



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Twenty-third to twenty-fifth periodic reports  
submitted by Bulgaria under article 9 of the  
Convention, due in 2020<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 13 October 2020]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



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## **I. Introduction (recommendations 26, 27 and 28)**

1. On 23 June 1966, the Republic of Bulgaria ratified the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the “Convention”), which was adopted by the United Nation General Assembly on 21 December 1965.
2. Bulgaria submitted its last consolidated twentieth, twenty-first and twenty-second periodic report in January 2016. In May 2017, it was discussed before the UN Committee on the Elimination of Racial Discrimination (hereinafter the “Committee”).
3. The present consolidated twenty-third, twenty-fourth and twenty-fifth report covers the period from June 2017 to June 2020. It is prepared in accordance with the Committee’s guidelines for preparation of national reports (CERD/C/2007/1 of 13 June 2008). The purpose of the report is to respond to previous recommendations made by the Committee, by outlining subsequent developments in the domestic law and practise, and to update the information already provided. The information on implementation of the recommendations addressed in paragraphs 10(a) and 22 of the Concluding observations was presented in 2018 (CERD/C/BGR/CO/20-22/Add.1 of 8 June 2018) and at present only the recent developments are included.
4. The consolidated report is prepared with the contribution of all institutions engaged with the implementation of the Convention. It is approved by the National Coordination Mechanism for Human Rights, after being published for public discussion at the Ministry of Foreign Affairs website. Similar to other periodic reports of the country to the UN Treaty Bodies, the Commission for Protection against Discrimination and the Ombudsperson are actively involved in the preparatory process. Interested NGOs are also invited to provide comments.
5. During the period under review, Bulgaria adopted further measures to strengthen its legislation, administrative and judicial practices in order to achieve better implementation of the Convention, as well as other international human rights instruments. Bulgaria continued to pursue a consistent policy aimed at eliminating any racial discrimination in all its forms and manifestations and creating understanding among various racial, ethnic, religious and linguistic groups of the population. Due to the multidisciplinary subject, the achievement of sustainable results requires a common effort of various stakeholders. Bulgaria will continue to make systematic efforts in this direction.

## **II. Responses to the Committee’s main recommendations**

### **A. Information about the population (recommendations 8 and 18)**

#### **Disaggregated data**

6. The gathering of information based on racial or ethnic origin is done only in accordance with the provisions of the Statistics Act. Outside of these provisions, the State does not gather any information on racial or ethnic origin of individuals as this presents highly sensitive personal data.

#### **Political and public office participation**

7. The election rights of Bulgarian citizens are guaranteed by the Constitution. The detailed terms and procedures for their exercise are laid down in the Election Code. Relevant to the electoral process are also the Political Parties Act; the Meetings, Rallies and Manifestations Act; the Administrative Violations and Sanctions Act; the Direct Citizen Participation in State and Local Government Act. Those acts ensure a sound basis for organising democratic elections. The Central Election Commission monitors the strict application of the rules for exercise of election rights by all Bulgarian citizens, irrespective of their ethnic origin.
8. Persons belonging to minority groups play an active role in the political and public life of the country. There are political parties, which are perceived as representing the

interests of persons of Turkish origin, whereas one of them has been a well-established political entity both at national at local level and its representatives have been successfully participating in elections to the National Assembly and to local government.

9. During the latest parliamentary and local elections (in 2017 and in 2019), the main political parties have shown greater interests in issues, pertaining to problems of persons belonging to minority groups and have put their representatives as candidates on the respective party lists.

## **B. The Convention in the domestic law and the institutional and policy framework for its implementation (recommendations 6, 10, 14 and 16)**

### **Visibility of the Convention (recommendation 6)**

10. The National Institute of Justice (NIJ) provides systematic training on the prevention to different forms of discrimination, including racial discrimination. The training falls into the scope of NIJ's compulsory training programme.

11. In October 2017, a specialised training took place, dedicated to the major forms of discrimination. The training focused on leading international law acts, including the Convention, the International Covenant for Civil and Political Rights and the European Convention on Human Rights, with a special focus on Roma population. 36 trainees (21 judges, 4 prosecutors, 1 investigator and 10 court clerks) and other representatives of NIJ target groups took part in the training.

12. The Prosecutor General has adopted a written Instruction on the work of the Prosecutor's Office on files and pre-trial proceedings of case reports based on discrimination and migration policy. The Decision is available to all prosecutors as a guideline in their work. In addition, in 2018, an OSCE's Guide for prosecutors and police officers on hate crimes was made available (see para. 36).

13. Between 2017–2019, 114 prosecutors and 4 investigators took part in 27 trainings organized on topics related to hate crimes, crimes based on discrimination. Due to the pandemic, no trainings on these topics have been organized in the first half of 2020.

14. The State Agency for Child Protection (SACP) is the responsible institution for raising awareness among children about their rights, regulated by the Convention and about the provision of social services for children on the territory of the country. SACP's website maintains up-to-date information on the licensed social service providers. The Council of Children, acting as an advisory body to the SACP, raises awareness on children's rights at local and national level. The Council includes one representative of the children from each administrative district in the country, including children from vulnerable and marginalized communities and its members have a two-year term. Its main mission is to present the child's point of view on issues that affect the right to protection, development and participation of children in the society. The Council enables children to exchange knowledge and interact with governmental and non-governmental organizations at both national and regional level.

### **Equality bodies (recommendation 10)**

15. Since their establishment in 2005, the Commission for Protection against Discrimination (CPD) and the Ombudsman have made continuous efforts at improving their systems for human rights protection. Special attention is given to prevention and early engagement.

16. To implement the recommendations of the UN Subcommittee on Accreditation, the Ombudsman, supported by the Bulgarian government and the National Assembly, passed amendments to the Ombudsman Act and the Rules of Procedure in 2018. All recommendations have been met and the National Ombudsman applied for accreditation for "A" Status. In 2019, the institution was officially accredited by the SCA with the highest "A" status, in accordance with the Paris Principles, as a National Human Rights Institution.

17. The Ombudsman Act provides protection of fundamental freedoms to every person on the territory of Bulgaria. The Ombudsman submits opinions on bills relevant to the human

rights to the National Assembly or the Council of Ministers (CoM) and conducts analyses on the compliance of the legislation with the relevant international instruments and EU law. The public defender is supported by an administration. S/he is appointed based on the principles of transparency, efficiency, pluralism and non-discrimination.

18. Over the past few years, the Ombudsman Institution has registered a slight increase in the workload. For example, the number of complaints and signals submitted in 2017 is 12 635, while in 2019 is 12 916 and the number of inspections completed upon complaints and signals from citizens in 2017 is 12 539, while in 2019 is 13 762. Regardless of the increasing numbers, more than 90% of the cases are reviewed and completed within a time limit of one month.

19. The increase in the workload is explained by the Ombudsman Institution as a result of the high public trust, the support provided to the citizens or organisations and the consistent policy of openness of the Institution. The latter is achieved through meetings with the civil society, professional organisations and citizens, organisation of roundtables, dedicated to important social topics, visits in specialised institutions, expanding the duration of the reception hours and open days outside of the capital.

20. The Ombudsman Institution is sufficiently funded, which guarantees gradual improvement of the work of the institution. The officers' remunerations are adequate to the salaries in both public and private sector. The budget is adopted and increased on an annual basis. In 2020 it amounts BGN<sup>1</sup> 3 363 900.

21. In order to facilitate the access of all citizens, the Ombudsman Institution provides the following means of communication: by post, specialised phone numbers, fax, email, through the official webpage or personally at the reception desk of the Office or during the open days outside of the capital. In 2019, the reception desk was visited by 3 731 citizens and there were 9 430 callers.

22. The Ombudsman has no local or regional offices. In 2019, the Institution introduced three new forms of communication with citizens – open days throughout the territory of the country, forums for thematic consultations and specialised mobile hotline for people with disabilities. Further steps for raising awareness include visits of the Ombudsman outside of the capital. In the period 2017–2019, 81 open days and 87 visits have been organised.

