, the State Agency for Child Protection (SACP) has worked on 2 case files related to discrimination on grounds of “religion” and “belief”. The signals referred to the headscarf ban in school as an expression of religious affiliation in violation of the adopted rules for visual appearance and outfit in school. The SACP has concluded that the right to access to education in both cases has not been violated by introducing rules in school that ensure appropriate visual appearance and restrict demonstration of religious affiliation. On one of the two cases, the CPD also didn’t find any discrimination on grounds of “religion” and “belief”, which was upheld by the court at first and second instance. The SACP has worked on 1 case file on discrimination and 2 case files on degrading treatment of Roma children. In two of those cases the children were subject to degrading treatment by other persons of Roma origin.

62. Minor or juvenile foreign citizens seeking or granted international protection in Bulgaria are entitled to primary and secondary education, including vocational education and training. Access to the education system of students seeking or having received international protection is carried out in accordance with Ordinance 3/27.07.2000 on the terms and procedure for admission of refugees at state and municipal schools. If they cannot produce a document for a completed class or education degree, they will be admitted to the corresponding class in accordance with their age. Provision of immediate access to the education system facilitates their faster integration. In order to be able to successfully continue their education, the State Agency for Refugees (SAR) has arranged a course in Bulgarian for foreign citizens seeking or enjoying international protection under a programme with the MES.

63. The MES proposed the following steps for those seeking or enjoying international protection:

Support for pre-school upbringing and education of disadvantaged children

64. The objective is to create conditions for support of children from minorities and families seeking or enjoying international protection, for their successful professional, social and personal development. The measures should be directed at achieving sustainable results in the education of children at pre-school age (3-6 years).

Educational integration of students from ethnic minorities and/or seeking or enjoying international protection

65. Activities include: additional training in Bulgarian; additional activities with students at risk of school dropout; and support for successfully completing secondary education. In addition, the policy on ensuring equal access to education for all children until completion of secondary education is being implemented by granting scholarships to students after completion of primary education. Monthly scholarships are based on learning outcomes and one-off scholarships are for achieving high outcomes in school or during extracurricular activity, or address one-off social circumstances related to student access to education.

66. Under the NSRBIR and the Strategy for Educational Integration of the Children and Students from Ethnic Minorities (2015-2020), the MES focussed on: work with parents of children from ethnic minorities on the benefits of their children going to school; building positive attitudes towards the Roma ethnicity; appointing assistant teachers to work with children and students from ethnic minorities; and additional training in Bulgarian language.

67. In conformity with the CRPD, legal amendments were introduced, aimed at implementing the right to education without discrimination and with equal opportunities. The goal is to also enable persons with disabilities to search, receive and share information equally with other members of society and use new technologies in the best possible way in order to enhance their independence and interaction in all spheres of life. Another priority was set on enabling persons with hearing disabilities to search, receive and share information freely and based on the need of the sign language to enhance their independence and interaction in all spheres of life.

68. Since 2010, the CPD annually collects statistics related to hate crimes. It requires information from the MoI, the Supreme Courts, the Supreme Prosecutor's Office and all regional judicial bodies. In 2015, in response to discrepancies between the Bulgarian mechanism for recording of hate crimes and the OSCE one, CPD initiated joint forums to discuss the need for unification of the system for registering and reporting of hate crimes in Bulgaria.

69. In 2015, the CPD and the Union of Economists in Bulgaria in partnership with the Municipality of Veliko Tarnovo organised an expert on the best practices for socio-economic inclusion of Roma in the labour market. In 2015, a memorandum was signed between the CPD and the History Faculty of the Sofia University "St. Kliment Ohridski", in order to develop partnership and encourage joint participation in research projects in the field of equal treatment, combating racism and promoting multiculturalism and diversity.

70. Another strategic partnership of the CPD is with the Organization of Jews in Bulgaria "Shalom". The aim is to join forces to promote policies to combat xenophobia, racism, anti-Semitism, hatred and other forms of intolerance. In 2016, the CPD and "Shalom" organized a discussion on "Unlearned lessons of the Holocaust." The CPD co-organized another discussion on the theme: "No to xenophobia, racism and hatred in sport",

as part of the “Sport for Tolerance” 2016-2018, under the patronage of the Mayor of the capital and the Minister of Youth and Sports.

71. According to the CEM, the audience and civil society demonstrate maturity, recognize the phenomenon of hate speech and are critical to it.

72. The monitoring activity of the CEM shows that the majority of Bulgarian electronic media and the largest of them in terms of audience share, demonstrate balanced approach on the topics of minorities. Some televisions do broadcast systematic negativism toward persons with different ethnic self-consciousness or sexual orientation. The CEM reacts to violations of the law, whenever such are registered. In 2014, the current Acting Chairman made a 20-minute documentary about the problem, which was broadcast to representatives of other regulatory authorities.

73. Hate speech is amongst the most sensitive topics on which the CEM works. In case of violations of the Radio and Television Act, the CEM takes administrative-penal measures. The current legal framework also protects personal inviolability and forbids discrimination, including in the commercial content. The radio and television channels are obligated not to create or broadcast content that incite national, political, ethnical, religious, and racial intolerance or one that praises cruelty and/or violence. For the period 1.01.2011-21.04.2015, the CEM has issued 22 administrative acts for the violation of these rules.

74. The CEM circulates declarations against hostile and hate speech and the use of offensive language, and is an active participant in public discussions on the problem. It is also one of the initiators of the agreement between the media and the political parties for the non-use of hostile and discriminatory speech in electoral campaigns. The media may report when politicians use hate language. Hate speech in the media sector comes mainly from politicians and public persons and not so much from journalists. At the same time, it is the media outlet that carries the responsibility for the broadcasted content.

Paragraph 8

75. Gender equality figures among Bulgaria’s key national priorities in the field of human rights. Core national legislation warrants full parity between women and men and treats them equally in all spheres of life. Currently, there is an unprecedented 50% women participation in the incumbent government. Still, there are several worrying trends, like remuneration disparities between women and men, as men receive 14% more than women; and lower representation of women in the public and company management.

76. In 2015, MLSP launched the process of updating the National Strategy for Promotion of Gender Equality until 2020. It is a major strategic document of the consistent policy of equality between men and women. Every year a National Action Plan is prepared.

77. The draft Strategy includes five priority areas: increasing the participation of women in the labour market and equal level of economic independence; reducing the gap by gender in pay and incomes; promoting equality between men and women in decision-making; combating violence based on gender and protection and support of victims; changing existing gender stereotypes. The main sources of financing are the national budget, municipal budgets, European programmes and other international sources.

78. Statistically, the gender pay gap in Bulgaria is 13.5%, while on EU level it is 16.3%, (Eurostat). According to the gender equality index of the European Gender Equality Institute in Vilnius, Bulgaria moved forward by four places in 2015 but is still far from full equality (38.5% of full de facto equality). In view of this, Bulgaria actively and jointly with the EU institutions is modernising and further developing its legislation.

79. We note with concern that in recent years there are some cases of violation of the rights of people with non-traditional sexual orientation, caused by homophobia and social prejudices. The Bulgarian authorities have continued its consistent policies aimed at preventing and eliminating any form of discrimination, including against LGBT persons. Stereotypes and prejudices, if and when such are manifested against persons belonging to any ethnic, religious, linguistic or sexual minority group are consistently combated. The Ombudsman sent recommendations to the President of the National Assembly and the Prime Minister for taking the necessary legislative and other measures to guarantee that all serious homophobic actions would be qualified as crimes. Every year, the Sofia Pride Parade takes place in a peaceful manner, with little to no provocations.

Paragraph 9

80. In 2015, the PaDA was amended and supplemented in order to transpose the provisions of Directive 2006/54/EC, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

81. The Bulgarian legislation guarantees non-discrimination, equal opportunities and integration of persons with disabilities in all spheres of social life. The state policy is implemented in cooperation with the national representative organisations of and for persons with disabilities, of employers, and of employees, in accordance with the adopted National Strategy for Providing Equal Opportunities to Persons with Disabilities (NSPD). The MLSP has a leading role and the Minister chairs the National Councils for Integration of People with Disabilities.

82. The Bulgarian legislator has created and continues creating the necessary mechanisms to ensure the independence and social integration of the persons with disabilities. The main legal act is the Integration of Persons with Disabilities Act. Social and economic protection covers a monthly allowance for social integration, target benefits, tax reliefs and other forms of support, depending on the specific statutory acts. A priority form of support is the provision of social services in the community. Their range has been increasing, including a personal assistant; a social assistant; a home assistant; a day care centre for elderly people with disabilities; a centre for social rehabilitation and integration of elderly people; a social training and vocational centre; a protected home; a transition home; a family-type accommodation centre, etc.

83. The NSPD was adopted in 2007 and updated in 2012, in response to the monitoring mechanism and to the ratification of the CRPD. The NSPD aims at effective application of the policy of the Bulgarian government on improving the quality of life of the persons with disabilities, non-discrimination based on “disability”, providing equal opportunities, full and active participation of the persons with disabilities in all spheres of social life.

84. To this aim, the Strategy lays down the following priority areas: creating an environment, tailored to the needs of the persons with disabilities; a shift in the model of care for children with disabilities from placement at specialized institutions to care in family environment; warranted access to quality education; providing integrated medical and social rehabilitation; aids, tools, facilities and medical items; extending the options for work of the persons with disabilities and designating suitable jobs; development of social and alternative services in the community; providing equal opportunities for sports, recreation, tourism and participation in cultural life; enhancing the level of public. The main sources of financing of the national strategy are the state budget and the municipal budgets, and additional financing comes from the Structural funds of the EU.

