

Franet National contribution to the Fundamental Rights Report 2021

Bulgaria

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Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
Issues in the fundamental rights institutional landscape	Significant increase in the number of complaints to the Commission for Personal Data Protection: In its annual activity report for the year 2019, officially released in March 2020, the Commission for Personal Data Protection highlighted a significant increase of the number of complaints from 784 in 2018 to 1,600 in 2019. The increase was mostly due to the rise in the number of complaints against public authorities (from less than 50 in 2018 to 820 in 2019).
EU Charter of Fundamental Rights	Seminar on the Charter of Fundamental Rights: the last of the series of trainings of the EU funded project Lawyers4Rights was organised by the Bulgarian Lawyers for Human Rights Foundation (BLHR) and took place on 3-4 December 2020 in Sofia. The project deals with the Charter of Fundamental Rights of the European Union in general and, in particular, with elements that represent today's challenges and new problems related to the implementation of fundamental rights at both EU and national level.
Equality and non-discrimination	The Supreme Administrative Court overturns a decision of the equality body in an online hate speech case: On 30 April 2020, the Supreme Administrative Court repealed a decision of the Commission for Protection against Discrimination for dismissing a case of homophobic messages on Facebook. The equality body had dismissed the case due to the failure of applicants to provide sufficient information to identify the alleged offenders. The court disagreed with the equality body's arguments and instructed it to re-open the case and undertake all necessary measures to collect the missing information.
Racism, xenophobia & Roma integration	Study reveals negative attitudes to Roma are much higher than to other minority groups: A study on the public perceptions towards minorities in Bulgaria, published in March 2020 by the sociological agency Alpha Research, revealed that the share of respondents who "hated" people of Roma origin (21.6 %) was much higher the share of those having similar attitudes toward Turkish people (4.9 %) and Muslims (3.4 %).
Asylum & migration	Addressing the situation of third-country nationals with residence permits expiring during the COVID-19 outbreak: Through a series of amendments to the Foreigners in the Republic of Bulgaria Acts , the holders of prolonged residence permits whose residence period expired during the COVID-19 outbreak were allowed to apply for extension and enter the territory of Bulgaria without a visa until 13 February 2021.
Data protection and digital society	New policy developments with regard to artificial intelligence and big data: The Government published two strategic documents in the area of digital society: Digital Transformation of Bulgaria: 2020-2030 (July 2020) aims to improve existing infrastructure through the use of

	big-capacity networks and facilitate the adoption of innovative e-business models, while the Concept for the Development of Artificial Intelligence in Bulgaria until 2030 (December 2020) promotes the development of reliable and trustworthy AI.
Rights of the child	Transposition of Directive 2016/800: Proposals were submitted to Parliament to transpose Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings via amendments in the Criminal Procedure Code, including prioritising cases with children accused and giving accused children additional information rights.
Access to justice, including victims of crime	Further transposition of Victims' Rights Directive: Proposals were submitted to Parliament to transpose the Victims' Rights Directive further in Bulgarian legislation via amendments in the Criminal Procedure Code and the Victim Support and Financial Compensation Act, introducing support persons and further regulating individual assessment of victims' needs and interviews of vulnerable victims.
Convention on the Rights of Persons with Disability	Electronic system for disability certification launched: On 15 October 2020, the government announced the official launch of the medical assessment information system. The system was designed to digitalise the entire process of disability certification and facilitate the access of persons with disabilities to the certification procedure.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

On 1 July 2020, the Social Services Act (*Закон за социалните услуги*), which regulates the provision of social services to beneficiaries, including older people, came into force after a six month delay officially justified by the need to further discuss some of its provisions with the relevant stakeholders.¹ On 5 March 2020, a group of Members of Parliament from the Bulgarian Socialist Party (BSP) (*Българска социалистическа партия, БСП*) filed a request to the Constitutional Court (*Конституционен съд*) to declare the law unconstitutional.² In its decision, the Constitutional Court (*Конституционен съд*) declared unconstitutional three

¹ Bulgaria, Social Services Act ([Закон за социалните услуги](#)), 22 March 2019.

² Bulgaria, Constitutional Court (*Конституционен съд*), Constitutional Case No 3/2020 ([Конституционно дело № 3/2020](#)), 14 July 2020.

provisions of the law, one pertaining to the service providers' access to the beneficiaries' private data; another one pertaining to the provision of information to parents of children that had applied for social services; and a third one relevant to the oversight and control functions of the yet to be established Quality of Social Services Agency (QSSA) (*Агенция за качеството на социалните услуги, АКСУ*).³

None of the two draft laws on the rights of older people, submitted to parliament in 2019, marked any progress. Both the Draft Older Persons Act (*Законопроект за възрастните хора*)⁴ and the Draft Protection of the Rights and Interests of Older Persons Act (*Законопроект за защита на правата и интересите на възрастните хора*)⁵ are still pending first reading in plenary session.⁶

The implementation of the National Strategy for Active Life of Older Persons in Bulgaria 2019-2030 (*Национална стратегия за активен живот на възрастните хора в България 2019-2030 г.*)⁷ continued in line with the action plan for the period 2019-2020.⁸ For 2020, priority areas included facilitating access to employment, supporting continued professional and vocational training and education, improving working conditions, providing specialised services for older workers, social inclusion, encouraging participation in public life, inclusion in volunteering activities (including refugees over the age of 55), life-long learning,

³ Bulgaria, Constitutional Court (*Конституционен съд*), Decision No 9 of 14 July 2020 on Constitutional Case No 3/2020 ([Решение № 9 от 14 юли 2020 г. по конституционно дело № 3/2020](#)), 14 July 2020.