23. The Ombudsman Institution recognises racist hate speech and hate crime as serious problems that require special attention. In the Annual report for 2019, the Ombudsman calls on national institutions to take concrete measures to address the issue – raising awareness among the members of the society and prevention, as well as introducing a system for registration and monitoring of such cases.

24. Throughout its 15 years of existence, the CPD remains as a citizen-recognized institution for prevention and protection against discrimination and promotion of equal opportunities. Evidence for this is the continuous increase in the number of filed complaints, initiated case-files and citizens who visited the regional offices. In 2019, there have been 921 complaints filed (645 in 2017 and 751 in 2018), 920 initiated case-files (300 in 2017 and 721 in 2018); and 1 450 citizens who have visited the regional offices and the organized receptions (3 821 in 2017 and 4 236 in 2018). In the first half of 2020, there were 234 complaints registered. Together with the complaints from the end of 2019, the total number of initiated case-files is 442.

25. The law grants full independence of the CPD. The CPD provides independent legal support, legal advice and assistance to people subjected to discrimination or intolerance, as well as methodological guidance by giving legal advice on how to file written complaints. The CPD is entitled by law as a personal data administrator.

26. One of the unique features of the CPD is the network of 24 regional representations. This is a result of the social orientation of the Protection against Discrimination Act and

<sup>1</sup> BGN – Bulgarian Lev is the national currency of the Republic of Bulgaria. It is pegged to the Euro at a rate of 1 EUR = 1.95583 lev. In the report, all amounts are listed in BGN without giving their exchange rate in euro.

functions of the Commission as an independent entity for prevention and protection against discrimination.

27. The regional representations of CPD provide topical information to citizens on the Protection against Discrimination Act, the Rules of Procedure and the prerogatives of the CPD. They offer methodological assistance to citizens who wish to initiate proceedings before the CPD. Essential assistance is provided to victims of discrimination, especially when they live in remote areas, have a disability or are part of vulnerable groups.

28. Like the Ombudsman, the CPD organizes open days, seminars and other forms of public dialogues. The open days are held in the municipalities. For each municipality, a coordinator of the CPD is being appointed to assist the CPD regional representative. The open days are instrumental to raise awareness, provide initial legal assistance and explain the complaint procedures of the CPD.

29. The CPD proceedings are accessible to all citizens free of charge. They consist of an examination phase and an investigation phase. The examination phase is important to the factual consideration of the complaint. The investigation phase marks the start of the official procedure and includes various steps to collect information and clarification on the circumstances of the file, leading to the disclosure of the objective truth. The parties, participating in the proceedings may appeal the CPD's decisions within 14 days before the court.

30. The Bulgarian government updates on an annual basis the CPD budget in accordance with the adequate needs for effective performance of duties. The budget has been gradually increased over the years. For instance, in 2013, it amounted BGN 1 880 000 and over the past six years it has been increased by one-third. Thus, in 2020 the sum of BGN 2 969 000 has been allocated to the CPD.

31. The principles of a balanced representation of men and women and inclusion of members from representatives of ethnic groups are also taken into consideration when nominating and electing members.

32. In order to develop the full potential of the CPD, efforts are constantly made to extend its powers, ensure full functional immunity of its members and increase the effectiveness of its sanctions. In 2018, a dedicated project was implemented in order to strengthen the capacity of the CPD personnel by providing specialised training in the area of justice, prevention and protection against discrimination of vulnerable groups.

#### **Criminal justice system (recommendation 14)**

33. Junior magistrates study prevention of and protection from all forms of racial discrimination as a compulsory element of their initial training. The different forms of discrimination are also studied in the course of training, organized for the candidates for junior judges, junior prosecutors and junior investigators.

34. Between June 2017–June 2020, a number of trainings organized by NIJ took place within the scope of the vocational training of magistrates. During the reported period, 244 representatives of NIJ target groups, including 166 magistrates, 36 court clerks and 42 representatives from other institutions (experts from the Ministry of Interior and the State Agency for Refugees), were trained on issues pertaining to prevention of and combat against discrimination on the grounds of race, ethnic origin or nationality.

35. The Bulgarian law enforcement and criminal justice authorities have been actively participating in initiatives and trainings, organized in partnership with the Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the EU Agency for Fundamental Rights (FRA) and the Council of Europe. They aim at improving the abilities to record and collect hate crime data. Some of the leading initiatives are:

- Adaptation and application of ODIHR's Practical Guide on "Understanding Antisemitic Hate Crimes and Addressing the Security Needs of Jewish Communities" by request of the Bulgarian government. Based on the report from the ODIHR Needs Assessment Mission, model trainings to law enforcement officials for addressing the security needs and experiences of other communities vulnerable to hate crimes have

been organised. The Guidebook was translated in Bulgarian and presented in November 2018 during a joint event with the participation of the Bulgarian government, the Bulgarian Jewish Organisation “Shalom” and the World Jewish Congress.

- Three pilot training courses for police officers and prosecutors took place in the first half of 2018 in 3 Bulgarian cities as part of ODIHR’s project “Building a Comprehensive Criminal Justice Response to Hate Crime”. The training allowed for participants to identify and overcome differences in their respective understandings of hate crimes and in their approaches to processing hate crime cases. Based on the results, ODIHR translated in Bulgarian language the Manual on joint hate crime training for police and prosecutors to address hate crimes.
- Bulgaria co-sponsored a side-event within the OSCE Human Dimension Implementation Meeting in Warsaw on 20 September 2018. The side-event aimed at presenting the results and good practices stemming from the work in the four project countries, including the joint training manual on hate crimes for police and prosecutors in Bulgaria.
- A toolkit to assist OSCE participating states in adopting a comprehensive approach to countering hate crime was presented to government officials and civil society representatives at a conference organized by ODIHR in Vienna on 14 November 2018. The toolkit was developed as part of the abovementioned project and targeted four countries – Bulgaria, Greece, Italy and Poland. It included training packages, methodologies and guidelines that can be used by public institutions and civil society involved in addressing hate crime. Bulgaria registered a robust presence from the Prosecutor’s Office, the judiciary, the national police and the CPD at the event.
- OSCE/ODIHR assisted Bulgarian NGOs in building a coalition of various organizations working to address different forms of intolerance and discrimination in 2019. Activities included a workshop on ODIHR’s hate crime methodology and civil society reporting platform in Sofia on 19–21 February 2019 with 20 participants, the exchange of international good practices, and meetings to map out the role of each coalition member. These efforts culminated in the creation of the Bulgarian Hate Crime Recording Coalition – trained to properly record and report hate crimes and equipped with a hate crime recording form. The coalition is comprised of organisations representing diverse groups, including Bulgaria’s Jewish, Roma and LGBTI communities.
- One of OSCE/ODIHR projects is implemented in collaboration with UNESCO. The Guidelines “Addressing antisemitism through education – Guidelines for Policymakers” was translated in Bulgarian and published in January 2020. The Ministry of Foreign Affairs has provided development aid by organising two regional workshops to train policymakers on how to address antisemitism through education in the Western Balkans and Eastern Europe. The workshops are organised within a project, implemented jointly by UNESCO, the OSCE and the World Jewish Congress.
- FRA and ODIHR jointly organised a workshop on ways to improve national approaches to official hate crime recording and data collection in June 2019. The workshop was hosted by the Ministry of Foreign Affairs and brought together more than 30 representatives of the police, Ministry of Justice, Prosecutor’s Office, the judiciary and several NGOs involved in hate crime monitoring. The event included an opening address by the Minister of the Interior, a high-level panel discussion to raise awareness of the need to strengthen the Bulgaria’s response to hate crimes, and a technical workshop with practitioners.

36. The National Statistical Institute (NSI) collects data on the crimes, accused and convicted persons in line with the provisions of the Penal Code<sup>2</sup>. The data is collected through

<sup>2</sup> The relevant articles are Article 116, paragraph 1, item 11; Article 131, paragraph 1, item 12; Article 162; Article 163; Article 164; Article 165; Article 166; Article 172, paragraph 1 and Article 419a, which refer to crimes committed by hooligan, racist or xenophobic motives, as well as incitement to discrimination, violence or hatred based on race, nationality, religion or ethnic origin.

a specialised survey “*Crimes, accused and convicted persons*”, included in the National Statistical Program, which is adopted annually by the Council of Ministers.