85. Under the CRPD, countries shall recognize and warrant equal opportunities and support for personal participation of persons with disabilities in all aspects of life. This provision was new for the Bulgarian legislation and best efforts have been used on this issue even before the ratification, especially concerning the legal capacity of persons with mental disabilities or psycho-social problems. The CM adopted a concept for implementation of article 12, and coordination and public discussion of a draft NPSMA are being carried out.

86. A number of projects are being implemented for supported decision-making for persons with intellectual impairments. Leaflets on “You have the right to decide” and “Supported decision-making for people with intellectual impairments — a path to independence” have been printed, explaining in an understandable language the fundamental rights warranted by the Convention. Working on article 12 of the Convention, article 16 has also been covered. Local information campaigns were organised, promoting the model of supported decision-making for persons with intellectual impairments and/or autistic spectrum disorders, by establishing supporting networks for free exercise of civil rights, as an alternative to incapacitation.

87. On one case, the Sofia City Court has issued a judgement dismissing an application for incapacitation of a person with mental disorder. It has been established that the person may take care of its affairs and interests, provided that he receives assistance and support from his parents.

88. The elimination of discrimination and the support for equal opportunities between men and women are key elements for achieving the objectives for full employment, increased economic activity and promotion of social inclusion. Relevant measures are being taken for removing any discrimination based on gender, race or ethnic origin, religion or belief, disabilities, age or sexual orientation, and in particular, access of persons with disabilities. Depending on different needs of target groups, access to employment is to be provided to families with children, including children with disabilities, by ensuring integrated measures and services. Services for social inclusion and health care for persons with disabilities aged over 18 and for persons aged over 65 who are not able to look after themselves are provided.

89. The non-governmental sector plays a major role in the full integration of persons with disabilities in public life. The Agency for Persons with Disabilities (APD) finances projects under the programme “Rehabilitation and social integration of the persons with disabilities”, designed by NGOs to providing social services to persons with disabilities. Projects are being implemented for trainings, skills for independent life, rehabilitation, art therapy and events for public participation of and for persons with disabilities, development of tools, manuals and materials, as well as activities, aimed at changing public attitudes. In the period 2011-2015, APD financed 97 NGO projects. The number of covered direct and indirect beneficiaries is 17,000.

90. In the review period, SACP worked on 3 case files on discrimination against children with disabilities, regarding their access to appropriate health care, including social services. The signals contained information about the provision of such care in specialized institutions for children with disabilities, in a social service in the community and in a medical institution. The first two institutions are closed at present and the signal for discrimination in the medical institution was checked and it was found to be untrue.

91. Given the small number of received signals on these issues, against the background of 1,500 new case files on average per annum, given the fact that for some of them the CPD made no findings for discrimination, at present no additional measures are needed to combat discrimination against children with disabilities on the identified grounds, besides strict implementation of the legal norms.

92. Regarding gender identity, MH was interested party in one case before CPD. It was initiated in 2014, after a male patient complained he was discriminated by MH and NHIF based on gender, since a medicinal product for home treatment of osteoporosis was partially reimbursed from the budget of NHIF only for female patients with compulsory health insurance. In its decision from 2015, the Commission established the lack of discrimination.

93. In addition, following recommendations by the CPD, the MH introduced a clinical path for treatment of the disease cystic fibrosis. Further information on cases before the CPD against the MH is available in Annex 3.

94. Concerning the requirement to provide information on action taken in ensuring access to adequate health care for HIV/AIDS patients, it may be noted that the MH subsidized with funds from its budget health care establishment for hospital care for activities for outpatient follow-up and treatment of patients with HIV and for inpatient treatment of patients with AIDS, including those with coinfections (viral hepatitis B, C, D, tuberculosis). The policy is pursuant to the methodology for subsidizing health care establishments issued by the Minister of Health on an annual basis in accordance with the Health Care Establishments Act and a decree of the CM for implementation of the state budget for the respective year.

Paragraph 10

95. Equality between men and women is a key issue in preventing and combating domestic gender-based violence. Therefore, one of the priority areas of the National Strategy for Gender Equality is the fight against violence in all its forms.

96. The Bulgarian legislation contains a legal definition of the term “domestic violence” in Article 2 of the Protection against Domestic Violence Act (PDVA). It regulates the rights of individuals who have suffered from DV, the protective measures and the procedure for their application. Any person who has suffered from DV may seek protection under the law, whereby the liability sustained by the offender shall not exclude civil, administrative, and most of all, criminal liability. The PDVA is in line with the requirements of Regulation (EU) No. 606/2013 on mutual recognition of protection measures in civil matters. The law provides the opportunity for persons who enjoy a protective measure imposed in an EU Member State, to be able to request issuance of protection order in the country.

97. Under the PC, certain acts of physical, sexual, psychological or emotional abuse, as well as forced restriction of privacy, personal freedom and personal rights, are considered crimes. Furthermore, the performance of certain types of crimes against persons in kinship or family relationship with the perpetrator is a qualifying circumstance. In this sense, more severe punishments are provided in cases of rape of a descendant relative, in case of bodily injury to a parent, pregnant woman or a minor. The majority of these crimes are of general nature and are prosecuted ex officio. Attention should also be paid to the provision of Article 296, Paragraph 1 of the PC which incriminates cases where a person obstructs or prevents the enforcement of a judgment, an order for protection against DV or a European protection order.

98. Bulgaria is aware of the necessity to change the legislation on domestic and gender-based violence. In this light, with regard to Bulgaria, there were recommendations made by the CEDAW Committee, in execution of which Article 158 of the PC was repealed. Within the Second Cycle of the UPR, our country adopted a series of recommendations related to combating DV.

99. The MoJ is carrying out the project “Improvement of the National Legal Framework to Bring It in line with CoE Standards and Strengthening the Capacity of Competent

Institutions Involved in Cases of Gender-Based Violence, including DV". Under this project, experts are analysing the European legislation and our domestic legislation with regard to gaps in the area of DV and gender-based violence. The analyses shall contain recommendations and conclusions that would serve as foundation for legislative changes to increase the protection for victims of violence; it would raise their awareness of their rights, of the follow-up measures that need to be taken in view of their protection, etc.

100. According to the provisions of the PDVA, within the budget of the MoJ finances are annually designated for NGO projects' activities under the PDVA, as well as for development and implementation of programs for prevention and protection against DV.

101. On 30.04.2015, the CM adopted the National Program for Prevention and Protection from DV for 2015, containing the obligations of the involved institutions and NGOs in relation to domestic and gender-based violence.

102. The policy on the protection of child victims is part of the general policy on child protection. Protection measures are being taken in respect of children victims in accordance with the CPA. Under this Act, any child who is victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment in or outside his family is a child at risk and in respect of him/her relevant protection measures shall be taken. Some of these measures are: pedagogical, psychological and legal assistance to the parents or the persons entrusted with parental functions on issues regarding the raising, upbringing and education of the children; referral to suitable social services in the community; assisting persons caring for children in the preparation and execution of their functions; urgent placement outside the family after exhausting all options for protection in family environment, except for the cases where serious risk for the life and health of the child is identified.

103. Providing protection to a child who is victim of abuse is possible through the integrated efforts of all child protection bodies, which in the framework of their competences may react and assist in the timely rendering of support.

104. To ensure efficient and accessible system for signalling, prevention and support services, a Coordination Mechanism for Interaction in handling cases of children who are victims or at risk of violence is put in place. The child protection bodies at local level, social workers, policemen and representatives of the mayor take part, and depending on the specific case, representatives of the regional inspectorates of education, the prosecutor's office, health workers, and representatives of the social services may be also involved. The work under the coordination mechanism is supported by team discussions of cases, identification of specific activities, conducting expert assessments, taking decisions and follow-up actions on the cases depending on the competences of each participant, etc.

105. Furthermore, a Coordination Mechanism for referral and care in cases of unaccompanied children and children who are victims of trafficking returning from abroad (CMRCC) is set up, under an inter-institutional agreement among relevant institutions. The system for referral of specific cases facilitates the integrated, fast and efficient tracking of every case, upon receipt of a signal. The purpose of the mechanism is to ensure efficient coordination in the execution of specific duties for interaction among the engaged entities and provision of support to unaccompanied minors and underage persons and children who are victims of trafficking.

106. The cases of children who are victims of violence and trafficking are actively monitored by the Child Protection departments with the Social Assistance directorates (SADs) in order to provide the necessary support and prevent new cases of violence and involvement of children in trafficking. At the judgement of the social worker, the period of monitoring may be extended depending on the specific situation. In addition, for implementation of the policy in this area, of key importance is the National Help Line for

Children 116 111. As a form of consultative service, it assists in providing adequate and quality support to children and families and supports early identification of children at risk.

107. Some of the measures for protection of child victims and support of women victims are implemented in the social services in the community — crisis centres (CC), Mother and Baby units, public support centres, social rehabilitation and integration centres. In cases of domestic violence, the legislation provides for replacement of the alleged perpetrator and issuing of a restriction order. In order to achieve higher effectiveness and efficiency of the work, the services at CC are provided by two units: a crisis intervention unit and a psycho-social support unit. At the end of February 2016, as activities delegated by the State, there are 5 CCs for adults, with capacity of 50 places and 16 CCs for children, with total capacity of 166 places. Such services are also provided by municipalities as local activities and by NGOs working actively in support of children and women victims of violence and trafficking.

Paragraph 11

108. A thorough analysis of the compliance of the Bulgarian legislation with the provisions of the Convention against Torture has been conducted. Within the second Circle of the UPR, Bulgaria has accepted the recommendation to adopt a definition of torture that includes all elements present in the Convention. The issue concerning the introduction of legal measures to include torture as a separate and specific crime into the Bulgarian legislation will be considered. Definition of torture is given in Art. 3 of the Execution of penalties and detention act. In the PC there are general provisions on inflicting pain, suffering or bodily injury.