⁴ For the full text of the draft, parliamentary debates and all other related documents see the [website of the parliament](#).

⁵ For the full text of the draft, parliamentary debates and all other related documents see the [website of the parliament](#).

⁶ For the debate, preceding a decision of the parliament not to discuss one of the drafts in plenary session, see the [website of the parliament](#).

⁷ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Active Life of Older Persons in Bulgaria 2019-2030 ([Национална стратегия за активен живот на възрастните хора в България 2019-2030 г.](#)), 15 March 2019.

⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Plan for 2019-2020 for the Implementation of the National Strategy for Active Life of Older Persons in Bulgaria 2019-2030 ([План за 2019 - 2020 г. за изпълнение на Националната стратегия за активен живот на възрастните хора в България \(2019 - 2030 г.\)](#)).

healthcare and social patronage access, etc. Most of the activities undertaken in the framework of the action plan related to the COVID-19 outbreak.⁹

Under the Action Plan for 2018-2021 for the Implementation of the National Strategy for Long-term Care (*План за действие за периода 2018-2021 за изпълнение на Националната стратегия за дългосрочна грижа*) priority areas for 2020 included: ensuring access to social patronage, creating day centres for the elderly suffering from dementia, ensuring provision of newly created social services for the elderly, needs assessment of persons in specialised institutions, renovations and equipment, preparatory activities related to deinstitutionalisation, etc.¹⁰ In relation to the long-term care strategy, a new programme was launched in 2020, entitled "New long-term care for the elderly and persons with disabilities – service provision" (*„Нова дългосрочна грижа за възрастните и хората с увреждания – предоставяне на услуги“*) and funded under Operational Programme "Human Resources Development" (*Оперативна програма „Развитие на човешките ресурси“*). The programme is expected to reach some 1,260 persons and to support the opening of 6 day-care centres for dementia patients, and 68 care centres for persons with disabilities and older persons with psychological disorders, dementia, and immediate care needs.¹¹

In compliance with a recommendation by the Council of the European Union,¹² the new National Employment Action Plan 2020 (*Национален план за действие по заетостта през 2020 г.*),¹³ adopted by the Employment Agency (EA) (*Агенция по заетостта, АЗ*) included older people among its priority target groups, especially with regard to continuing professional education, improvement of qualifications, and other relevant activities (such as literacy programmes) for pre-retirement

⁹ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Centre for the Study of Democracy.

¹⁰ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan for 2018-2021 for the Implementation of the National Strategy for Long-term Care ([План за действие за периода 2018-2021 за изпълнение на Националната стратегия за дългосрочна грижа](#)), 19 January 2018.

¹¹ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Centre for the Study of Democracy.

¹² Council of the European Union (2019), [Council Recommendation No 301/02 on the 2019 National Reform Programme of Bulgaria and delivering a Council opinion on the 2019 Convergence Programme of Bulgaria](#), OJ 2019 C 301, 9 July 2019.

¹³ Bulgaria, Council of Ministers (*Министерски съвет*), National Employment Action Plan 2020 ([Национален план за действие по заетостта през 2020 г.](#)), 6 February 2020.

workers, retired persons willing to continue working, and unemployed persons over the age of 50 years.

The National Strategy for Encouragement of the Equality of Women and Men 2016-2020 (*Националната стратегия за равнопоставеност на жените и мъжете 2016-2020 г.*) had identified older women as one of the two groups most vulnerable to poverty.¹⁴ In relation to this group, the National Action Plan for Encouragement of the Equality of Women and Men 2019-2020 (*Национален план за действие за насърчаване на равнопоставеността на жените и мъжете 2019-2020 г.*)¹⁵ envisioned the continuation of the annual increase of retirement age of women and men (with the long-term goal of equalising retirement age for both sexes in 2037) combined with a decrease of the difference in pensions.¹⁶ According to the last available report on the implementation of the strategy (covering the year 2019), 155 adults (including 120 women) took part in literacy courses under Operational Programme "Human Resources Development" (*Оперативна програма „Развитие на човешките ресурси“*).¹⁷

For the 2019-2020 period, the Action Plan for the Implementation of the National Strategy for Reducing Poverty and Encouraging Social Inclusion 2020 (*План за действие за периода 2019-2020 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2020*)¹⁸ envisioned the continued provision of social patronage for the elderly and persons with disabilities until 2023 in several municipalities in Bulgaria. Social patronage in relation to the COVID-19 epidemic was provided under Operational Programme

¹⁴ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Encouragement of the Equality of Women and Men 2016-2020 ([Националната стратегия за равнопоставеност на жените и мъжете 2016-2020 г.](#)), 14 November 2016.

¹⁵ Bulgaria, Council of Ministers (*Министерски съвет*), National Action Plan for Encouragement of the Equality of Women and Men 2019-2020 ([Национален план за действие за насърчаване на равнопоставеността на жените и мъжете 2019-2020 г.](#)), 17 January 2019.

¹⁶ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Centre for the Study of Democracy.

¹⁷ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Report on the equality of women and men in Bulgaria for 2019 ([Доклад за равнопоставеността на жените и мъжете в България за 2019 г.](#)).