37. The NSI collects data on crimes, accused and persons convicted with final sentences which came into force. The data is presented by sex and age, with sub-categories under legal age and minors, and citizenship. Statistical data on the number and nature of the reported crimes is provided in the respective Annex of the report (see section V).

38. Every prosecutor can present cases related to hate speech and hate crimes as part of the requested professional qualifications. There are no special prosecutors appointed to address these crimes.

#### **Civil and administrative liability (recommendation 16)**

39. Article 83a of the Administrative Offences and Sanctions Act imposes a pecuniary sanction on a legal person who has enriched or would be enriched by certain crimes, including those under Art.162, para.1 and 2, Art.164, para.1 and Art. 419a of the Penal Code, as well as of all crimes committed on request or in execution of a decision of an organized criminal group.

40. The pecuniary sanction is up to BGN 1 000 000, but not less than the equivalent of the benefit when it is pecuniary, or up to BGN 1 000 000 when a non-pecuniary benefit or its size cannot be established. It could be imposed on a legal entity that does not have its registered office in the territory of Bulgaria, in the event that the crime was committed on the territory of the country.

41. Crimes are considered to be committed by a legal entity when committed by a person empowered to form the will of the legal entity; a person representing the legal entity; a person selected in the supervisory or supervisory body of the legal entity, or a worker or employee to whom the legal entity has assigned a specific job when the crime was committed at work or in connection with the performance of that work. The legal entity will bear a pecuniary sanction both when those persons have instigated or assisted the commission of the crime, as well as when the criminal acts have stopped at the stage of attempt. The pecuniary sanction is imposed irrespective of the criminal responsibility of the accomplices in the commission of the criminal act.

### **C. Racist hate speech and hate crimes (recommendation 12)**

42. The Bulgarian government has taken a strong position to condemn publicly any manifestation of hatred, intolerance, discrimination and antisemitism. The Government has also taken a consistent line in publicly denouncing manifestations of antisemitism, xenophobia and hate speech. It continues to create the necessary conditions and policies for an environment free of all forms of discrimination, including through working with the international and regional organizations to take a common action against these challenges.

43. Hate crimes, including hate speech, are addressed in a special Chapter of the Bulgarian Penal Code – Chapter III “Crimes against the Rights of Citizens”. Racial, and xenophobic motivation are introduced as qualifying circumstances in the elements of crime in the commission of homicide and bodily injury and more severe sanctions are provided for these offences. In cases where racism and xenophobia affect the employment rights of citizens, punishment is also foreseen.

44. All acts of condoning, denying or grossly trivialising crimes against peace and humanity, when the conduct is carried out in a manner likely to incite violence or hatred against a person or group of persons, defined on the basis of race, colour, descent, religion, or national or ethnic origin, are qualified as criminal offence as well. Incitement to such a crime is also punishable.

45. In all other cases when determining the penal sanction, the court takes into consideration, the motives for committing the act, including possible racist motives. If the motives for the commission of a particular offence are of racist nature, they are considered an aggravating circumstance and the court imposes a penalty within the upper limits.

46. Prevention of and combat against hate crimes are also among the priorities of the police and the judicial authorities. The Penal Code implements the standards enshrined in the Council Framework Decision 2008/913/JHA on combating certain forms and manifestations of racism and xenophobia through criminal law by criminalizing acts of racism and xenophobia, as well as incitement to discrimination and violence, including on religious grounds.

47. In 2018, Bulgaria requested assistance from the OSCE/ODIHR to review the Bulgarian Penal Code, primarily the provisions related to anti-discrimination, hate crime and hate speech, and their compliance with international commitments and standards. The ODIHR legal opinion formulated a number of recommendations on penalty enhancement explicitly referring to bias motivation, including a recommendation to define the notion “hate speech” in terms of criminal responsibility. These recommendations had been considered by the national authorities, including by the Contact Group under the National coordinator on combating antisemitism. Amendment to the Penal Code was introduced in the Parliament, in the end of 2019, to increase penalties for antisemitic, xenophobic and racist hate crimes from 3 to 5 years. The amendment aims to eliminate the possibility to sanction only with administrative fine perpetrators with no criminal record, and will enact effective prison terms.

48. In recent years, a number of public events have been organised with the purpose of giving a clear signal of insusceptibility to hatred and discriminatory attitudes. They aim to affirm the image of Bulgaria as a country of tolerance that guarantees the equal participation of all communities, regardless of ethnic, religious or other identity. Acting on alerts and reports by the Jewish community, the National coordinator for combating antisemitism has taken up with national and local authorities to respond swiftly on antisemitic incidents by investigating and prosecuting the perpetrators, removing and confiscating Nazi-related memorabilia for sale and discouraging and preventing the sale of such items (see para. 141–142).

49. Since 2017, the annual so-called “Lukov March” – an ultranationalist and neo-Nazi youth torch-bearing procession, aimed at glorifying the legacy of a pro-Nazi politician and Holocaust promoter, was being banned by an order of the mayor of Sofia, which was later being overturned by the administrative court on the basis of the constitutional right to peaceful assembly. In February 2020, a decision by the Supreme Administrative Court upholding the ban by the mayor of Sofia resulted in the cancellation of Lukov March for the first time in 17 years. The event was limited to a short flower-laying ceremony at Lukov’s home with less than 100 supporters in attendance.

50. A public campaign “Sofia – City of Tolerance and Wisdom” under the auspices of the Capital’s Mayor was launched on 11 September 2018. “Together against Hate Speech” Manifesto, was signed by the Mayor, the National coordinator for combating antisemitism and the President of Organisation “Shalom” committing the signatories to combat intolerance and hate speech. The public campaign is intended as a long-term project to unite institutions and civic organisations against hate speech and discrimination, building upon a number of initiatives, events and educational activities, such as the initiative “Let’s Clean Hatred off the Streets of Sofia” to clean swastikas and other offensive graffiti off walls in the Bulgarian capital with the participation of 100 volunteers.

51. The Bulgarian Presidency of the Council of the EU (January–June 2018) put the fight against antisemitism, hate speech, xenophobia and other forms of intolerance among its priorities. The Ministry of Foreign Affairs and Yad Vashem’s International School for Holocaust Studies organized a training seminar for educators and policy makers on the Holocaust and combating antisemitism and the rise of hate speech and hate crime in Sofia on 22–23 May 2018. The aim of the seminar was to discuss regional cooperation, devise practical strategies, and address challenges in Holocaust education, promoting human rights, and countering antisemitic hate crimes. Participants included representatives from EUMS and EU candidate countries, as well as the International Holocaust Remembrance Alliance, the OSCE/ODIHR, the Council of Europe/European Commission against Racism and Intolerance and FRA.

52. On 10 March 2019, the Central Israelite Spiritual Council and 11 NGOs joined the campaign to build a partnership network of civil society organizations committed to a society

without intolerance and hate speech, and signed a Memorandum of cooperation and partnership in the fight against hate speech and discrimination in Bulgarian society. Government officials attended both signing ceremonies and voiced their strong support for the civil society initiative.

53. A first-ever march of tolerance and unity “Together for Bulgaria, together for Europe” drawing more than 1 500 people from across Bulgarian society onto the streets of Sofia took place on 10 March 2019. The march was initiated in cooperation with “Shalom” and the Sofia municipality. The second annual march of tolerance was scheduled for 15 March 2020 but was cancelled due to the restrictions taken to curb the spread of COVID-19 pandemic.

54. The current Bulgarian legal framework protects personal inviolability. All radio and television channels are obligated not to create or broadcast contents that incite national, political, ethnic, religious, and racial intolerance or praise cruelty and violence. The results of the radio and television broadcasts monitoring indicate that the majority of media services providers reflected objectively topics related to ethnic issues.