Paragraph 12

109. For the period 2012-2013, 198 cases of excessive use of force by the police were observed, from which 61 were ceased. 28 people reached the court. 13 of them were convicted, while 8 were acquitted. After 2013, the Unified Information System of the Prosecutor's Office stopped the processing of data in relation to this type of crimes.

110. Under Article 194 of PPC, the investigation of crimes, committed by public officials in MoI, is conducted by investigators, i.e. by judicial authorities, that are completely independent from police authorities. After inspection, in case of established disciplinary offense, disciplinary punishments shall be imposed. If a general offense has been committed, the competent prosecution shall undertake pretrial proceedings.

111. Inspectorate Directorate in MoI is directly subordinated to the Minister of Interior. Among the other activities, it also carries out inspections on unlawful conduct of senior officials of MoI. Inspectorate Directorate supervises the overall inspection process of other MoI structures, including for police brutality. In 2015, directorate officials carried out two inspections on signals for police misconduct. On one of the signals, concerning the detaining of persons, the data was found to be legitimate. In 2015, the Directorate exercised control on 6 inspections for signals on excessive use of force, committed by other structures of MoI. Inspections were finalized with a conclusion for unfounded signals.

112. Human Resources Directorate analyzes and controls the condition of the discipline in the MoI structures and provides methodological guidance and control on the disciplinary proceedings, in cases of serious disciplinary offenses, including the proceedings initiated in relation to evidence of police brutality exercised. Internal Security Directorate (ISD) performs operational-investigative, information-analytical and organizational activities on prevention, interception and disclosure of crimes committed by MoI officials. For 2015,

ISD conducted inspections on 39 signals, containing preliminary data on exercised police brutality. Of these, 32 inspections were sent to the relevant prosecutor's office. Work is ongoing on 7 signals. Three investigation cases against police officers were formed: two for beating citizens, and one for causing bodily injury upon a person's detention.

113. ISD implemented also two inspections, after citizens' complaints, submitted to the Directorate. One of the inspections was finalized as justified and after a report to the competent prosecutor's office, an investigative proceeding was instituted for unlawful use of force upon the detention of two persons.

114. The statistics for unlawful actions and penalties for MoI officials, during the reporting period, are as follows:

Year	<i>Unlawful actions of officials</i>					<i>Imposed disciplinary penalties</i>		<i>Material submitted to Prosecution</i>
	<i>Use of weapon</i>	<i>Use of assistive devices</i>	<i>Use of physical force</i>	<i>Bringing out and detention</i>	<i>Total and of these justified</i>	<i>Fired</i>	<i>Other penalties</i>	
2011	20	3	41	52	116/11	4	7	6
2012	7	7	58	55	127/19	10	9	12
2013	27	10	84	81	202/18	4	14	15
2014	11	18	86	72	187/13	9	4	2
2015	8	18	216	110	352/18	11	7	4

115. The Ombudsman, as National Preventive Mechanism, has also carried out checks in 2016 in eight police departments including for excessive use of force. All cases have been established as in accordance with the law.

Paragraph 13

116. As an institution, which is responsible for the execution of punishments and detention in custody in Bulgaria, the Directorate General Execution of Punishments (DGEP) at the MoJ must ensure appropriate conditions for the rehabilitation of the persons deprived of liberty, in line with European standards and best practices. Taking this organisational mission with the necessary responsibility and regardless of the budget restrictions, the emphasis is on the need to renovate the facilities and undertakes specific measures in this regard.

117. Seven prisons and prison hostels, one custody centre and the Pleven Employee Training Centre were renovated. Renovations were made of the day nursery and the medical centre at the Sliven Women Prison. The day nursery was fitted with brand new equipment and furnishing, which helps mothers in raising their babies and encourages their desire for change and life away from crime. The medical centre was provided with completely new and modern medical equipment and an in-patient care unit for prophylaxis and prevention of diseases. Specialised training of the medical personnel and the wardens in working with this vulnerable group of persons deprived of liberty took place with the support of CoE experts.

118. Renovations in the Lovech Prison encompassed the premises and kitchen unit of the specialised hospital for active treatment of persons deprived of liberty, as well as the kitchen unit in the main prison building which was fitted with new furnishing and equipment. The Atlant closed-type prison hostel in Troyan was also renovated in 2015.

Major renovations works in the Pleven Prison covered all premises. A new kitchen unit was built in the prison building of Burgas Prison. The construction of the Debelt closed-type prison hostel with capacity of up to 450 inmates was also completed. The two open-type prison hostels at Varna Prison were renovated and furnished — “Varna” hostel with capacity of 61 inmates and “Razdelna” hostel with capacity of 272 persons. It is planned for a part of the hostel to be transformed into a closed-type prison hostel with capacity of 176 inmates by September 2016. Major renovations of the prison building of Varna Prison are also envisaged to take place by the end of 2016. At present, overall renovation works are being performed in the building of Stara Zagora Prison, including construction of sanitary units and improvement of living conditions.

119. As to custody centres, major renovation of the premises for accommodation of detainees and construction of sanitary units took place in the Ruse Custody Centre in 2013. A new custody centre with capacity of 39 detainees was built in Shumen in 2014 and so was a new custody centre in Burgas with capacity of 36 detainees. A new custody centre with capacity of 20 detainees was opened in Vratsa in 2015. A new custody centre is currently under construction in Lovech and two new custody centres will be built and opened by the end of 2016 — in Pazardzhik and Veliko Tarnovo.

120. In relation to the need to improve the medical services, the necessary legislative amendments have been made to ensure the access of persons deprived of liberty to medical services. The Execution of Punishments and Detention in Custody Act (EPDCA) was amended and supplemented allowing for treatment of persons deprived of liberty in medical institutions outside the places for deprivation of liberty in a way similar to health-insured persons who have unsuspended health insurance rights. Measures have been taken to resolve the issue with the availability of medical specialists at places for deprivation of liberty. Currently, it is possible to enter into service agreements for medical services in prisons and custody centres, as well as an ex officio selection of a general practitioner for health-insured persons.

121. To tackle violence among prisoners, the DGEP resorts to differentiated accommodation of persons deprived of liberty in different groups and sleeping units. The allocation is made after detailed analysis and assessment by inspectors from the Sofia Metropolitan Directorate of the Interior and a psychologist. In the prisons that are being refurbished, there are allocated rooms that hold no more than 4-6 prisoners, whereby the lesser number of prisoners in the sleeping facilities significantly decreases the risks of inter-prisoner conflicts. In all closed-type places for deprivation of liberty there are video surveillance systems functioning. They encompass the main corridors, dining areas and open-space areas. The video surveillance systems are also operational in some of the open-type prison hostels. Operational video surveillance systems shall be installed in all open-type prison hostels, and the video systems in the closed-type places for deprivation of liberty shall be upgraded until there is video surveillance in all non-residential areas, used by prisoners.

122. The content of the curriculum for penitentiary psychological preparation is corrected, once again highlighting the view that problems should be resolved without causing physical suffering and with prevention, monitoring and the use of various approaches in treating prisoners and detainees. In accordance with the various psychological profiles of prisoners, there are situational role-playing games to develop skills in staff members to respond in an adequate manner.

123. The statistics of the number of deaths in custody is the following:

- In 2013, there are 32 registered death cases of individuals accommodated in prisons and places of detention throughout the country. Eight of the individuals died during periods of discontinuation of their imprisonment, six died in an external hospital

facility, four in a Specialized Hospital for Active Treatment of Prisoners (SHATP), part of the prison in the city of Sofia, one person died in the SHATP, part of the prison in the town of Lovech, eleven people died in prisons, and two people died during their home leave.

- In 2014, the individuals who died while serving their penalty of imprisonment or during their detention in penitentiary facilities throughout the country are 29 in total, of whom: seven individuals died during periods of discontinuation of their imprisonment, five died in an external hospital facility, eight in an SHATP, part of the prison in the city of Sofia, eight people died in prisons, and one person died during their home leave.

124. In line with the CAT's recommendations and some ECtHR judgments on overcrowding in prisons, the following urgent measures have been taken:

- A working group has been set up at the MoJ to propose amendments to the EPDCA.
- Prison capacities have been recalculated following new standards. The overcrowding issue in the Burgas Prison has been taken into account and will be addressed through the new Debelt closed-type prison hostel.
- A measure is being considered to relieve the procedure for re-categorisation and relocation of persons deprived of liberty to prison institutions of a less severe type in order to fill up the capacity of open-type places and reduce overcrowding in closed-type places.
- The implementation of the sanction of probation and imprisonment as a last resort has been enhanced. Steps have been made to implement the system for electronic surveillance of persons sentenced to probation and persons released from prison on probation or parole. Under the project "Strengthening the Implementation of Probation Measures in accordance with European Standards and a System for Electronic Monitoring", 183 convicts have been placed under electronic surveillance. It has been decided that electronic surveillance will be funded as a national program. More than 360 magistrates were trained under the project to boost their awareness of the scope of probation and the electronic monitoring. Proposals for legislative amendments were also elaborated to enable the use of the system in case of the house arrest detention measure.

125. Over the past years, the employee training program has been updated in order to cover the European standards and introduce best practices in the daily work to ensure more effective treatment and preparation for reintegration in society of persons deprived of liberty. The new training platform sets as a priority the employees' awareness and preparation with regard to the issues related to respecting human rights, as a form of prevention of inhuman or degrading treatment, discrimination, xenophobia and other types of intolerance. A module on prevention of discrimination has been introduced and a training program in radicalisation is to be piloted.