¹⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan for the Implementation of the National Strategy for Reducing Poverty and Encouraging Social Inclusion 2020 ([План за действие за периода 2019-2020 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2020](#)), 24 January 2019.

“Human Resources Development” (Оперативна програма „Развитие на човешките ресурси”)¹⁹, which in 2020 included the setting up of emergency service provision teams in 210 municipalities and in 18 districts in the capital city Sofia.²⁰ The action plan also envisaged the allocation of funds for supporting seven care centres for older persons and the provision social services at home for persons over the age of 65 with disabilities and chronic conditions in Varna, Sofia and Blagoevgrad.

The COVID-19 pandemic prompted the implementation of preventative measures related to older persons, including beneficiaries of different types of social services in institutionalised care and non-resident services (day centres, centres for social rehabilitation and integration, and other support centres).²¹ Mandatory instructions were regularly issued by the Minister of Health, including suspension of visitations to residential-type and specialised care institutions, compulsory isolation and/or hospitalisation of infected persons above the age of 60, and general hygiene and protection measures.²² In June 2020, the Social Assistance Agency (SAA) (Агенция за социално подпомагане, АСП) issued mandatory instructions on the prevention of COVID-19 in the social services, noting that the virus leads to higher mortality rates among people over 60 years of age.²³

In the period May-June 2020, the Social Assistance Agency (SAA) (Агенция за социално подпомагане, АСП) implemented a programme for the provision of food to vulnerable persons. Beneficiaries of the programme included, among others, persons who, due to their age, disability or medical condition, could not independently care for themselves, as well as persons, including persons over 65 years of age, who had no income or were living below the national poverty

¹⁹ For more information, see the website of [Operational Programme “Human Resources Development”](#).

²⁰ Bulgaria, Ministry of Labour and Social Policy (Министерство на труда и социалната политика), Letter No 39-491 of 4 September 2020 to the Centre for the Study of Democracy.

²¹ Bulgaria, Ministry of Labour and Social Policy (Министерство на труда и социалната политика), Letter No 39-491 of 4 September 2020 to the Centre for the Study of Democracy.

²² For the latest instructions, see the orders issued by the Minister of Health on the [official COVID-19 portal](#).

²³ Bulgaria, Social Assistance Agency (Агенция за социално подпомагане), Instructions on the prevention of the spread COVID-19 in social services ([Указания относно превенция на разпространението на COVID-19 в социалните услуги](#)), 2 June 2020.

threshold, were living alone and had no relatives who could provide the necessary care.²⁴

As regards the rights of LGBTI people, the National Institute of Justice (NIJ) (*Национален институт на правосъдието*, НИП) continued to provide training on the EU Charter of Fundamental Rights and protection against discrimination as part of the compulsory introductory training of junior magistrates. The training included, among other topics, fundamental rights and protection against discrimination of LGBTI persons.²⁵

In 2020, the Supreme Administrative Court (SAC) (*Върховен административен съд*, ВАС) issued two important decisions concerning the rights of LGBTI people. In July 2020, the Supreme Administrative Court (SAC) (*Върховен административен съд*, ВАС) refused to accept sexual orientation as a reason for granting international protection status to an asylum applicant from Iraq.²⁶ In April 2020, the Supreme Administrative Court (SAC) (*Върховен административен съд*, ВАС) repealed a decision of the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията*, КЗД), confirmed by the first instance court, by which the equality body discontinued the proceedings against two Facebook users accused of posting homophobic hate messages in their social network profiles. The Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията*, КЗД) justified its decision by the failure of the applicants to provide sufficient information about the identity of the defendants. The Supreme Administrative Court (SAC) (*Върховен административен съд*, ВАС) dismissed that justification and instructed the equality body to re-open the case and undertake measures, including with the assistance of the police, to collect the necessary data for the identification of the defendants.²⁷

²⁴ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*), Targeted Programme "Warm lunch at home during the emergency situation 2020" ([Целева програма „Топъл обяд у дома в условията на извънредната ситуация – 2020 г.“](#)).

²⁵ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2020), Letter No ДА-03-789/1 of 14 September 2020 to the Center for the Study of Democracy.

²⁶ Bulgaria, Supreme Administrative Court (*Върховен административен съд*), Decision No 9796 of 16 July 2020 on administrative case No 8729/2019 ([Решение № 9796 от 16 юли 2020 по административно дело № 8729/2019](#)), 16 July 2020.

²⁷ Bulgaria, Supreme Administrative Court (*Върховен административен съд*), Ruling No 5206 of 30 April 2020 on administrative case No 3194/2020 ([Определение № 5206 от 30 април 2020 г. по административно дело № 3194/2020](#)), 30 April 2020.

In July 2020, the European Court of Human Rights, in the case of *Y.T. v. Bulgaria*, unanimously held that there had been a violation of Article 8 of the ECHR (right to respect for private and family life) in relation to the dismissal without reasons of the request of Y.T. (a transsexual of male appearance) for a change of “sex” in the civil-status registers, citing rigidity in the domestic courts’ reasoning in their refusal to grant legal recognition to Y.T.’s gender reassignment without giving sufficient reasoning and without giving reference to other similar cases where such recognition had been possible. The Bulgarian judicial authorities referred to “the public interest”, yet failed to identify the exact nature of this public interest, and did not balance it against the applicant’s right to legal recognition of their gender identity.²⁸