55. The Ministry of Culture is working on amendments in the Radio and Television Act following the provisions enshrined in AVMSD<sup>3</sup>, adopted in 2018. The draft law provides for strengthening the powers of the media regulator – the Council for Electronic Media, stricter measures against the use of hate speech, prohibiting incitement to violence, hatred or terrorist acts in audio-visual media services. The rules also apply to video-sharing platforms.

56. Another package with amendment proposals is aimed at the financing of public media. It is expected to appeal the existing Radio and Television Fund, which has never been put in place after its establishment.

57. The Radio and Television Act also sets out provisions requiring media service providers to prevent the creation and distribution of programmes, which incite hatred based on race, sex, religion or nationality. For the reported period, four penal decrees were issued and lately, confirmed by the Court. Those are namely penal decrees to Vision Lab Ltd (for broadcasting mockery on Holocaust), to Investor.BG (for broadcasting incitement to hate crimes on LGTBI), to Nova Broadcasting Group (for broadcasting violence) and to the political party ATAKA, in its capacity of a provider of audio-visual media service ALFA TV (for offensive qualifications and hate speech).

58. Currently, there are two pending proceedings – to Bulgarian National Television (for broadcasting segments which exonerates cruelty during WWII) and to Payner Music Label (for distributing music video with Nazi symbolic).

59. The Council for Electronic Media monitored the election campaigns for Members of the European Parliament as well as local elections that took place in 2019. No hate speech and discrimination rhetoric has been registered in the monitored media providers.

#### **D. Discrimination against Roma (recommendation 20)**

60. Bulgaria is part of the common EU effort to create a functioning and modern social Europe, taking into account challenges such as poverty and social exclusion of vulnerable groups, including Roma. Bulgaria’s policy for meaningful integration of the Roma has always been and will continue to be one of the main priorities of any government. With the adoption by the National Assembly of a National Strategy of the Republic of Bulgaria for Roma Integration 2012–2020 (NSRI), the state reaffirmed its commitment to achieve these goals.

61. The monitoring and review on the implementation of the NSRI is ensured through a specialised platform. It includes information at both regional and national level, with relevant indicators for data collection. The regional experts on ethnic and integration issues collect

<sup>3</sup> AVMSD – Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-visual Media Services Directive) in view of changing market realities.

data about the implementation of the municipalities' action plans and take them into account when preparing the reports to the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

62. Adoption of the NSRI post-2020 is due by the end of 2020, after finalisation of the evaluation process. The process is coordinated by the Secretariat of the NCCEII and it is divided in two phases:

- Analysis of the implementation of the current strategy during the period 2012–2020. This study is conducted by academic researchers from the Bulgarian Academy of Sciences, universities and other academic institutions;
- Adoption of the strategic post-2020 document, which will be organised in cooperation with all relevant stakeholders, including thematic NGOs, experts from the institutions responsible for the formulation, implementation and monitoring of the integration policy, representatives of districts and municipal administrations, and local communities.

63. A key document in the field of poverty and social exclusion in Bulgaria is the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020, adopted by the Council of Ministers on February 6, 2013. The strategy includes a national target to reduce the number of people living in poverty and formulates four sub-targets aimed at children, unemployed persons, working poor and elderly persons. The implementation is monitored through biennial action plans. The focus of the Action Plan for 2019–2020 is put on employment and education measures. Other major activities include promoting the active inclusion of the most vulnerable groups; raising average and minimum wage levels; ensuring access to quality healthcare; creating conditions and guarantees for equality and full participation of persons with disabilities in all areas of public life.

## **Housing**

64. To improve housing conditions, the Bulgarian government continues to compile cadastre maps and registers as a basis for urban development plans. Local authorities are encouraged to implement an urban regulation of the residential areas with predominant Roma population and include new zones for housing development. Funds from the state budget are foreseen for development of cadastral maps and cadastral registers as well as improving the existing and developing new technical infrastructure in Roma residential areas.

65. The rules of procedures for social housing accommodation of vulnerable groups are enshrined in regulations and administrative acts of the local government authorities. They apply a non-discriminative approach to the process of selection of persons for accommodation in social housing, respecting the principle of integration of all citizens in vulnerable situations without discrimination based on sex, race, ethnic or other grounds.

66. The competent administrative authorities, when initiating proceedings for the removal of illegal constructions, are not obliged by the law to identify the origin and ethnicity of the perpetrators. Their aim is to respect the statutory provisions in the interest of the society and the State.

67. All legal orders for removal of illegal constructions concern the unlawfulness of constructions, irrespective of their location and the ethnicity of the occupants. The domestic case-law, although not yet consistent, has developed a requirement for proportionality assessment of the removal orders and of the measures for their enforcement in light of the perpetrator's personal and family situation. Factors such as belonging to a vulnerable group might be taken into consideration.

68. The Bulgarian government has prepared legislative amendments regarding the forced evictions or forced destructions of illegal structures. The texts are prepared based on an analysis of the inter-ministerial working group chaired by the Ministry of Regional Development and Public Works. To prepare the impact assessment, the Ministry has requested information from the institutions whose activities will be affected e.g. the municipalities (through the National Association of Municipalities in the Republic of Bulgaria), the regional governors and the Directorate for National Building Control. The changes include a compulsory assessment of the proportionality of the interference with the

right to privacy and family life and inviolability of the home when issuing orders for the seizure of state and municipal property, as well as for the removal of illegal constructions.

69. The Bulgarian government makes efforts to provide social housing to Roma families through various specialised housing programmes:

- In 2018, an integrated operation “Socio-economic integration of vulnerable groups” was launched with a budget of over BGN 100 000 000. It addressed the challenges of hindering social inclusion and sustainable integration through projects for new social housing and urban reconstruction.
- For the period 2017–2020, there are 15 grant contracts for social housing projects with the municipalities of Ruse, Stara Zagora, Pernik, Kardzhali, Lovech, Smolyan, Razgrad, Silistra, Velingrad, Burgas, Shumen, Vratsa, Kazanlak, Petrich and Svishtov with a budget of BGN 32 007 600. Their implementation will result in rehabilitation of 813 dwellings in urban areas.
- Under the EU Operational Programme Regions for Growth 2014–2020, there are projects to provide modern social housing for all vulnerable groups. The call for tenders was until the end of 2019. The projects are currently under evaluation.
- 27 municipalities are included in social housing projects to improve the living conditions of vulnerable groups. An important aspect of the projects is to gather support from the local community before applying. The local community is engaged through awareness raising campaigns to obtain the necessary public support and social tolerance for the projects.

#### **Access to education**

70. The Bulgarian government takes measures to overcome the causes of reproduction of social inequalities among vulnerable groups due to the low educational status of parents. The government also recognises that in order to overcome the situation with the high number of dropouts, Bulgaria needs an integrated policy and commitment of all state authorities and institutions.

71. In 2018, the Bulgarian government adopted a *Mechanism for Ensuring Coverage and Retention in the Educational System of Children and Pupils of Compulsory Pre-school and School age*. Special attention is given to the regional impact through the regional education departments and institutions in the system of pre-school and school education. The mayors and municipal administration are involved in the process.

72. The mechanism’s implementation reduces the dropouts percentage and early school leavers (in line with the national target of below 11% by 2020). It motivates the children and pupils for education and personal development and creates positive attitude of parents towards the education of their children.

73. The mechanism also foresees territorial responsibility of the educational institutions. School or kindergarten directors adopt a process of retention. The latter could involve an educational mediator, a social worker, a teacher assistant or other experts to support access to education and to prevent dropouts. All of them are engaged in the activities related to identify the reasons for child’s absence and take adequate measures. At the discretion of the directors, local social service providers may also be involved.

74. Since 2018, targeted measures are being taken to provide funds from the state budget in favour of children and pupils from vulnerable groups. In 2019, the budget for those measures was BGN 25 307 800. 11 378 children were included in further training in Bulgarian language, 115 pedagogical specialists (psychologists, speech therapists and resource teachers) and 224 educational mediators, pedagogical assistants, teacher assistants and social workers were appointed and 1 630 teachers were trained to use a screening test to detect learning difficulties of children.