126. Agreements have been concluded with a number of universities and training institutions, to provide expertise, including in the process of further vocational training. Within the process of enhancing the partnership between the DGEP and public organisations, partnership agreements have been signed with the NIJ and the CPD.

Paragraph 14

127. Acting as an equivalent mechanism of a national rapporteur on the matters of trafficking in human beings (THB), the Bulgarian National Commission for Combating Trafficking in Human Beings (NCCTHB) coordinates the National Mechanism for Referral

and Support of Victims of THB (NRM) and performs the coordination of signals and cases of adult victims of trafficking. According the Combating of Trafficking in Human Beings Act (CTHBA), the Commission organizes and coordinates the interaction among separate institutions and organizations on the enforcement of the Act, as well as determines the implementation of the national policy and strategy in the field of combating THB.

128. The measures taken to combat trafficking, specifically for labour and/or sexual exploitation, are set in the Annual National Programme for combating THB and protection of victims. The National Programme comprises of 7 chapters: Organizational and institutional measures; Prevention; Data collection and analysis; Support and protection of victims; Capacity building and training of specialists; Institutional and international cooperation; Legal matters and amendments.

129. When speaking of “cases” it is referred to formally or informally identified victims of trafficking. According the NRM and CTHBA, the informal identification is performed by officers and employees of different institutions and organizations which have the first contact with the victim. It allows for immediate access of the trafficked person to the support programs and services included in the NRM. The formal identification is performed by pretrial proceedings bodies and aims at starting the investigation. There are indicators for identification of trafficked persons. The NCCTHB has also been a project partner within an ISEC funded project on the development of Manual on first level of identification of human trafficking and 3 separate guidelines for first level identification: <http://www.expertisefrance.fr/Domaines-d-activite/Stabilite-Surete-et-Securite/EuroTrafGuID-identification-des-victimes-de-traite-des-etres-humains>.

130. There have been different project and attempts for developing one system of data collection. The technical capacity has been updated and new data collection systems (MoSy) have been installed and incorporated. Currently, the NCCTHB is conducting an economic assessment on the human and technological resources needed in order to provide data on THB victims and perpetrators to feed into the centralized system. The NCCTHB has been granted access to the Unified Information System on Crime Prevention through which the Commission will have real time access to criminal proceeding and criminal case outcomes. Disaggregated data is available in Annex 4.

131. The statistics for unofficial signals received at the administration of the NCCTHB are as follows: for 2015: 67 signals concerning more than 200 persons. In 2014: more than 90 signals concerning more than 125 potential victims. It is interesting to note that compared to previous years, the cases of trafficking for labour exploitation have raised and people identify the problem more. In 2013, 105 signals coordinated through NRM were filed with NCCTHB in relation to THB, including signals for suspicions for involving in trafficking and/or for information how/what could be done to prevent the involving in trafficking. Usually, signals are directly filed by citizens, NGOs and other institutions. There have been signals filed with NCCTHB for minors who are victims or presumed of THB where SACP is the coordination and supervisory authority, and NCCTHB has supporting role.

132. Two coordination mechanisms regarding THB have been developed. The first one is CMRCC, and it refers to minors. It is coordinated by the SACP. The second mechanism is the NRM. It was developed in the period 2008-2010 and funded by the MATRA Programme of the Netherlands. The mechanism consists of three main parts and appendixes. They include the participants in NRM; the leading working principles and the so-called Standard Operating Procedures (SOPs). The indicators for victims of trafficking and the criteria and standards to provide social services to the victims of trafficking are included in the appendixes. On its part, the SOPs are divided into three main ones, namely, Identification and Referral of Victims of Trafficking; Protection and Support; and Social Inclusion (reintegration).

133. The following services are provided to victims of THB:

- Shelters and centres for support under the NCCTHB;
- Crisis centres for women and children victims of violence and THB. These centres are under the umbrella of the Social Assistance Agency (SAA). The centres are mostly operated by NGOs and some by local municipality structures;
- Sheltering services for victims provided by NGOs, through external funding and/or project based funding.

134. Currently, there are 5 functioning services financially and methodologically supported by the NCCTHB and managed by NGOs with experience in the sphere of victims' protection. Under the Bulgarian-Swiss cooperation anti-trafficking program two more shelters will be opened. The services will start their operations with project financing and on a later stage they will become fully governmentally funded.

135. For 2014, the NCCTHB have supported and sheltered 15 adult women victims of trafficking. In 2013, there are 29 women victims of trafficking supported in long-term programmes, mainly for sexual exploitation. For comparison, in 2012, 24 women victims of trafficking have received long-term support and in 2011 — 9. Each of the shelters has the capacity to house 4/+2 places. The team of each of the shelters consists of a manager, social workers, a psychologist; external specialists are engaged for the specific needs of the victims — a medical doctor, a lawyer, etc. The activity of the shelters is supported by the relevant Local Commissions. Victims who are witnesses in any initiated proceedings may stay in the shelters until the end of the criminal trial (pretrial and trial stage) or longer, according to their willingness for reintegration.

136. For the period of 2011-2013, one of the leading NGOs in the sphere, Animus Association Foundation worked on 194 cases of trafficking, from which 87 from the National Child Helpline and 107 in the Crisis Centre and the other services in the organization. NCCTHB works in active collaboration with the International Organization for Migration mission in Bulgaria, especially concerning the safe return of victims from abroad.

137. There is a trend observed in both shelters administered by NCCTHB and centres managed by NGOs, that cases of victims with mental impairments and mental and/or psychiatric disorders have become more frequent. The work with people with specific needs is long-term and the process of reintegration is very challenging, especially concerning the risk of re-trafficking. Also, the prolonged duration of criminal proceedings requires a longer stay in the shelters, and this includes active work on the motivation of the victims who have already agreed to collaborate in the process.

138. By the end of 2014, a total of five crisis centres with a capacity of 53 persons (of mixed type) and 15 child crisis centres for 155 children were operating as delegated social services. As of July 2015, another child crisis centre is operating, bringing their total capacity to 161 children. The maintenance funds for a person in a crisis centre as reference to the Uniform Yearly Financial Standards for crisis centres are as follows:

2013 — BGN 7,210;

2014 — BGN 8,251;

2015 — BGN 8,251;

2016 — BGN 8,500.

139. The SAA helps social services providers by rendering methodical support. Various guidelines have been elaborated, including Guidelines for opening and operating a crisis centre. In addition, crisis centres are regulated as a social service and are defined as a set of

social services for victims of violence, trafficking or other form of exploitation, for a period of up to six months. Services provided by these centres are targeted at rendering individual social and psychological support, including through mobile teams for crisis intervention, providing legal counselling and meeting clients' everyday needs.

140. There are no specific shelter services provided to male victims of trafficking. They can receive counselling or legal aid and sheltering within services provided by the SAA. In response to this conclusion, the NCCTHB is currently conducting an assessment on the profiles of male victims of trafficking and their needs, in order to plan for the provision of most needed services.

141. According to the CMRCC, the cases of children-victims of THB are being scrutinized by the civil servants at the Child Protection Departments in the SADs for a period of one year in order to provide children with the necessary assistance and to prevent them, and their siblings, from being drawn into traffic. It is up to the social worker to decide if the supervision period needs to be extended. The SAA receives information every three months from the territorial departments on children-victims of trafficking and/or repatriated from abroad. This information includes data for the work that is being done, the measures taken, the achieved results and the planned future expenses for each case. In some cases, the recruitment and exploitation of children takes place with the knowledge, consent, and action or omission of the family and relatives. In those cases, the child is placed outside the family and alternative forms for child care are sought.

142. For 2012, the Commission for Forfeiture of Illegal Assets filed in the court two reasoned requests for precautionary measures relating to the crime of THB and for a sum of BGN 302,276. A total of six cases were initiated for forfeiture of assets of total value of BGN 6,976,054. Until October 2013, the Commission filed in the court six reasoned requests for precautionary measures relating to the crime of THB and for a sum of BGN 790,444, and totally 8 cases were initiated for forfeiture of assets of total value of BGN 1,467,449. In 2012, six judgments entered into force against investigated persons who had committed the crime of THB for forfeiture of assets in favour of the state and for the sum of BGN 753,708, and in 2013 as to October 2013, five judgments entered into force for the sum of BGN 2,605,349.

143. Following data by the Supreme Court of Cassation, a number of criminal cases have been initiated on the charge of trafficking of children for forced begging, in which the children were involved by their family members, respectively by a guardian or custodian. A number of cases in relation to pregnant women aiming to sell their children have come to light in the recent years, and criminal proceedings were initiated on these grounds.

144. The Directorate General Fight with Organised Crime at the MoI (GDBOP) is the national specialised structure for conducting the activities in relation to local and transnational organised crime groups. GDBOP officials are experts in counteracting, detecting and documenting various offences, including THB. Another criterion for their level of expertise is their involvement in Joint Investigation Teams (JITs), led by European police services, for the investigation of transnational organised crime groups involved in THB and money laundering.

145. Data about pretrial proceedings initiated under Article 159c of the PC:

- Five cases were supervised in 2014, of which four for sexual activities and one for forced labour. Pretrial proceedings were newly initiated in one case of THB for the purpose of sexual activities.
- Four cases were submitted in court against six accused parties, of these:
 - For the purpose of sexual activities — three pretrial proceedings against three accused persons.