In October 2020, the Sofia City Administrative Court (SCAC) (*Административен съд – София-град, АССГ*) temporarily suspended a case for the issuance of Bulgarian birth certificate of child born abroad whose both parents were women and requested a preliminary ruling from the European Court of Justice. The two women, a Bulgarian citizen and a citizen of the United Kingdom, got married in Gibraltar. The child was born in Spain and had a Spanish birth certificate. In compliance with Bulgarian law, the parents submitted an application to Sofia Municipality (*Столична община*) for obtaining a Bulgarian birth certificate, but their application was rejected because the applicants had not indicated who the biological mother of the child was and because same sex marriages were not permitted in Bulgaria. The parents appealed the decision before the court, which in turn forwarded the case to the European Court of Justice. In its request for a preliminary ruling, the Sofia City Administrative Court (SCAC) (*Административен съд – София-град, АССГ*) asked the following four questions: (1) Should Articles 20 and 21 of the Treaty on the Functioning of the European Union as well as Articles 7, 24 and 45 of the Charter of Fundamental Rights of the European Union be interpreted as precluding the Bulgarian administrative authorities from refusing to issue a Bulgarian birth certificate on the grounds that the applicant refuses to indicate who the child's biological mother is? (2) Should Article 4(2) of the Treaty on the Functioning of the European Union as well as Article 9 of the Charter of Fundamental Rights of the European Union be interpreted as meaning that respect for the national and constitutional identity of the EU Member States presupposes that the latter have a wide discretion with regard to the rules of establishment of origin, in particular: are Member States allowed to request information on the child's biological origin and is it necessary to seek a balance (and how could this

²⁸ European Court of Human Rights (ECtHR), *Y.T. v. Bulgaria*, Request No 41701/16, 9 July 2020 (judgment available only in French).

balance be achieved) between the national and constitutional identity of a Member State and the best interest of the child, given that at present there is no consensus both in terms of values and in terms of law regarding the possibility to register as parents in a birth certificate persons of the same sex, without specifying whether and which of them is the biological parent of the child? (3) Are the legal consequences of Brexit relevant to the answer to the first question, in so far as one of the mothers referred to in the birth certificate issued in another Member State is a national of the United Kingdom and the other is a national of an EU Member State, considering in particular the fact that the refusal to issue a Bulgarian birth certificate prevents the issuance of a child's identity document by an EU Member State and hence, possibly, hinders the full exercise of their rights as a European citizen? (4) If the answer to the first question is in the affirmative, does EU law, and in particular the principle of effectiveness, impose an obligation on the competent national authorities to depart from the mandatory format for drawing up a birth certificate, which is part of existing national law?²⁹

In July 2020, the Bulgarian Youth LGBT Organisation "Deystvie" (*Младежка ЛГБТ организация „Действие“*) published the first of its kind legal analysis of the national criminal law framework and the way it discriminated against the LGBT persons (as victims of crime, suspects, accused persons, convicted persons, witnesses or other persons involved in criminal proceedings). The analysis covered issues such as hate crime, victimisation in cases of crimes related to discrimination and sexual violence, prison conditions and treatment of inmates in prisons, family life, etc., and offered strategic recommendations for countering discrimination in the justice system.³⁰

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

The Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*) published its annual activity report for 2019, which, for

²⁹ Bulgaria, Sofia City Administrative Court (*Административен съд – София-град*), Ruling No 7424 of 2 October 2020 on administrative case No 3654/2020 ([Определение № 7424 от 2 октомври 2020 г. по административно дело № 3654/2020](#)), 2 October 2020.

³⁰ Koparanov, H., Stoyanov, R., Angelova, D. and Dimitrov (Penkov), B. (2020), The Bulgarian criminal law and the LGB people: analysis of the existing framework and strategy for amendment ([Българското наказателно право и ЛГБ хората: Анализ на съществуващата уредба и стратегия за изменение](#)), Sofia, Youth LGBT Organisation "Deystvie".

the first time, did not provide statistical data on the number of complaints received by the equality body.³¹ According to information provided by Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*) upon request, for the first nine months of 2020 the equality body instituted 30 proceedings for discrimination on the grounds of age and one case for discrimination on the grounds of sexual orientation.³²

In March 2020, the Ombudsman published its annual activity report for 2019. In the area of equal treatment, the report highlighted two main critical areas in need of increased legal protection: discrimination against persons with disabilities, and hate speech and hate crime. According to the report, in 2019, the Ombudsman registered 15 cases of discrimination, which marked a decrease of 40 % compared to the year 2018 and 57 % compared to the year 2017.³³

In April 2020, the data collection in Bulgaria for the eighth wave of the Survey of Health, Ageing and Retirement in Europe (SHARE) was resumed after suspension due to the COVID-19 pandemic, including the so-called "SHARE CORONA" module gathering data on the impact of the pandemic on the health and socio-economic condition of older people. So far, no preliminary results for Bulgaria are available.³⁴

Foundation "Single Step" (*Фондация „Сингъл Степ"*) and Foundation "Resource Center Bilitis" (*Фондация „Ресурсен център Билитис"*) published a study of the attitudes to LGBTI students in Bulgarian schools. The goal of the study was to present the experiences of LGBTI students in school. The survey was conducted anonymously through an online questionnaire and covered all 28 regions in Bulgaria, with a sample of 880 students aged 14-19 (48.6 % of them self-identified as gay or lesbian, 46.3 % as bisexual, and 5.1 % as having other sexual

³¹ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2020), Annual activity report of the Commission for the Protection against Discrimination for 2019 ([Годишен отчет за дейността на Комисията за защита от дискриминация през 2019 г.](#)).

³² Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминацията*) (2020), Letter of 21 September 2020 to the Center for the Study of Democracy.

³³ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), Annual report of the work of the Ombudsman in 2019 ([Годишен доклад за дейността на Омбудсмана 2019 г.](#)), Sofia, Ombudsman of the Republic of Bulgaria. For an English summary of the report, see the [website of the Ombudsman](#).

³⁴ For more information on the survey in Bulgaria, see the [website of SHARE ERIC Bulgaria](#).

orientation). According to the report, 82.9 % of respondents had heard homophobic remarks by other students often or very often, 57.4 % had heard such remarks from their teachers, 70.6 % had been verbally harassed during the last year, 34.2 % had been physically harassed, and 19.1 % had been attacked. Of those who had been subjected to harassment or attacks, more than half had never reported the incident to the school staff (54 %) or talked about it with their family (55 %).³⁵

In April 2020, Foundation "Resource Centre Bilitis" (*Фондация „Ресурсен център Билитис“*) published a national report on homophobic, biphobic and transphobic bullying based on a combination of desk research, an online survey (with a sample of 106 adults and 48 young people aged 14-19), and six focus groups with educational professionals, students and parents (in Sofia and Plovdiv). The report concluded that aspects such as identity-based bullying, negative stereotyping, LGBTI invisibility at school, lack of collaboration for the prevention of violence in school, and lack of internal support systems for victims of bullying were among the most critical problems in Bulgaria.³⁶

Starting in January 2020, Youth LGBT Organisation "Deystvie" (*Младежка ЛГБТ организация „Действие“*) started organising training seminars on LGBTI issues for lawyers, junior lawyers, jurists, and students in the final two years of their law degree. The trainings covered areas such as migration and refugees (module 1), family law (module 2), case law of the ECtHR (module 3), and hate crime (module 4).³⁷

The Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*) published its regular human rights report covering the year 2019. The report highlighted the continuing need to address problems such as access to sexual and reproductive health education, family relations of same-sex couples, change of sex recognition procedures, and medical standards and practice related to atypical development of the reproductive organs. The chapter on discrimination noted that, similarly to previous years, there were no significant court decisions on cases

³⁵ Dragoeva, L. and Naydenov, P. (eds.) (2020), Attitudes to LGBTI students in Bulgarian schools: national study" (*Нагласи към ЛГБТИ учениците в българските училища: национално проучване*), Sofia, Foundation "Resource Center Bilitis".

³⁶ Pisankaneva, M. and Atanasova, B. (2020), [CHOICE National Report: Bulgaria](#), Sofia, Foundation "Resource Center Bilitis".

³⁷ For more information, see the [website of Youth LGBT Organisation "Deystvie"](#).

related to discrimination on the grounds of sexual orientation. The report noted that the only positive development related to the rights of LGBTI persons was the accession of the Ministry of Foreign Affairs (MFA) (*Министерство на външните работи*, МВНР) to the Council of Europe Governmental LGBTI Focal Points Network.³⁸

In June 2020, Pew Research Centre published a report on the global perceptions of homosexuality. According to the study, 48 % of respondents in Bulgaria shared the opinion that homosexuality should not be accepted in society (a result similar to most of the other Central and Eastern European states). Comparisons with the results of similar surveys carried out in 2002 and 2007 showed the share of those accepting homosexuality had decreased from 39 % to 32 %, which was one of the lowest levels in Europe.³⁹

In November 2020, the Bulgarian Youth LGBT Organisation "Deystvie" (*Младежка ЛГБТ организация „Действие“*) published the results of two surveys on the situation of LGBTI people in Bulgaria, both conducted by the marketing research company Noema.

- The first survey was a national representative survey of the public attitudes towards LGBTI people. The fieldwork for this survey was carried out in the period 1-25 November 2019 with a sample of 963 respondents (52 % women and 48 % men), aged 18+ (8 % aged 18-24, 15 % aged 25-34, 19 % aged 35-44, 16 % aged 45-54, 17 % aged 55-64, and 25 % aged 65+), with different ethnic background (87 % Bulgarian, 7 % Turkish, 3 % Roma and 3 % other), level of education (10 % primary or lower, 27 % general secondary, 31 % vocational secondary, and 32 % above secondary) and employment status (59 % studying, 4 % retired, 27 % unemployed, 6 % not employed due to illness or disability, 2 % not employed due to other reasons, and 3 % employed). The survey used as main method the Tablet Assisted Personal Interviewing (TAPI), but allowed respondents to fill in the last section of the questionnaire alone due to the personal nature of the questions. According to the survey report, a significant share of respondents (28 %) did not feel well informed about the situation of persons with different sexual orientation and sexual identity; for the

³⁸ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), Human rights in Bulgaria in 2019 ([Правата на човека в България през 2018 г.](#)), Sofia, Bulgarian Helsinki Committee.