75. The budget allocation allows supplementary training of children and pupils non-Bulgarian speakers or with difficulties in mastering the school content. The institutions could appoint social workers, educational mediators or teacher’s assistants to support access to education and prevent the risk of dropouts of the pre-school and school educational system.

76. The National Program on Support to Municipalities allocates earmarked funding to municipalities for the implementation of actions, such as:

- Carrying out desegregation activities to improve access to quality education of children and pupils from ethnic groups);
- Securing free transportation for children in compulsory pre-school education, as well as for those of them who attend segregated educational institutions;
- Education, training and socialization in non-segregated reception educational institutions;
- Providing free learning resources and materials for children in compulsory pre-school education and pupils involved in the process of educational desegregation, as well as institutionalizing the work of the education mediators.

77. The Ministry of Education and Science (MoES) and the New Bulgarian University have developed and approved a *Tool for Integrated Assessment of the Needs of a Child at Risk*. The tool provides a comprehensive approach and mobilises the resources of social, educational and healthcare systems for timely and coordinated intervention to detect as early as possible various difficulties, and risks for the child. The MoES continues to provide methodological support to the coverage teams.

78. In 2017, the MoES successfully completed the drafting, discussions and incorporation of mother tongue education in Turkish, Hebrew, Armenian and Romani in the syllabi. An Ordinance on inclusive education has been adopted. It also increases the teaching modules in Bulgarian in pre-school groups for 5 and 6-year old children for whom the Bulgarian language is not native to align their starting opportunities with those of other children.

#### **Information on the study of mother tongue, different from Bulgarian, in the Bulgarian education system**

<i>School Year</i>	<i>Turkish</i>	<i>Armenian</i>	<i>Hebrew</i>	<i>Total</i>
2017/2018	5 335	117	184	5 636
2018/2019	4 464	106	167	4 737
2019/2020	3 723	98	63	3 883

79. There are special activities for parents, aiming at reducing the risk of early school leaving. They were organised with the support of educational mediators, social workers, Roma leaders, representatives of non-governmental organisations and other stakeholders in the educational process.

80. The MoES and the Social Assistance Agency exchange information monthly on children in pre-school and school education system who have been absent without a reason and on suspension of family allowances. The Regional Directorate of Social Assistance is dealing with measures directing children and pupils to an appropriate type of community social service or counselling on issues related to social assistance and social services.

81. In 2018, with a Government decree, a new mechanism for coordinated work of the institutions was established to include children and pupils in the compulsory pre-school and school age in the education system. Around 1 280 teams with experts from different institutions work on the ground, which makes the mechanism a key instrument school dropouts prevention. In the first two years after its establishment, 17 294 visits were paid and 6 500 children and pupils were re-introduced to the educational system. The analysis shows that out of all returned children and pupils only 745 dropped out and subsequently, 278 returned to school.

82. The MoES has elaborated a project within the EU Structural Funds aimed at early identification of pupils in risk of dropout and additional teaching support. For the school year 2018/2019, 56 880 pupils are included in study groups for subjects in the curriculum for primary and secondary education. For the school year 2019/2020, the number is 67 500.

83. In 2019/2020 school year, as result of the measures taken by the Bulgarian government, out of 1 110 schools with high concentration of pupils from vulnerable groups, 1 107 schools formed additional study groups. The measures largely address both the need to implement inclusive education policies and the need to provide the necessary facilities and resources for work with students from vulnerable groups.

### **Health services**

84. The equality in patients' access to medical care is enshrined in the country's Constitution. All healthcare services are provided to all Bulgarian citizens, regardless of their sex, age, ethnic and social background. The state provides access to healthcare to both health insured and uninsured persons.

85. Bulgaria pursues a sustainable health policy. Numerous measures have shown significant progress in the following areas – maternal and child health, immunization policy, access to health services for at-risk and disadvantaged persons and groups belonging to ethnic minorities, access to sexual and reproductive health, free treatment of all persons with HIV and tuberculosis, regardless of their health insurance status.

86. According to the Bulgarian legislation, health insurance in the country is compulsory. Each insured person is entitled to a defined type, volume and scope, of medical assistance paid from the budget of the National Health Insurance Fund. Outside the scope of health insurance, the Ministry of Health provides funding from the state budget for medical activities, such as: emergency medical care, vaccines for children until the age of 18, screening programs for new-borns for early detection and timely treatment of congenital diseases, etc. Funds are also distributed for diagnostics and treatment at hospitals for persons, who have no income and/or personal property.

87. Every year the Ministry of Health provides 21 available mobile medical cabinets to organize and conduct medical examinations in the settlements with concentrated Roma population. Those cabinets include 4 general precautionary examination units, 2 photo-fluorography units, 2 mammography units, 3 medical imaging units, 3 clinical lab units, 3 paediatric examination units and 4 obstetric examination units. Annual resources are being assigned for prophylactic examinations and researches in neighbourhoods with predominant population of Roma origin.

88. In 2019, the following examinations were executed 1 962 fluorographic examinations, 2 261 gynaecological examinations, 1 541 pediatric examinations, 1008 mammographic examinations, 1772 ultrasound examinations, 1853 laboratory tests. The data for 2020 will be available by the end of the year.

89. Preventive care for maternal and child health for every Bulgarian citizen are among the priorities laid down in the health policy. Health insured pregnant women are entitled to periodic examinations and tests during normal pregnancy, additional examinations during pregnancy at risk and childbirth within a package covered by the NHIF. Uninsured pregnant women are entitled to one free of charge examination during pregnancy and childbirth. Home visits are conducted with free medical examinations and counselling for pregnant women and children up to 3 year-old with a focus on risk groups, especially the Roma population.

90. The National Program for Improvement of Maternal and Child Health 2014–2020 provides health services related to the early diagnosis and comprehensive treatment of certain diseases beyond the scope of health insurance coverage. Those services include medical consultations and home visits by specialists at maternity and child health centres for pregnant women, women with pregnancy pathology, children with disabilities and chronic diseases and premature infants. Additional counselling is ensured when illnesses occur during pregnancy, including additional examination by a specialist in obstetrics and gynaecology, laboratory tests and consultations within the biochemical screening of pregnant women to detect the most common chromosomal abnormalities. Moreover, the provision of obstetric aid is provided also to uninsured women.

91. Medical care is provided with respect to the rights of the patient. Its quality is guaranteed by means of medical standards (secondary legislation), approved in accordance with the Medical Establishments Act, the Rules on Good Medical Practice and the Law on

Professional Organizations of Doctors and Dentists. The legislation regulates the procedure for control over the activity of medical establishments by the relevant competent authorities; the procedure for access and information on cases in which patients' rights are violated and the sanctions in case of violation. In 2019, a Medical Supervision Executive Agency was established to control the quality and effectiveness of medical care and patient safety.

92. The *Health Strategy for Disadvantaged Persons belonging to Ethnic Minorities 2005–2015*, adopted by the Council of Ministers, introduced for the first time the role of health mediators. The position is included in the National Classification of Occupations and Positions, which ensures the application of the International Standard Classification of Occupations (ISCO-08), approved as a European Standard by Regulation (EC) No 1022/2009 and Recommendation 2009/824/EC of 29 October 2009 on the use of the International Standard Classification of Occupations in the Member States of the European Union.

93. Health mediators have an official job description adopted by the state. They support both the population in the compact Roma neighbourhoods and the medical specialists serving this population. The mediators work under health programmes and projects whose focus is on vulnerable groups of Roma origin. They facilitate the work of the regional health inspectorates, the general practitioners and the municipalities. The mediators work to increase people's health awareness and are trained to work with children and convey messages to them and their families in a comprehensive manner.

94. The health mediators' network is growing each year. The funding of the network of health mediators is secured annually by the state budget. The number of mediators in the country is continuously rising and enjoying recognition in society. While in 2013, the network consisted of 130 health mediators in 71 municipalities, in 2019 there were 247 health mediators in 28 provinces. It is expected in 2020 their number to expand to 260 in 137 municipalities in all 28 provinces.