- For the purpose of forced labour — one pretrial proceedings against three accused parties.
- One person was convicted for THB for the purpose of sexual activities, with a final sentence of imprisonment, suspended. No persons have been finally acquitted.
- First half of 2015: Three cases have been monitored, all for THB for the purpose of sexual activities. There are no newly initiated cases in this period. Pretrial proceedings in one case have been submitted in court against two accused parties. Two persons have been finally sentenced for sexual activities, one to effective imprisonment, and the other to suspended imprisonment. No persons have been finally acquitted.

146. During the reporting period, cases regarding THB have been dealt by 02-Criminal Department at the National Investigation Service (NIS). The NIS investigates factually and legally complicated THB offences committed abroad, and acts upon cases requiring investigation in the country or interrogation by video conference. In the period from 01.01.2014 to 18.09.2015, the NIS has worked on a total of 36 THB pretrial proceedings. In addition, acting upon an order of the Prosecutor General, the director of the NIS coordinated the elaboration of Methods for investigating THB offences. The aim is to provide summary information on a particularly relevant offence and analysis on achievements and deficiencies in investigating THB.

Paragraph 15

147. The accommodation capacity of the territorial divisions of the SAR is 5130 beds. On the 04.04.2016 the fill rate is 16%. There are enough free beds and the capacity could be increased. Most people are accommodated in Voenna Rampa reception centre in Sofia. Accommodation capacity is 800 beds and fill rate — 47%.

148. Since May 2014, there are furnished and equipped medical facilities in all territorial units of SAR. The necessary sanitation and anti-epidemic modes are provided. In all territorial units medical staff is appointed, and at present the total number of medical professionals is 14.

149. At the divisions of SAR, there are interpreters contracted to the agency and mediators contracted by projects of the BRC or NGOs to carry out the initial medical examination of newly arriving persons, as well as to ensure medical services to residents. Medical offices maintain a set of necessary medicines for emergency medical assistance and means for their purchase were provided from the budget of the agency, BRC and donors. SAR provides detergents and disinfectants. The hygiene in places of accommodation is supported by sanitation workers with the assistance from foreigners accommodated in the respective centres. In all territorial units of SAR there are separate rooms for medical isolators, which are used to accommodate people with contagious diseases.

150. There are no reported cases of ill-treatment of asylum seekers in the territorial divisions of SAR.

151. The MoI is committed to protecting the rights of individuals, seeking international protection and guarantees the right of access to the territory (principle of non-refoulement). All BCs (Border Checkpoints) are accessible and work in 24/7 regime. Significant efforts have been made to implement a balanced and effective border control, guaranteeing both the fundamental rights of migrants and asylum seekers, as well as the security of the EU external borders. BCs officials apply all Schengen standards.

152. From the beginning of the migration pressure, urgent measures were taken to ensure appropriate conditions for asylum seekers and illegal migrants. Substantial funds were allocated to support these persons, modernize the accommodations in CBPD (Chief Border Police Directorate); update and expand the premises of SAR, accommodate the persons, seeking protection. The capacity of CBPD officers was increased and they were provided with appropriate training. In October 2013, a Distribution Centre (DC) was opened in the town of Elhovo, for initial reception of people, entering into Bulgaria (stay 3 to 5 days).

153. To date, there are no cases of non-accepted people or asylum seekers to Bulgaria. The individuals can use BCs, rather than risk their lives and stimulate the channel traffickers. CBPD detains the foreigners, who have illegally passed the border, for up to 24 hours and, meanwhile carries out procedures for identification and initial registration. Food and medical care are provided (compulsory examination on arrival); leaflets, relating to the asylum procedure, are available in different languages.

154. Individuals who seek international protection are redirected to the SAR registration-reception centres. Persons who are not seeking protection are accommodated in Special Homes for Temporary Accommodation of Foreigners (SHTAF) to the Migration Directorate. SHTAF has secured permanent medical presence and regular medical examinations; access to legal assistance is provided; information materials are available in several languages; psychological help is provided; computers are available for contact with relatives; the food is consistent with the appropriate religion; there are rooms for religious needs, entertainment, children's rooms, playgrounds, etc. SHTAF officials are mandatory fluent in English, German or French; some officials speaking Arabic and Farsi were employed.

155. When minors and juveniles seek protection, they are immediately transferred to the SAR reception centres. If they do not seek protection, these individuals shall not be accommodated in SHTAF, but shall be transferred to the SAD for protection measures, under the CPA.

156. In 2013, 4520 foreigners have stated desire for protection under the ARA before the CBPD officials, including 1,639 children. In 2014, the number was 3,399. Of these, 798 were children, 59 of which unaccompanied. In 2015, protection was requested by a total of 4,751 persons. Of these 1,296 were children, with 378 unaccompanied.

157. In 2010, between CBPD, UNHCR and BHC was signed a trilateral Memorandum of Cooperation. On this basis, UNHCR constantly supports the Border Police and has provided a special handbook to address crisis situations. UNHCR and BHC have a full and a free access to persons who have been detained in the border zone, in order to ensure access to the territory and international protection. They perform surveillance of all borders and 24-hour police detention premises, through a joint annual report of the memorandum parties.

158. Ongoing training continues for the local officials, responsible for control and monitoring in CBPD together with UNHCR, SAR, BRC, BHC and other NGOs to study the EU and Schengen law, governing the border control and respecting the human rights in conditions of increased migratory pressure. In 2014, 74 border police officers were trained on the issues of refugee law and the principles of international protection, the legal instruments in the context of mixed migration flows, etc. In 2015, 63 officials were trained on the topic Access to territory and procedure for granting protection in Bulgaria.

159. In February 2015 the implementation of a new 18-month Plan for special support by EASO was launched. It provides measures to support sustainability of achievements, to build additional capacity of MoI and SAR, concerning reception and social activities, incl. support for vulnerable persons; planning of emergency cases, etc.

160. On 08.03.2016 a Memorandum of Understanding was signed between the MoI and UNICEF. Its purpose is to ensure the rights of children, victims or witnesses of crime or violence, children in conflict with the law; children refugees and migrants, as well as to strengthen the capacity of MoI, under the CPA and the PDVA. Upon its implementation, in March 2016, 21 CDBP officials working at BCs on the southern Bulgarian border were trained on the protection of children-migrants and refugees. Some practical difficulties were outlined in the work of border police with unaccompanied minors, related to insufficient capacity for translation, the need for better coordination and communication with the competent authorities in some regions, lack of a system to protect children who have not requested protection in Bulgaria, etc.

161. In order to improve the existing medical services, specifically in Harmanli Registration-Reception Centre (RRC), serious actions were taken by the competent institutions. Currently, the refugees receive free medical care on a weekly basis, financed by donors, comprising a medical team of a paediatrician, an internist, a surgeon and a dentist; and chronically ill children are enrolled in the patient list of a general practitioner.

162. Special protection measures under the CPA for unaccompanied migrant children are possible for two groups of children. The first group covers children seeking or enjoying international protection. The second one covers children who have not applied for international protection or who have been refused such protection. The two applicable legislative acts are the ARA and the Foreigners in the Republic of Bulgaria Act. According to their provisions, forceful placement in detention centres of illegally residing foreigners does not apply to unaccompanied minors and juveniles.

163. Unaccompanied migrant children, including those seeking or enjoying international protection, are children at risk under the CPA. In this regard, the State is committed to create appropriate conditions and warranties for realisation of their rights, as laid down in national and international laws. The children from this target group have the same rights as Bulgarian children without parental care. In this sense, governmental institution should provide shelter, food, clothes, personal items, access to healthcare, access to education and all the other rights set out in the UN Convention on the Rights of the Child, taking account of their individual needs.

164. The legal representation of unaccompanied migrant children is a main condition to ensure their rights and legal interests. The ARA contains provisions for appointing legal representatives of children seeking or enjoying international protection. In October 2015, a legislative amendment came into force regarding the regime of legal representation of unaccompanied children seeking or enjoying international protection, setting them under the protection of the local mayor or his/her representative.

Paragraph 16

165. MoI is actively supporting UNHCR, Frontex, BHC and other institutions to identify the facts on the signals obtained. Each case, with sufficient available information, is investigated. Constant communication is kept with the Frontex officials, as well as with the Fundamental rights officials, on all issues relating to the activities of Frontex along the external borders of Bulgaria. CBPD officials work in conditions of transparency and constant monitoring. Visits are regularly conducted of delegations, NGOs, media, etc. Access is ensured to the border and to all accommodation centres, as well as an opportunity for conversations with the individuals. Discussions and interviews are held with the officials of CBPD, who have direct contact with foreigners illegally crossing the border. Along the Bulgarian-Turkish border an Integrated Border Surveillance System/ IBSS/ has been built. In the areas where IBSS elements are lacking, the surveillance is performed using mobile surveillance systems with hand-held thermal imaging cameras and devices for

day and night vision. Furthermore, an engineering-prohibitively facility is being constructed whose main purpose is to stop the illegal crossing of the state border and redirect the refugee flow to the BCs.

166. Significant progress was reported by UNHCR (04.2014), the EASO (02.2014), the European Commissioner for Internal Affairs, the Executive Director of Frontex, the Regional Director for Europe of the IOM, etc.

167. No signals of excessive use of police force were recorded during 2013; for 2014 there are 2 signals: a signal for the use of official dog and a signal for not admitted group of 17 people. The inspection found no illegal actions, and a report was sent to UNHCR and BHC.

Paragraph 17

168. On 31.07.2015, the draft NPSMA, and the motives thereto were published on the official website of the MoJ, for public discussion. The purpose of the draft law, on the one hand, is to empower and achieve autonomy for people with disabilities as holders of rights, and, on the other hand, it aims at evoking the liabilities of institutions and any third parties obliged to guarantee the effective and actual exercise of rights by people with disabilities.