³⁹ Pew Research Center (2020), [The Global Divide on Homosexuality Persists](#), Washington D.C., Pew Research Center.

majority of respondents the main sources of information were conversations with friends (47 %), appearance of LGBTI persons in the media (38 %) or information shared by experts through the media (32 %); only 20 % of respondents knew the correct meaning of the term 'gender'; the majority of respondents did not know personally any LGB people (59 %) or transgender people (80 %); a significant share of respondents believed that LGB was a fashion influenced by the West (45 %) and that the share of LGB persons in society was constantly increasing (58 %); the majority of respondents said that they would not feel uncomfortable if their neighbour was gay or lesbian (54 %) or if their neighbour's sex could not be determined at first glance (46 %), and that human rights should be (53 %) and were (44 %) equally guaranteed by the state irrespective of people's sexual orientation or sexual identity; if their child dressed like the opposite sex the majority of respondents (52 %) would talk to them to understand the reasons, but if the child was in love with a persons from the same sex the highest share of respondents (35 %) would try to convince them to look for a person from the opposite sex; the majority of respondents (44 %) agreed that same-sex partnerships should be protected by law, but more than half (56 %) did not know if such protection was in place; the majority of respondents believed that LGB persons (42 %) and transgender persons (44 %) should talk about their situation only with their families and close friends and that public expression of love and affection should be allowed only to heterosexual couples (44 %), etc.⁴⁰

- The second report summarised the findings of a national survey of the attitudes and perceptions within the LGBTI community. This survey was carried out online in the period 22 February – 28 March 2020 with a sample of 420 respondents (72 % women and 28 % men according to respondents' assigned sex, and 29 % men, 66 % women and 5 % other according to their self-identification), aged 14+ (22 % aged 14-17, 39 % aged 18-24, 24 % aged 25-34, and 14 % aged 35+), with different sexual orientation (34.3 % bisexual, 32.1 % lesbian, 21.4 % gay, 8.1 % other, 2.1 % did not know, and 1.9 % heterosexual), gender identification (63.8 % cisgender, 20.2 % queer/genderqueer, 9.8 % non-binary, 5.7 % gender fluid, 4.8% trans men, 4.3 % trans women, 3.8 % crossdressers/drag queens/drag kings, 3.1 % intersex, 2.6 % agender or polygender), ethnic background (93 % Bulgarian, 2 % Turkish, 1 % Roma, 2 % other and 2 % refused to respond), level of education (25 % primary or lower, 18 % general secondary, 15 % vocational secondary, 41 % above secondary, and 1 % refused to respond) and employment status (44 % studying, 36 % employed, 13 % both studying and

⁴⁰ Ivanova, S. and Georgieva, A. (2020), Attitudes to LGBTI persons in Bulgaria ([Нагласи към ЛГБТИ хората в България](#)), Sofia, Noema.

employed, 2 % unemployed, 4 % not employed, and 1 % refused to respond). According to the survey report, for the majority of respondents the main sources of information about LGBTI issues were other LGBTI people (80 %), websites and information resources of LGBTI organisations (77 %), scientific publication on the internet (51), and appearance of LGBTI persons in the media (46 %); the prevailing majority of respondents shared the opinion that homosexuality (72 %) and non-cis identification (71 %) were characteristics by birth and that the share of LGB persons in society was neither increasing nor decreasing (44 %); the majority of respondents believed that LGB people had the same financial status as other people (44 %) but that trans and intersex people were generally poorer (41 %); a huge majority of respondents (80 %) said that, compared to other EU countries, Bulgaria was a worse place to live for LGBTI people; for the majority of respondents human rights should be (96 %) and were not (42 %) equally guaranteed by the state irrespective of people's sexual orientation or sexual identity; etc. The survey also used some questions from the FRA EU LGBTI Survey 2012 to compare the results and explore the evolution of attitudes and perceptions within the LGBTI community in Bulgaria between 2012 and 2020.⁴¹

In December 2020, the Centre for the Study of Democracy (CSD) (*Център за изследване на демокрацията*, ЦИД) published the results of a study on the impact of far-right messages on young people in Bulgaria. The study was conducted in the period April – June 2019 through face-to-face semi-structured interviews with 1,018 respondents aged between 14 and 19 years (national representative sample for this age group). According to the survey report, young people in Bulgaria are most susceptible to anti-Roma messages, but a significant share is also susceptible to narratives targeting LGBTI people. More than half of the respondents (57.2 %) agreed with the statement that "Homosexuality is too tolerated, which leads to decay of traditional values and moral degradation".⁴²

⁴¹ Ivanova, S. and Georgieva, A. (2020), Study among LGBTI persons in Bulgaria ([Проучване сред ЛГБТИ хората в България](#)), Sofia, Noema.

⁴² Center for the Study of Democracy (*Център за изследване на демокрацията*) (2020), How far-right messages in the internet reach and influence young people in Bulgaria ([Как крайнодесните послания в интернет достигат и влияят на българските младежи](#)), Sofia, Center for the Study of Democracy.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

The Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*) published its annual activity report for 2019, which, for the first time, did not provide statistical data on the number of complaints received by the equality body.⁴³ According to information provided by Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*) upon request, for the first nine months of 2020 the equality body instituted 19 proceedings for discrimination on the grounds of ethnicity and five cases for discrimination on the grounds of religion.⁴⁴

In March 2020, the Ombudsman published its annual activity report for 2019 noting the increasing spread of hate speech in the media, on the internet, and even within the public institutions. The report identifies as problematic issues the underreporting of hate-related incidents, the deficiencies in the existing legal framework, the lack of effective measures for prosecution the offenders, the insufficient capacity building initiatives for law enforcement and justice system practitioners, and the absence of reliable data and analyses on the topic. In 2019, the Ombudsman registered 15 cases of discrimination, but there is no information how many of these cases were related to hate speech or hate crime.⁴⁵

Measures for ensuring equal access to education of children from minority ethnic groups were implemented in the framework of the two main strategic documents:

⁴³ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2020), Annual activity report of the Commission for the Protection against Discrimination for 2019 ([Годишен отчет за дейността на Комисията за защита от дискриминация през 2019 г.](#)).