95. Basic training is provided every calendar year for the newly-appointed health mediators. Within the training programme, they obtain adequate knowledge about the legal system of health services in Bulgaria as well as the rights and obligations of patients, and obtain information about basic diseases. Upon successful completion of the training, they are awarded with a certificate and acquire professional qualification as health mediator.

96. To increase health culture of Roma, the Regional Health Inspections read lectures, lead awareness-raising campaigns and broadcast videos and audio clips. Their content is related to the importance of preventive examinations, the vaccination of population with mandatory immunizations under the national immunization calendar, the importance of health insurance for the Roma population and their obligations as patients. In 2018, the total number of awareness-raising campaigns on the benefits of immunization is 175, covering more than 25 500 individuals. In 2019, the total number of awareness-raising campaigns on the benefits of immunization is 230 covering more than 45 500 individuals.

97. In July 2020, the newly adopted Social Services Act entered into force. It aims to improve the mechanisms for planning, financing, monitoring of services and increase their quality, efficiency and sustainability. The Act provides an opportunity for all persons to have access to generally available social services. Specialized services are envisaged in the event of a particular risk to the life, health or development of the person or to meet the needs of a particular group.

98. The SACP is working on reducing the abandonment of children from the Roma community and preventing institutionalization. It implements measures for an integrated approach to prevent early cohabitations and early births through community work, information campaigns to promote health and sexual culture, social work in at-risk communities, aiming the activating and involving of the communities themselves in prevention work, etc.

99. The SACP monitors and controls the observance of the rights of the child in educational institutions, medical establishments, specialized institutions for children and social services, in order to prevent discrimination and guarantee the rights of children. The findings during the inspections allows for the correction of the established violations and guarantees the non-discrimination and observance of the rights of the children.

### Employment measures

100. The Bulgarian government pursues a consistent policy of social protection, social inclusion and promotion of employment, guided by the principles of non-discrimination, respect for human dignity, equal opportunities and equal treatment of all Bulgarian citizens, regardless of their ethnicity. Long-term unemployed persons without qualifications and with low education are considered as target groups of the active labour market policies.

101. The socio-economic integration of marginalised communities such as the Roma requires the adoption of an approach, which integrates employment and social assistance services. These services are provided in 73 local departments of the National Employment Agency and the Social Assistance Agency. In 2019, 12 502 unemployed persons from disadvantaged groups found their job placement on the labour market, 19 110 received behaviour services such as job fairs and workshops, psychological support or case manager consultations, 1 839 long-term unemployed were redirected to the services of other institutions.

102. A specific investment priority “Socio-economic integration of marginalized communities such as the Roma” is set out in the EU Operational Programme Human Resource Development for the 2014–2020 (OPHRD). The main objective is to create lasting and successful coordinated mechanisms for Roma integration, share experiences, solve long-standing local problems and involve as many interested parties as possible, incl. representatives of the Roma community. The priority includes three components.

103. The first component, called *Socio-economic integration of vulnerable groups. Integrated measures to improve the access to education* started on 25 February 2019 with deadline end of 2020. It uses the sources of both OPHRD and EU Operational Programme Science and Education for Smart Growth (OPSESG). This is the first integrated scheme, which, by using the capacity of two operational programmes, aims at creating a lasting cooperation model, involving all stakeholders. The total budget is BGN 70 000 000.

104. The implementation of the above-mentioned component supports life quality improvements, social inclusion and poverty alleviation, as well as lasting integration of the marginalised communities, by implementing comprehensive measures and applying an integrated approach. The activities cover the territory of 47 municipalities with updated municipal plans for Roma integration in compliance with the NSRI 2012–2020.

105. For the implementation period of the NSRI 2012–2020, in the various activities for increasing employability of the Roma, intermediary services have been offered to 240 578 unemployed persons, who have self-determined themselves as Roma and out of them, 117 043 have been employed.

106. The second component will target 39 large municipalities<sup>4</sup>, whose Integrated Urban Recovery and Development Plans include measures for the construction of social housing. Under this component, the activities will focus on 4 main directions – labour market, education, social and health services, development of local communities and overcoming negative stereotypes. The call for proposals is until 16 December 2020. The total budget for this component is BGN 33 000 000 million.

107. The third component aims at facilitating the access to health services for people from vulnerable groups. Regarding recent developments, the purposes of the component have been adapted to respond to the challenges related to healthcare for persons at high risk from COVID-19. The budget is of BGN 36 161 805 and around 28 000 people are considered as potential beneficiaries.

108. Unemployed individuals registered with the Labour Offices are entitled to all the rights and obligations under the Employment Promotion Act. According to Art.2 of the

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<sup>4</sup> The 39 eligible municipalities are Sofia Municipality, Varna, Plovdiv, Burgas, Ruse, Stara Zagora, Pleven, Blagoevgrad, Veliko Tarnovo, Vidin, Dobrich, Haskovo, Pazardzhik, Shumen, Sliven, Gabrovo, Yambol, Pernik, Vratsa, Lovech, Kardzhali, Smolyan, Razgrad, Kazanlak, Asenovgrad, Montana, Gorna Oryahovitsa, Gotse Delchev, Dupnitsa, Kyustendil, Silistra, Dimitrograd, Targovishte, Lom, Petrich, Svishtov, Velingrad, Karlovo and Panagyurishte.

Employment Promotion Act, no direct or indirect discrimination, privileges or restrictions on various grounds, including ethnicity, are allowed.

109. In compliance with the Employment Promotion Act, an individual action plan is elaborated for each unemployed person registered with the Labour Offices, outlining proposed actions according to the person's profile and employability. Depending on their identified needs, the unemployed are being enrolled in trainings and actual employment, run under various programmes and measures, as well as in employment at non-subsidised vacancies in the real economy.

110. The Employment Promotion Act identifies measures and incentives for employers to encourage them to take disadvantaged unemployed persons, such as unemployed young people; unemployed persons with permanent disabilities; unemployed persons – single parents (adoptive parents) and/or mothers (adoptive mothers) with children aged 5 or younger; unemployed persons over the age of 50; unemployed persons with primary or lower education and without professional qualifications, etc. Unemployed individuals registered with Labour Offices are included in trainings and programmes at the labour market.

111. To facilitate access of Roma to information on job vacancies and provide direct contact, specialized job fairs are organized. In a six-year period, 365 job fairs were held and 75 783 persons were employed. 21 of these job fairs were held targeting specifically the Roma community and 1 443 persons were employed.

**Participation in activities for improving the access to labour markets of persons, who identified themselves as Roma (According to the data from the Employment Agency from the administrative monitoring reports for the implementation of the National Roma Integration Strategy 2012–2020)**

	2017	2018	2019
Total number of persons, covered by the various activities (1+2+3), including:	46 293	43 844	42 658
Activity 1. Increasing employability and qualification of unemployed Roma people	27 031	24 508	23 948
Activity 2. Providing employment for Roma job seekers	19 144	19 251	18 625
Activity 3. Promoting entrepreneurship, starting and running personal business	118	85	85
Activity 4. Promoting social and civil dialogue to support the employment of Roma people	389	260	265

**E. Situation of non-citizens, including migrants, asylum seekers and refugees (recommendation 22)**

**Borders governance**

112. The Border Police applies international law, bilateral and multilateral agreements to which Bulgaria is a party and has commitments and obligations to all foreigners arriving at the border. The relevant procedures are performed in full compliance with domestic legislation.

113. The Border Police has the right to detain foreigners who have crossed the border illegally. A written order is issued for a period of no more than 24 hours. Depending on whether the foreigners have requested international protection or not, the persons are transferred to the relevant authorities.

114. To provide information to foreigners on legal possibilities in the country, the Border Police distributes leaflets in foreign languages. The leaflets are provided by the UNHCR, the State Agency for Refugees, the Bulgarian Red Cross, NGOs, etc. They are available at the border-crossing points and at the detention premises of the border police stations. Audio-visual information materials, presenting the rights and obligations of the persons, are also available as well as information on the human trafficking prevention.