169. The draft law contains all principles and standards, provided in Article 12 of the CRPD. It provides for the state to develop support mechanisms for everyone to enjoy their rights independently, including those with disabilities, in accordance with their will, values, and preferences.

170. This draft law puts forward several specific goals:

- Developing support measures so that persons with difficulties in carrying out specific legal actions would obtain support and would be able to enjoy their rights, without substitution of their will;
- Providing for guarantees and safeguards to simultaneously respect the will and personal choice of each individual, protect him/her in situations containing serious risk of irreversible damage, and protect third parties interests.

171. The draft law contains new provisions to the Bulgarian legislation: support in carrying out specific legal actions, in decision making and safeguards in risk situations, collaborative decision making, etc. There are also provisions regulating the powers of the authority responsible for the supported decision making. This constitutes a repeal of the provision for incapacity (limitation of capacity) and its replacement by a body of measures to support individuals with difficulties (disabilities) to enjoy their rights independently. There is a provision regarding a new understanding about the person and his/her capacity to exercise his/her rights independently. The draft law also provides that the purpose of the support for each case will be to reveal the will and preferences of the supported person or to create conditions for such will and preferences to be manifested or interpreted to the best possible degree.

172. The new tools for personal exercise of rights are based on the concept of a trusted relationship, as a specific means to express the will of the disabled person. It is based on mutual trust and understanding. The law determines criteria for a trusted relationship and constitute its minimum content.

173. A very substantial element in the draft law is the regulation for personal rights, which shall be enjoyed independently, after proper counselling. Part of the regulation is to guarantee avoidance of and provide safeguards against conflicts of interest and undue influence between the supporter and the supported person.

174. Since the measures will only be applied to actions with legal consequences, they shall be determined by the court. The judicial procedure is viewed as a general safeguard against: unjustified claims to impose a measure; risk of imposing a measure that does not correspond to the needs of the person; and risk of abuse on the part of the claimant. The goal is to establish a guarantee that the respective procedure is only for the purposes of providing timely support; and to guarantee that a person in a serious crisis will not be left without support and will not suffer irreversible personal and financial losses.

Paragraph 18

175. Pursuant to the Special Surveillance Means Act (SSMA), only the authorities referred to in Art. 13 have the right to request the use of SSMs. Only the court may issue a reasoned written permission for their use. SSMs are used, when necessary, for prevention and detection of serious crimes under the PPC, when the required data is impossible to collect in other way.

176. MoI has taken measures to restrict the use of SSMs. At the end of every month, an analysis is conducted on the effectiveness of SSMs, with the aim to suspend their use in case of inconclusive results. SSMA provides for parliamentary control and monitoring during the authorization, implementation and use of SSMs, preservation and destruction of the information, and protection of citizens' rights and freedoms.

177. Under SSMA, if SSMs have been improperly used against citizens, the Commission under article 34b shall officially notify these individuals. In case misuse, inappropriate storage or disposal of the acquired information, the Commission shall bring the matter before the prosecuting authorities and before the heads of authorities and structures, under SSMA.

Paragraph 19

178. The MoI has sent to the prosecution one case of a police officer, accused of excessive use of force during the anti-government protests in July 2013. Following an inspection by the ISD, there was no evidence on unlawful actions by police officials. During the incident, they have acted according to the MoI Act and in compliance with the orders of the Secretary General of the MoI.

179. The CEM monitors closely all cases of breach of the principles of freedom of speech. It also raises concerns for occasional physical attacks against journalists and/or their property. In September 2014, CEM issued a declaration, expressing concern over the aggression against teams of two televisions. Because of these and other similar cases, there is need for adopting concrete measures for protection of journalists. Despite the occurrence of these types of incidents, the CEM does not deem them a tendency.

180. There is need to adopt stricter regulations for media ownership, both at national and European level. Currently, the Bulgarian law does not make a distinction between media ownership and the ownership in any other business sphere. Moreover, there are other ways for influencing editorial independence — incurring debt, partial financing, fictitious ownership, pressure from advertisers, etc. Therefore, provisions in the law addressing solely media ownership would hardly prevent the negative tendencies.

181. As a matter of priority, the electronic media are required to guarantee the right to free expression of opinion and the right to information. However, the CEM considers that the mechanisms of journalistic self-regulation do not function properly. There is need for a greater solidarity amongst journalists, as well as for a serious union. The common problems

are exacerbated additionally by the dwindling of revenues from some advertisers, the lack of a sustainable business model, especially for the print media, and the competition of Internet.

Paragraphs 20 and 27

182. Equality before the law is a fundamental principle in the Constitution and current legislation of Bulgaria. All citizens are equal before the law without discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties. The Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person on the territory of the State, and, where necessary, resolutely take steps to punish such acts. It should be highlighted that Bulgaria has not a strong record of such acts or manifestations. However, Bulgarian authorities will continue to be vigilant, since similar developments could not be underestimated.

183. The Religious Denominations Act is not restrictive and discriminatory. It is in conformity with UN core instruments on Human Rights: the Universal Declaration of Human Rights (art. 18), the International Convention on Civil and Political Rights (ICCPR, Art. 18), the European Convention on Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief etc. In addition, Council of Europe Parliamentary Assembly Resolution 1390 (2004) expressly emphasises that the law represents an important step towards guaranteeing religious rights and freedoms. All religious denominations shall be free and equal in rights. For that purpose, the legislator has granted them equal opportunities to participate in the social life. The registration procedure under the Religious Denominations Act is necessary in the interests of public safety, for the protection of public order, health and morals, and for the protection of the rights and freedoms of others.

184. The Bulgarian Orthodox Church does not enjoy privileges compared to the rest of the religious denominations and merely acquires its status as legal person according to a special procedure. The Religious Denominations Act does not compel religious communities to merge; it just bars breakaway groups from using the property of registered religious institutions. There is no discriminatory treatment in connection with the construction of places of worship. They are constructed according to the standard procedure, provided for in the Spatial Development Act, and are not subject to any special requirements.

Paragraph 21

185. The Central Election Commission (CEC) is responsible for the management of the electoral process in Bulgaria. Under the Election Code (EC), the CEC is guided by the principles of legality, predictability and proportionality.

186. The election rights of Bulgarian citizens are guaranteed on constitutional level and the terms and procedures for their exercise are laid down in detail in the EC. Relevant to the electoral process are also the Political Parties Act, the Meetings, Rallies and Demonstrations Act, the Administrative Violations and Sanctions Act, the Direct Citizen Participation in State and Local Government Act. The above-mentioned legislative sources ensure a sound basis for holding democratic elections.

187. When organizing and holding elections, the CEC monitors for the strict application of the rules for exercise of election rights by all citizens, irrespective of their ethnic origin.

188. Prior to the invitation of the Bulgarian authorities, the ODIHR established a Limited Mission for monitoring the early parliamentary elections on 05.10.2014, which included members from 13 OSCE member states. The mission traced the election procedures together with the delegation of the PACE. There was a positive assessment on the elections conformity to OSCE democratic commitments and on the conformity of Bulgarian legislation to existing electoral standards.

189. During the election campaigns for members of the European Parliament on 25.05.2014 and for members of parliament on 05.10.2014, there were some negative and populist speeches by representatives of a few parties against ethnic Turk and Roma groups. The CEC prohibited broadcast of pre-election clips containing discriminatory messages. Administrative sanctions under the EC were issued against the guilty party leaders and against broadcasting media.

190. During the local elections in 2015, the campaigns of participating parties and coalitions were carried out in compliance with the principles of the OSCE Copenhagen Document, and in the absence of violations under article 6 of the Framework Convention for the Protection of National Minorities and article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

191. Persons from ethnic minority groups with election rights participate on equal footing in the elections. Moreover, for the Bulgarian citizens living abroad, the CEC determines voting sites and opens polling stations in accordance with the EC, providing a wide range of opportunities for more people to exercise freely and seamlessly their active voting rights.

192. Under the Constitution, the EC provides for the election campaign to be conducted in Bulgarian language. The requirement applies to the official statements of the parties during the campaign but does not affect normal discussions inside minority groups, including on election topics. This rule prevents language barriers for persons from ethnic minority groups, given the fact that education in Bulgaria is conducted in the official Bulgarian language, along with the opportunity to study the mother tongue.

193. The policy of the state is aimed at providing legal guarantees and real opportunities for all Bulgarian citizens without discrimination to vote and be elected to bodies of state and local governments. Representatives of ethnic minorities are members of many major political parties and also take part of their management bodies. They participate in presidential, parliamentary and municipal elections and subsequently contribute to the determination of public policy. Although the Constitution has proclaimed that political parties cannot be formed on ethnic, racial or religious grounds, this does not limit the rights of Bulgarian citizens from ethnic minorities to participate actively in the political life, according to their own beliefs and interests while respecting the laws of the country.

Paragraph 22

194. The government continues improving the Bulgarian legislation on guaranteeing the rights of minors involved in legal proceedings as witnesses, victims, suspects, accused or sentenced persons in full compliance with the international standards. The main objective of the reform in criminal proceedings is to strengthen the legal status of the child, considered as a system of rights provided for in international treaties and agreements to which Bulgaria is a party. At present, a working group functioning at the MoJ is in the process of developing a package of bills to amend and supplement the PC, the PPC and the MoI Act, as well as a draft special Diversion of Minors Away from Criminal Proceedings Act (DMACPA).

195. The amendments to the PC envisage for protection measures to be implemented with respect to a minor who has committed an act which poses danger to society and with the

characteristics of a crime. In accordance with the amendments proposed, punishment will be imposed on minors primarily to provide them with support for education and social integration.