⁴⁴ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминацията*) (2020), Letter of 21 September 2020 to the Center for the Study of Democracy.

⁴⁵ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), Annual report of the work of the Ombudsman in 2019 ([Годишен доклад за дейността на Омбудсмана 2019 г.](#)), Sofia, Ombudsman of the Republic of Bulgaria. For an English summary of the report, see the [website of the Ombudsman](#).

the Strategy of Educational Integration of Children and Students from Ethnic Minorities 2015-2020 (*Стратегия за образователна интеграция на децата и учениците от етническите малцинства 2015-2020*)⁴⁶ and the Strategy for Reducing the Portion of School Drop-Outs 2015-2020 (*Стратегия за намаляване дела на преждевременно напусналите образователната система, 2015-2020*).⁴⁷ Priority areas for 2020 included: planning and implementation of municipal-level desegregation activities and prevention of secondary segregation, providing additional Bulgarian language classes for students that do not speak Bulgarian at home, implementation of an early warning system for preventing drop out from school, facilitating multiculturalism and cultural inclusion, parent engagement in education, etc., including with financial support from the programme "Support for Success" (*програма „Подкрепа за успех“*), running since February 2019. In 2020, the implemented activities mainly related to the negative effect of COVID-19 on the access to education of students from minority groups and included provision of alternative means of delivering educational materials to children through educational mediators and social workers and the organisation of school classes during the summer to compensate for absences during the distance learning.⁴⁸ The Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) introduced amendments to the Regulation on inclusive education (*Наредба за приобщаващото образование*) aimed at enabling schools to provide additional classes for children that did not participate in the electronic distance learning or participated partially using conventional (paper) materials.⁴⁹

The Centre for Educational Integration of Children and Students from Ethnic Minorities (CEICSEM) (*Център за образователна интеграция на децата и учениците от етнически малцинства, ЦОИДУЕМ*), in line with its activity

⁴⁶ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Strategy for Educational Integration of Children and Students from Ethnic Minorities, 2015-2020 ([*Стратегия за образователна интеграция на децата и учениците от етническите малцинства, 2015-2020*](#)).

⁴⁷ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Strategy for Reducing the Portion of School Drop-Outs, 2013-2020 ([*Стратегия за намаляване дела на преждевременно напусналите образователната система, 2013-2020*](#)), 30 October 2013.

⁴⁸ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Letter No. 16-433 of 24 September 2020 to the Center for the Study of Democracy.

⁴⁹ Bulgaria, Regulation on inclusive education ([*Наредба за приобщаващото образование*](#)), 27 October 2017, last amended on 26 May 2020, Article 14(2).

programme for the period 2019-2021,⁵⁰ implemented several projects aimed at fostering tolerance and non-discrimination among students in Bulgarian schools, encouraging institutional synergies for the promotion of quality and inclusive education, and facilitating the process of desegregation. The project "Ethnic Minority Integration School Hub" („Хъб – Интеграция на етническите малцинства в училище") was aimed to exchange good practices in addressing school drop-out rates among students from ethnic minorities or other vulnerable groups. The project "Active Inclusion in the Pre-school System" („Активно приобщаване в системата на предучилищното образование") included, among other activities, the provision of additional Bulgarian language classes, measures to overcome economic barriers to enrolment, and increasing parent motivation. The National programme "Supporting Municipalities in Carrying out Activities for Educational Desegregation and Prevention of Secondary Segregation" (Национална програма „Подпомагане на общините за реализиране на дейности за образователна десегрегация и превенция за недопускане на вторична сегрегация") provided financial support to municipalities for activities related to prevention of segregation. In its 2019 activity report, the Centre for Educational Integration of Children and Students from Ethnic Minorities (CEICSEM) (Център за образователна интеграция на децата и учениците от етнически малцинства, ЦОИДУЕМ) reported that 2,359 children and students (including children from ethnic minorities) participated in activities aimed at overcoming negative stereotypes and discriminatory attitudes.⁵¹ In April 2020, the Centre for Educational Integration of Children and Students from Ethnic Minorities (CEICSEM) (Център за образователна интеграция на децата и учениците от етнически малцинства, ЦОИДУЕМ) published a guidebook on educational integration of vulnerable groups summarising good practices from Bulgaria, North Macedonia and Spain.⁵²

In July 2020, the government published for public consultation a set of draft legislative amendments aimed at completing the transposition of Directive

⁵⁰ Bulgaria, Council of Ministers (Министерски съвет) (2019), Activity programme of the Centre for Educational Integration of Children and Students from Ethnic Minorities for 2019-2021 ([Програма за дейността на Центъра за образователна интеграция на децата и учениците от етническите малцинства за периода 2019-2021 г.](#)), 29 August 2019.

⁵¹ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (Център за образователна интеграция на децата и учениците от етнически малцинства) (2020), Annual activity report for 2019 ([Годишен доклад за дейността през 2019 г.](#)).

⁵² Centre for Educational Integration of Children and Students of Ethnic Minorities (Център за образователна интеграция на децата и учениците от етнически малцинства) (2020), [Good Practices on Educational Integration of Vulnerable Groups: Bulgaria, Republic of Northern Macedonia and Spain](#).