### Information on the illegally present foreigners accommodated in the Centres of Migration Directorate

2017 (June–December)	1 653
2018	2 718
2019	2 256
2020 (January–June)	454
<b>Total: 7 081</b>	

115. Providing information to all persons in proceedings for international protection is a prerequisite in the work of the Bulgarian institutions. Instructions on the rights and obligations during the proceedings for granting international protection are given to each asylum seeker, in a language one understands. All administrative actions towards the detained persons are executed in the presence of certified interpreters.

116. In respect of the principle of non-refoulement, the entry or leave through the national border without permission of the competent authorities or outside of the designated places for persons who have entered the country to use their right to asylum is decriminalised.

117. In accordance with Art. 279(5), the Penal Code does not penalize anyone who enters the country to exercise the right to asylum under the Constitution. The person has the right to an interpreter to address his request.

118. Between June 2017 and June 2020, no alerts for excessive use of force by law enforcement officials at the border or in detention facilities were registered and no checks were conducted for excessive use of force against migrants.

119. For the reported period, a total number of 6 799 requests for international protection have been received. The requests are divided by year as follows:

- 01.06.2017–31.05.2018: 2 328 requests, most commonly from Iraq (834), Syria (745), Afghanistan (475), Pakistan (74) and Iran (55).
- 01.06.2018–31.05.2019: 2 719 requests, most commonly from Afghanistan (1371), Iraq (626), Syria (391), Pakistan (167) and Iran (54).
- 01.06.2019–31.05.2020: 1 725 requests, most commonly from Afghanistan (660), Syria (469), Iraq (266), Iran (91) and Pakistan (75).

120. During the mentioned period, 940 decisions for granting refugee status, 1 244 decisions for granting humanitarian status and 3 858 decisions for dismissal were taken.

### Information on the decision grated on the requests for international protection

#### *Decisions for granting refugee status divided by nationality*

<i>01.06.2017–31.05.2018</i>	<i>01.06.2018–31.05.2019</i>	<i>01.06.2019–31.05.2020</i>
Afghanistan	25 Syria	211 Syria
Stateless persons	12 Afghanistan	13 Iraq
Egypt	5 Pakistan	9 Stateless persons
Eritrea	10 Iraq	8 Afghanistan
Iraq	30 Stateless persons	2 Pakistan
		140
		7
		6
		4
		3

#### *Decisions for granting humanitarian status divided by nationality*

Syria	522 Syria	208 Syria	280
Iraq	54 Afghanistan	28 Iraq	32
Stateless persons	17 Iraq	16 Stateless persons	15
Afghanistan	12 Iran	10 Iran	13
Iran	6 Stateless persons	6 Afghanistan	12

01.06.2017–31.05.2018		01.06.2018–31.05.2019		01.06.2019–31.05.2020	
<i>Decisions for rejection of international protection divided by nationality</i>					
Iraq	701	Iraq	364	Afghanistan	401
Afghanistan	549	Afghanistan	857	Iraq	128
Iran	89	Pakistan	123	Pakistan	55
Pakistan	81	Iran	41	Iran	54
Turkey	19	Turkey	13	Alger	30

### Registration and integration

121. Irregularly present migrants who have not requested protection in Bulgaria are accommodated in Special Centres for Temporary Accommodation of Foreigners, in order to ensure the procedures for their return. Accommodation in detention centres takes into account the applicant's sex, race, age, marital status, type of vulnerability, etc. Each accommodated person has access to a competent legal representation and legal assistance.

122. The Migration Directorate of the Ministry of Interior is working together with NGOs to assure the provision of weekly legal assistance. The Ombudsman also monitors the implementation of the compulsory administrative measures and his representatives meet with the foreigners accommodated in all detention centres.

123. Between June 2017 and June 2020, 1 634 third-country nationals were detained for crossing the state border and the border checkpoints of Bulgaria.

124. The Foreigners in the Republic of Bulgaria Act (FRBA) explicitly prohibits the placement of unaccompanied migrant children in the Centres of the Migration Directorate. For every unaccompanied minor, a notification is sent to the regional Directorate for Social Assistance, which takes measures to protect the minors under the Child Protection Act. If the minor has applied for international protection, he is handed over to the State Agency for Refugees. If an unaccompanied minor has not submitted an application for international protection, the Directorate nominates a social worker to represent him during the identification process and provide assistance, support and consultation. If needed, the social worker can take measures for protection and placement of the minor in the relevant social services for children. The assessment on the necessary measures is based on the need for protection and a long-term and sustainable solution. It guarantees that the unaccompanied or separated child can reach adulthood in an environment that meets his needs and respects his rights.

125. In 2019, legislative amendments were introduced in FRBA to regulate the procedure for issuing a long-term residence permits to migrant children until reaching the age of 18, who have not requested protection in Bulgaria. They cover unaccompanied migrant children and foreigners under the age of 18 who have entered the country accompanied, but were later abandoned by the accompanying person.

126. Bulgaria has taken the following measures to improve the living conditions of irregularly present migrants detained in the Centres:

- Access to education: Due to the specifics of the detention centres characterized by a restriction of the right to free movement, the present irregularly detained migrants do not have free access to the national system of education, respectively to educational institutions. Educational activities are organised on the spot by collaborating NGOs and includes English/Bulgarian language courses for adults and children, sports activities, cultural and social orientation, art and recreational activities with children. In 2019, 1 239 foreigners participated in activities organized by an NGO in the two Centres.
- Access to healthcare: The centres are provided with continuous 24-hour medical care at the Medical Services Unit in the Centres, incl. specialists of the Ministry of Interior's Medical Institute. The medical care comprises of primary medical care, preventive, rehabilitative and hygienic-epidemiological activities for maintaining and

strengthening the physical and mental health and possible referral to specialized medical care or treatment in hospital. Foreigners undergo compulsory medical check-ups, both upon placement and leaving the centres. When the necessary treatment is not available in the Centre, the foreigners are transported to other medical establishments. All funds for medical care are provided by the budget of the Ministry of Interior.

- Psychological assistance: It is performed by psychologists of the Ministry of Interior's Institute of Psychology. In 2018, a dedicated Methodology for social work with detained foreigners was adopted and used by the police inspectors-interviewers. A teamwork approach is applied for the daily team meetings with the participation of the leading interviewer, psychologist, medical official and a management official of the Centre.
- Access to justice: All migrants have access to legal aid by virtue of the national legislation, including free legal assistance provided by the state. The migrants have access to justice and can appeal administratively and judicially all acts which concern their rights and interests.

127. The Bulgarian government is constantly working on measures to improve the asylum system and the reception of asylum seekers in response to EU migration challenges. The national legislation framework applies the relevant EU acts in the field of migration, integration and asylum.

128. The Ministry of Health coordinates policies in the health sector, implements targeted measures to improve access to health and support for maternal and child health. Access to health services of persons with granted protection status on the territory of the Bulgaria is regulated in the Health Act and the Health Insurance Act.

129. According to Art. 29(1) of the Asylum and Refugees Act, during the procedure for granting the relevant status, a foreigner is entitled to health insurance, accessible medical assistance and free use of medical care under the conditions and procedures for Bulgarian citizens. According to Art. 34(1) of the Health Insurance Act, the obligation for insurance arises from the date of initiation of proceedings for granting protection status. Foreigners who have been granted protection status enjoy all their rights as compulsory health insured.

130. Outside the scope of the Health Insurance Act and in compliance with Art. 82 of the Health Act, the following medical services are provided: emergency medical care, prophylactic examinations and examinations and obstetric care for all uninsured women, irrespective of the method of delivery, inpatient psychiatric care, provision of blood and blood products, compulsory treatment and/or compulsory isolation, medical transport, vaccines for compulsory immunizations, vaccines for special indications and in exceptional circumstances related to the prevention of infectious diseases, full scope of anti-epidemic activities, access to health activities included in national, regional and municipal health programs.