196. The amendments to the PPC are in line with the draft Directive on procedural safeguards for children suspected or accused in criminal proceedings. The latter aims to establish common minimum standards throughout the EU with respect to the rights of children who are suspect or accused in criminal proceedings, as well as of children against whom a European Arrest Warrant has been issued. The capacity of children who are suspect or accused as such is recognised and, in their interaction with the competent authorities, they shall be always treated with respect, dignity and professionalism; in addition, personal and non-discriminatory attitude shall be displayed towards them.

197. The DMAPA will provide for the structure and functions of the institutions and authorities for correctional support to adolescents and their interaction with police, health, social assistance, education, judicial system and criminal enforcement authorities. The purpose is to encourage and support the rehabilitation and development of minors who have committed offences, in order to reintegrate them in society and prevent recurrence. Minors will be exempt from criminal and administrative-criminal liability by means of implementation of the measures laid down in the draft. An Educational Support for Minors Office is envisaged to replace the existing Local Commission for Combating Juvenile Delinquency.

Paragraph 23

198. The actual implementation of the reform in child care began with the adoption in 2010 of the National Strategy “Vision for Deinstitutionalisation of Children” and the Plan for its implementation. It provided for closing of classic type specialised institutions and for replacing them with a well-developed network of close to family environment. The projects from the first stage of the reform were completed in 2015.

199. During the first five years of the implementation of the National Strategy, the efforts and resources were directed at deinstitutionalization of children with disabilities. As a result, all specialised institutions for children with disabilities in the country were closed. The total number of specialised children’s institutions has declined by nearly two-thirds since 2010 (130 in 2010 and 47 in 2015). The number of children in institutions has declined to 1,533 as of 31.12.2015 (compared to 7,150 in 2010) and it should be noted that the number of new placements in specialised institutions has steadily declined. At present, the institutionalized children are 70% less than in 2010.

200. Developments in foster care are extremely good and the annual number of children placed with foster families has increased from 221 in 2010 to 1,258 in 2015.

201. In the first planning period of deinstitutionalization, were built and opened:

- 118 centres of family-type accommodation (CFTA) for children and youths with disabilities, with 1,285 children/juveniles with disabilities placed
- 39 CFTAs for children without disabilities, with 322 children placed
- 19 protected houses, in which 121 youths with disabilities live
- 3 transition houses, accommodating 23 children

202. The sustainability of all these services was warranted: at present they operate as state-delegated activities and are managed by the municipalities.

203. The progress in the implementation of the Action Plan is reported on an annual basis. Since 2014, an expert working group has a permanent mandate and its primary task is to monitor the implementation of the specific activities set out in the Action Plan and assess its application; to identify challenges and propose options to address them, including update of the text of the Action Plan. The five monitoring reports on deinstitutionalisation of child care that have been prepared until now can be found on the website of the SACP.

204. At the end of 2015, steps were made for updating the Action Plan in order to outline the objectives in the next planning period; to lay down quality indicators for their execution and to introduce a new concept for managing the process. The focus of the new plan is on preventing the separation of children and families and enhancing the efficiency and effectiveness of the system for protection and alternative care for children in the community, as key components of the process of deinstitutionalisation.

Paragraph 24

205. In 2015 and at the beginning of 2016, the Bulgarian government has taken significant actions for the implementation of the legislative and institutional measures, contained in the Updated Judicial Reform Strategy (UJRS) and the National Strategy for Prevention and Counteracting Corruption in the Republic of Bulgaria 2015-2020 (NSPCCR). The National Assembly adopted the UJRS in 2015. The overall objective of the Strategy is to build on the efforts for modernisation of the judiciary and to complete its reform within the next seven years.

206. The first measures on implementing the UJRS have been launched in 2015. On 16.12.2015 the National Assembly adopted a Law Amending and Supplementing the Constitution. According to the amendments, the SJC has been divided into two chambers — judges' and prosecutors', so that they could take independent decisions on career development and appraisal. The Inspectorate to the SJC will carry out inspections on integrity and conflict of interests of judges, prosecutors and investigators, on their property declarations, as well as to determine actions undermining the prestige and/or violating the independence of the judiciary. The secret vote within the SJC has been dropped. Furthermore, a qualified majority of 2/3 of the Members of Parliament shall elect the Members of the SJC.

207. The NSPCCR was adopted by the CM on 09.04.2015. Countering high-level corruption is of topmost priority. In implementation of this Strategy, a National Council on Anti-Corruption Policies has been established, with advisory, coordination and control functions with regard to the development and the implementation of the policies in the area of prevention and countering corruption. On 08.07.2015, the National Council adopted an Action Plan for Implementation of the NSPCCR.

208. A Specialized Interagency Unit for Investigating Corruption has been established. Furthermore, a new legislative framework for public procurement is currently discussed in Parliament. The government agencies have started drafting anticorruption plans for the high risk sectors, which are to be implemented in 2016.

209. According to the Prosecutor's Office, during the first nine months of 2015, 677 pretrial proceedings were filed for corruption offenses. 332 acts of prosecution were submitted and 194 persons are convicted with final verdict. The number of acquitted persons was 42. In 2014, 989 pretrial proceedings were filed for corruption offenses. 444 acts of prosecution were submitted and 273 persons were convicted with final verdict. The number of acquitted persons was 50.

210. In 2013, the SJC adopted a new Strategy for Preventing and Combating Corruption in the Judicial System, indicating clearly the duties of different SJC commissions for

achieving the objectives and the measures set out in it. It includes measures for eliminating the uneven workload of judicial bodies, providing for a current monitoring and analysis of the workload of judicial bodies, and taking concrete measures for optimisation. The Commission on Professional Ethics and Corruption Prevention has a leading role in the implementation of the Strategy. It prepares an annual schedule of the measures and an assessment of their implementation. One of the main tasks is to ensure efficient oversight mechanisms for detecting and penalizing the abuse of power and other forms of corruption behaviour by magistrates. The presence of data on corruption behaviour and abuse of office by magistrates are grounds for seeking liability for disciplinary violations.

211. The amended Judicial System Act from 2011 establishes the status of local ethics commissions. They are entrusted with the preparation of opinions on the moral qualities of magistrates. Thus, they act as guarantors and drivers of the application of the ethic standards in the life and practice of judges, prosecutors and investigators.

Paragraph 25

212. The Bill to Amend the Judiciary System Act was adopted on 31.03.2016. It implements the main measures envisaged in the UJRS. Apart the division of the SJC into two colleges, each taking independent decisions on matters within its competence, provisions have been made that all personnel decision, including those whereby proposals are made to the President of the Republic to appoint a Supreme Court of Cassation President, a Supreme Administrative Court President and a Prosecutor General, will be taken by the SJC plenum by an open ballot. The open ballot meets the public expectations of transparency in resolving personnel issues of the judiciary. This will prevent the SJC parliamentary quota from setting the judicial personnel policy on its own. In addition, rules are proposed for convening and chairing the sessions of the SJC plenum and colleges without abstention from voting.

213. Nominations for SJC members, elected by the National Assembly need to be accompanied by: detailed motivation about the candidates' professional and moral qualities; opinions expressed by professional, academic and other organisations; documents related to the incompatibility requirements and documents about the candidates' legal length of service and career development. Candidates for SJC members need to present a declaration about their property situation and the origin of funds for acquisition of their property, as well as a declaration about the existence of private interests. The relatively long period for review of candidates and the significant amount of information required, guarantee transparency in the process.

214. SJC members from the professional quota will be elected by the assemblies of the respective magistrate communities by secret ballot. The rules for the election and the sample ballots are adopted by the SJC plenum; decisions on the candidates' admissibility shall be rendered by the SJC College of Judges and the SJC College of Prosecutors respectively. The hearing will be public and broadcast in real time. Candidacies shall be announced in advance, in order to have time to check for risks of dependency, to hold a public presentation and a hearing with civil organisations. Opinions may be submitted by judges, prosecutors, investigators, and non-profit legal entities in public benefit no later than 14 days before the election.

215. In order to guarantee the independence of the work of magistrates, the SJC launched a process to improve the random allocation of cases, putting in place a new centralised IT system for the entire judiciary, which should help address the raised remarks on corruption issues.

216. The SJC holds many activities aimed at raising the awareness of the main values of the independent judiciary. A Civil Council (CC) was set up, including professional and NGOs, with the purpose to ensure open and effective participation of civil and professional organizations in the formulation of strategies for reforming the judiciary.

217. In 2013, at the initiative of the SJC, a “Day of the Open Doors” was held in all bodies of the judiciary. From June 2013, Council one-month internships are held within the Council for 3rd and 4th year students in law.

218. In 2014, the SJC and the MES jointly implemented the pilot training programme “The judiciary: informed choice and civil trust. Open courts and prosecutor’s offices”, targeted at 10th grade school pupils, aimed at raising their awareness of the structure, functions and importance of the judiciary, forming legal literacy and culture. The programme was carried out by magistrates and court employees pro bono. Due to the high interest, in the 2015/2016 school year the Programme was extended to cover students from 8th-12th grades from over 140 schools.

219. In 2015, in implementation of the project “Strengthening the capacity of the SJC for better management of communication processes and greater transparency in the work of the judiciary”, a Communication Strategy of the Judiciary 2014-2020 was adopted. The website of the SJC was renovated and a version for children was created, ten TV stories “The Third Power from Inside” were shot, presenting the structure, functions and activities of the judiciary.

Paragraph 26

220. SACP has control functions to carry out inspections in maternity wards and SADs and penalise medical professionals, who have not notified the social agencies about the need to protect minors and pregnant mothers. Since 2010, the National Statistical Institute registered a gradual decrease in the number of births. The proportion of births to juvenile mothers marks a permanent downward trend. If in 2005 per 1000 births in the country 60 of them were by mothers under 18, in 2014 the proportion is 46.4 to 1000 respectively. Nevertheless, in 2014, 3162 children were born to juvenile mothers, representing a risk for their health and welfare.

221. SACP signalled the Prosecutor General in connection with orders to local prosecutors to refuse to initiate criminal proceedings relating to “early marriage”. There are cases of refusals on the grounds ethno-cultural characteristics of Roma ethnicity. It is estimated that a relatively high proportion of terminated criminal proceedings remains on the coexistence of an adult with a juvenile girl and on cases of sexual intercourse with a juvenile girl. In this regard, at the end of 2010, the Prosecutor General developed Methodological guidelines for improving the activity of criminal proceedings under relevant articles of the PC.

222. At the end of 2013, thematic planned inspections were carried out in 39 maternity wards and in 21 SADs. Information was gathered on the actual state of the births by juvenile girls for 2013, the number and causes of abandonment of newborns in gynaecological wards in the country, and the institutional cooperation between medical professionals and social workers to carry out prevention of abandonment of children at level of the maternity hospital. Based on the analysis of the inspections and in order to develop policies to prevent the problem of “early births” and abandonment of children, a methodological guidance was elaborated and sent to all maternity wards in the country. Due to improved control, there are more cases of officials informing the authorities of cases of children at risk.

Paragraph 28

Education

223. Systematic efforts are made from the MES to overcome prejudices and discrimination, based on ethnicity and religion. In this regard, special care is taken to re-train teachers and administrative staff in the education system to work in multicultural environments, as well as to tackle the difficulties of obtaining quality education in small schools in rural areas, ensuring of appropriate social and psychological climate in society.

224. The all-day organization of the school day was introduced gradually, covering pupils from first to sixth grade. Thus, the compulsory classes are combined with forms of self-study, interest classes and organised recreation. There is an opportunity for free transport for children and students from settlements with no kindergarten or school. Funds are provided for the all-day organization of the school day and for canteens. One set of textbooks and teaching materials for each child of the preparatory group, and from grades I to VII are provided for free use.

225. Conditions have been created to study mother tongue — Turkish, Hebrew, Armenian and Romani. MES statistics show that there is a clear trend towards reducing the number of those who want to exercise their right to learn their mother tongue. All students, regardless of ethnic origin, according to their wishes, can choose Ethnic Folklore — Roma folklore in the hours of elective preparation. Textbooks and exercise books have been made for this purpose, introducing students to the history, customs and traditions of the Roma. Teaching aids offer materials for Roma lifestyle and culture, different religions, ancient cultures and civilizations. 28 municipal centres for career guidance have been built in all regional cities. The career guidance training program includes a total of 27 799 students of Roma origin from I to XII class.

226. Over the past four academic years, the number of school dropouts has decreased:

	2011/12	2012/13	2013/14	2014/15
Number of school dropouts	4 761	3 844	3 490	3 282

227. The Centre for Educational Integration of Children and Students from Ethnic Minorities assists the MES in the implementation of the policy for educational integration of children and students from ethnic minorities. It develops and supports projects aimed at promoting equal access to quality education and improvement of the results of the upbringing and education of children and students from ethnic minorities in Bulgaria. In the period 2007-2014, the Centre has funded 505 projects under 13 competitive procedures for training in the spirit of tolerance and non-discrimination in kindergartens and schools.

Health care

228. The policy of the MH is aimed at creating better conditions and providing equal access to health services for all Bulgarian citizens, irrespective of their gender, age, ethnic or social group. It pays special attention to the improvement of health services for disadvantaged groups. The MH allots funds on an annual basis for the carrying out of examinations and tests in settlements and areas inhabited by socially uninsured persons of Roma origin and of those with difficult access to healthcare establishments. Mobile surgeries are being used, including: 5 surgeries for general prophylactic examinations, 2 fluorographs, 2 mamographs, 3 surgeries for echographic examinations, 3 mobile laboratories, 4 surgeries for paediatric examinations and 4 surgeries for gynaecological

examinations. Examinations are carried out by 23 mobile units. For the period 2011-2015 mobile units carried out a total of 44,249 tests and examinations.

229. The examinations are preceded or accompanied by lectures, talks and campaigns. The topics discussed are from the areas of contraception, sexually transmitted infections, breast cancer, cervical cancer, healthy eating, immunizations, patient's rights, socially significant diseases, environment and health, osteoporosis and smoking. Enhancing health knowledge is largely achieved with the aid of information materials: leaflets, information sheets, etc., which explain the respective health problems in an accessible form.

230. Persons from the Roma community are included as a target group in the implementation of the Programme Prevention and Control of HIV/AIDS and the program Improving TB Control in Bulgaria. The basic result from conducting the planned interventions is keeping the incidence of HIV in the country below than 1%. Thanks to the efforts undertaken in the implementation of the National Programme for Prevention and Control of Tuberculosis, in Bulgaria in recent years there is a trend of reduction of morbidity — from 39.1 per 100,000 in 2006 to 23.8 per 100,000 in 2013.

231. The most successful practice throughout the years is the Health Mediator. The profession has evolved and in 2015 the number of professionals reached 170. The Health mediator profession was included in the National Classification of Occupations in Bulgaria and the number of mediators in the country is continuously on the rise and is enjoying recognition in society.

Employment

232. The MLSP pursues a consistent policy on social protection, social inclusion and promotion of the employment of vulnerable groups, incl. ethnic minorities, guided by the principles of non-discrimination, respect for human dignity and ensuring conditions for equal opportunities and equal treatment. Specific actions for the social inclusion of the Roma community are temporary incentives to overcome existing inequalities.

233. The Employment Agency, as a key mediator in the labour market, performs activities aimed at promoting the integration of Roma persons registered in the Labour Office Directorates (LOD). In measures to improve the employability and skills of unemployed Roma, for period 2005-2015 have been covered more than 120 000 unemployed persons registered in the LOD.

234. Employment of Roma jobseekers, through their involvement in various programs, projects and measures for employment, from 2011 to 2015, is as follows:

<i>Year</i>	<i>Employment of Roma</i>
2011	10 889 persons
2012	11 478 persons
2013	10 382 persons
2014	13 108 persons
2015	12 457 persons

(Information on the number of Roma involved in various activities in accordance with their self-determination.)

235. In recent years, a trend was observed for increase in the number of employed Roma in the primary labour market — from 2,869 in 2011 to 6,032 in 2014. During the period 2005-2015, a total of 1,565 persons were motivated and involved in training to start and manage their own business, which is much less than the planned indicator for this activity

— 11,500. Failure to implement the activity is mainly due to the lack of motivation and initiative on the part of unemployed persons to be included in training to start their own business, lack of start-up financial resources, etc. In the period 2012-2014, 389 meetings were held, and 600 were planned for the period 2011-2015. In 2015, 172 meetings were held with Roma leaders and organisations on the ground and 125 meetings were planned.

236. A good practice is the activity of the Roma labour mediators. The main objective of the program is inclusion in the labour market of inactive and discouraged persons, many of whom are representatives of the Roma community. By the end of 2015, 87 mediators worked in 69 LOD. Specialized labour exchanges are held to support the employment of persons of Roma origin, by facilitating their access to direct information for jobs. For the period 2006-2015, 49 labour exchanges were held and 4,333 persons have started work.

237. With the adoption of the National Plan for Implementing the European Youth Guarantee 2014-2020, concrete measures are focused to integrate the labour market and training of young people in order to promote and support job creation for young people.

Housing

238. The Ministry of Regional Development and Public Works (MRDPW) develops policies and programs to provide modern social housing to socially disadvantaged groups. The model for implementation of the social housing projects is based on an integrated approach, including a compulsory combination of investment components, under the NSRBIR and several Operational Programmes. Schemes are being implemented, indirectly targeted at the Roma population, to support infrastructure activities involving repair, reconstruction and renovation of education, social, and cultural infrastructure.

239. Between 2012 and 2014, the following projects have been implemented:

- For building/reconstruction of education infrastructure: 135 projects; including in total 559 reconstructed projects and over 25,000 benefiting Roma people.
- For building/reconstruction of social and cultural infrastructure projects: 37 projects; including in total 109 reconstructed projects and over 69,000 benefiting Roma people.

240. In 2015, the following results have been achieved:

- (i) 150 homes are built in 15 buildings in Dupnitsa;
- (ii) 80 homes are built, including construction of 4 new buildings and renovation of 9 homes in Vidin;
- (iii) 33 apartments are renovated in Devnya.

241. According to final technical reports, 684 persons are living in social housing.

242. Pursuant to the current national legislation, illegally constructed buildings have to be removed. The competent administrative authority does not take into consideration the origin and the ethnicity of the offenders, but only seeks compliance with the national legal order established in the public interest. The Directorate for National Construction Control is requested to implement all enforceable orders for removal of unlawful constructions, regardless of their location and ethnic origin of the perpetrators. Thus the allegations on intentional and discriminatory treatment by the Bulgarian authorities are completely groundless and obviously not supported by evidence.

243. In order to comply with the principle of proportionality under Article 6 of the Administrative Procedure Code, developed further in the enforcement proceedings under Article 272 of the Administrative Procedure Code, the National Construction Supervision Directorate is obliged to advise the relevant Municipal Administration in the person of the

Mayor and the Director of the SAD for taking the necessary steps and for providing the relevant social services to the socially disadvantaged and entitled persons, regardless of their ethnicity.

244. In cases where the illegal building subject to destruction is the only housing of the family, the orders are fulfilled after the Municipal Administration or the SAD provide appropriate accommodation in municipal or social homes to the inhabitants.