131. In 2019, the State Agency for Refugees conducted regular discussions and sessions with asylum seekers independently and/or in partnership with NGOs, explaining to them the right to access the labour market. Based on the Employment Promotion Act, each person can register in a Labour Office and is entitled to use the services available to job seekers.

132. With regard to the right to work, the adoption of the Labour Migration and Labour Mobility Act targeted the realisation of the rights to employment of migrants. In March 2018, the Act was amended in order to foresee provisions on the conditions of entry and residence of third-country nationals for conducting research, study, internship, volunteering, pupil exchange programs or educational projects and au pair work.

133. Migrant unemployed persons, registered as jobseekers, may participate without restriction in work placement and in all training and employment programmes and measures run under the Employment Promotion Act, if they meet the access requirements and no direct or indirect discrimination is allowed. At the Labour Office, they receive psychological support services and individual counselling and assistance from "case managers" to connect and claim their rights in other institutions.

134. A refugee employment and training programme supports the labour market integration of unemployed persons with a refugee or humanitarian status by enrolling them in Bulgarian language courses, vocational trainings, and providing employment. The programme also contributes to increasing the capacity of regional and municipal administrations, transit centres, registration and reception centres to work with refugees.

**During the reported period, the “Labour Office” Directorates registered as follows:**

	<i>January– June 2020</i>	<i>2019</i>	<i>2018</i>	<i>July–December 2017</i>
Refugees and persons with humanitarian status	32	22	29	13
Third-country nationals	1 267	1 097	1 053	607
EU citizens	267	333	272	144

**During the report period, the “Labour Office” Directorates found employment for:**

	<i>January– June 2020</i>	<i>2019</i>	<i>2018</i>	<i>July–December 2017</i>
Refugees and persons with humanitarian status	9	8	23	8
Of which the following are on subsidised jobs	0	1	11	3
Third-country nationals	500	576	688	338
Of which the following are on subsidised jobs	18	56	63	33
EU citizens	117	146	176	106
Of which the following are on subsidised jobs	3	11	6	3

135. Since 2017, a specialised training course for experts from central and territorial administration who are working directly with the third-country citizens has been organised by the Institute for Public Administration. The training addresses the behavioural aspects of working with migrants and third-country citizens. It is developed in line with the actual situation in Bulgaria, with the National Strategy on Migration, Asylum and Integration 2011–2020, as well as with the common European migration policy.

136. Under the National Employment Action Plan 2020, there is a specialised measure tackling the employment and training for refugees. Until June 2020, 20 persons with a refugee or humanitarian status have been enrolled in a Bulgarian language training programme and registered with the Labour Office Directorates.

137. Article 44, para.5 and para.6 of the FRBA regulates the special precautionary measures which apply to foreigners with imposed coercive administrative measures (so-called “CAM”) in order to ensure to the maximum extent the implementation of the imposed CAM and their removal from the country.

138. In accordance with international standards and practices, in December 2017 the FRBA was amended to introduce additional measures to ensure the return of third-country nationals. The amendments are in line with the Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally residing third-country nationals.

139. Under the provisions of the Directive, the use of detention for the purpose of return should be limited and subject to the principle of proportionality, and detention is justified only in order to prepare the return when the application of less restrictive precautionary measures would not be sufficient. Two new alternatives to detention have been introduced, in addition to the applicable to the moment measure – the monthly appearance in the territorial structure of the Ministry of Interior at the place of residence, namely:

- Payment of a cash guarantee in the time and amount determined by the Regulations for implementation of the FRBA;

- Temporary pledge of a valid passport or other document for travel abroad, which the foreigner receives back when performing the return or expulsion.

140. With an amendment to the Regulations for implementation of the FRBA in 2018 were outlined the conditions and the procedure under which the additional measures introduced by the FRBA to ensure the return of third-country nationals, alternative to detention in closed centres, are applied.

### **III. Responses to other recommendations (recommendations 23 and 24)**

141. The Bulgarian government takes systemic measures to combat racism, racial discrimination, xenophobia and intolerance. The recommendations set out in the Durban Declaration and Action Plan are part of different national strategies in the area.

142. The Bulgarian government has no plans currently to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Fundamental human rights are enshrined in the Covenants and these rights apply directly to all migrants in Bulgaria. The national legislation already guarantees most of the rights contained in the Convention and shares its objectives. The rights of migrant workers are also protected by the existing EU legislation, which is also implemented in the country's legislation.

### **IV. Information related to articles 2–7 of the Convention**

143. In 2017, the Bulgarian government took a decision to adopt and apply the IHRA “Working Definition of Antisemitism”. Bulgaria became the fifth EUMS to adopt the definition. The decision tasked the Ministers and Heads of Agencies to take the necessary measures to translate the working definition into operational practice within their competences. The Government also proposed to the National Assembly to apply the definition in its future work. The decision represents a starting point for a comprehensive assessment of the problem and consideration of policies and measures to address it. At this stage, most ministries and agencies continue to explore how to implement the definition in practice.

144. With the same decision, the Government appointed a Deputy Minister of Foreign Affairs as national coordinator on combating antisemitism. The responsibilities of the national coordinator include facilitation of surveys of public attitudes, research and risk assessment, monitoring, data collection and reporting of anti-Semitic hate speech and hate crimes. He also interacts with media and is involved in the co-ordination of national and international projects against antisemitism. These include working with the European Commission Co-ordinator on Combatting Antisemitism and the equivalents in other EU Member States and other partner countries, as well as with the competent authorities of the United Nations, the OSCE/ODIHR, the Council of Europe, UNESCO, and FRA.

145. In January 2018, the National Coordinator established a Contact Group, which includes senior officials from the Ministry of Justice, Ministry of Interior, Ministry of Education and Science and Ministry of Education and Sport, the national security advisor to the Prime Minister, the Chairperson of the CPD, the Deputy Mayor of Sofia, the Head of the Bulgarian delegation to the IHRA, the Secretary of the National Council for Cooperation on ethnic and integration issues and the President of the “Shalom” organisation. The purpose of the group is to coordinate policies and actions to prevent and counter antisemitism.

146. In November 2018, Bulgaria became fully-fledged member of IHRA, substantiating further its commitment and capacity to advance the education, remembrance and research on the Holocaust and the genocide of the Roma, and to counter the influence of historical distortion, antisemitism, hate speech and all forms of racism and discrimination, through the implementation of national policies and initiatives, and international cooperation.

147. A Memorandum of Cooperation between the Bulgarian government, “Shalom” and the World Jewish Congress was also signed in November 2018. It provides for a holistic approach in fighting all forms of antisemitism and hate crime through education and cultural activities; training of law-enforcement authorities; legislative improvements; sharing of information and data about hate crime; enhancing data collection and recording and countering hate speech on the Internet.

148. In the period January 2017–June 2018, the State budget subsidized construction and reconstruction activities of over 100 mosques and spent over EUR 200 000 for the reconstruction of places of worship and administrative buildings of Catholic, Jewish, Armenian, Protestant and other religions. The specialized Religious Denominations Directorate within the Council of Ministers further assisted financially the publication of over 20 books of religious literature, scientific and sociological studies on various beliefs.

149. Pursuant the EU Council Decision on the fight against antisemitism and in cooperation with the Norwegian Financial Mechanism, Bulgaria will initiate the elaboration of an Action Plan on Combatting Antisemitism.

150. In January 2020, at a regular meeting of the National Coordination Mechanism for Human Rights, it was decided to establish a mechanism to monitor the implementation of the recommendations received in the framework of the dialogue with the UN Treaty Bodies, and to improve coordination and communication between different departments with competences in the human rights domain.

## **V. Annexes**

*Annex 1:* Statistical data on the persons convicted by articles and paragraphs of the Penal Code by sex and age for 2017–2019

*Annex 2:* Statistical data on the crimes by articles of the Penal Code and according to the results of the proceedings for 2017–2019

*Annex 3:* Statistical data on the initiated criminal proceedings and verdicts for crimes under art. 162–164 of the Penal Code and claims under the Protection against Discrimination Act

*Annex 4:* Statistical data on victims of newly initiated pre-trial proceedings, investigated for hate crimes

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