2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. According to the suggested amendments, victims of crimes motivated by racism or xenophobia will be included in the categories of victims who are presumed to have specific protection needs.⁵³

In its chapter on discrimination, the regular human rights report of the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) reviewed several court cases of alleged discrimination on the grounds of race, ethnicity or origin related to issues such as online harassment, unequal treatment at the workplace, segregation in healthcare, discrimination on the grounds of nationality in public housing application procedures, and anti-Roma rhetoric used by a well-known political figure.⁵⁴

In May 2020, following the introduction of restrictive anti-epidemic measures in several neighbourhoods with predominant Roma population, members of the political party IMRO – Bulgarian National Movement (IMRO-BNM) (*ВМРО – Българско Национално Движение*, ВМРО-БНД) made an attempt to re-open the public debate on the party's draft concept for a new national Roma integration policy, presented in 2019.⁵⁵ At the time of its presentation, the draft concept was criticised for the use of racist language and for being openly discriminatory by suggesting measures such as unpaid labour, birth-rate control and detention for administrative offences. Members of the party, however, used the COVID-19 situation to link the outbreak with the poor living conditions in Roma neighbourhoods (described as “the main source of the disease”) and call for the immediate adoption of the concept.⁵⁶ In the course of implementing the anti-epidemic restrictions, some public authorities were also criticised for using

⁵³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Draft Amendments to the Criminal Procedure Code ([Проект на Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 31 July 2020.

⁵⁴ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), Human rights in Bulgaria in 2019 ([Правата на човека в България през 2018 г.](#)), Sofia, Bulgarian Helsinki Committee.

⁵⁵ Bulgaria, Draft concept for amending the national Gypsy (Roma) integration policy in the Republic of Bulgaria and the measures for its realisation ([Проект на Концепция за промени в политиката за интеграция на циганския \(ромския\) етнос в Република България и мерките за реализацията им](#)), 12 April 2019.

⁵⁶ Achev, I. (*Ачев, И.*) (2020), ‘Veselinov on Karakachanov’s Roma Concept: GERB are cautious due to potential negative political repercussion’ ([‘Веселинов за ромската концепция на Каракачанов: ГЕРБ са предпазливи заради политически негатив’](#)), *Actualno.com*, 20 May 2020.

politically incorrect language when referring to ethnic minorities, particularly the Roma. This was further supplemented by The Sofia Regional Prosecutor's Office (SRPO) (*Софийска районна прокуратура*, СРП) publicly recommending the setting up of checkpoints to manage the movement to and from the Roma neighbourhoods in Sofia stating that this necessary measure was in response to 'information, published in the media, about gathering and movement of groups of people (more than two adults) in neighbourhoods in the city of Sofia inhabited by persons of different ethnic background, clearly demonstrating their unwillingness to comply with the applicable restrictions'.⁵⁷

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

In 2020, the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) did not undertake any activities specifically related to the application of the Racial Equality Directive and the Framework Decision on Racism and Xenophobia.⁵⁸

In January 2020, as a result of the collaboration between the OSCE ODIHR and the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията*, КЗД) in its capacity of OSCE national contact point regarding the collection and provision of data related to hate crimes, the Guidelines for policymakers on addressing antisemitism through education, developed jointly by OSCE ODIHR and UNESCO, were translated and published in Bulgarian.⁵⁹

⁵⁷ For example, see the official announcement of the Sofia Regional Prosecutor's Office (['Съобщение от Софийска районна прокуратура'](#)) justifying its recommendation for the setting up of checkpoints in Roma neighbourhoods in Sofia by 'information, published in the media, about gathering and movement of groups of people (more than two adults) in neighbourhoods in the city of Sofia inhabited by persons of different ethnic background, clearly demonstrating their unwillingness to comply with the applicable restrictions'.

⁵⁸ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No. 66-00-185/20 of 18 September 2020 to the Center for the Study of Democracy.

⁵⁹ UNESCO and OSCE (2020), Addressing antisemitism through education: Guidelines for policymakers ([Справяне с антисемитизма чрез образование: Насоки за авторите на политики](#)), Warsaw, Centrum Poligrafii.

In March 2020, the sociological agency Alpha Research (*Алфа РИСЪРЧ*) published the results of a national representative study on the perceptions towards minorities in Bulgaria. According to the study, 21.6 % of respondents admitted that they “hated” people of Roma origin, which is much higher than the share of respondents having similar attitudes toward Turkish people (4.9 %) and Muslims (3.4 %). More than 80 % of the respondents agreed with the statement that the majority of people of Roma origin could not be trusted, and almost half of the participants in the survey shared the opinion that they would rather not live in the same country, be neighbours, work together, be friends with, or marry a person of Roma origin.⁶⁰

In February 2020, Bulgaria submitted a national report to the UNGA Human Rights Council, including a list of activities completed in 2019 in relation to the fight against racism, intolerance and hate crime. The report made note of, among others, the Guidance for the Practical Implementation of Council Framework Decision 2008/913/JHA developed by the Prosecutor’s Office of the Republic of Bulgaria (PORB) (*Прокуратура на Република България, ПРБ*), the completion of “projects related to reporting on cases of [...] hate crime”, the trainings of police officers on working in multi-ethnic environment, minority related issues, culture of Roma communities, and a joint seminar organized by FRA, ODIHR and the Ministry of Foreign Affairs (MFA) (*Министерство на външните работи, МВНР*) on the need to strengthen response to hate crimes.⁶¹

On 19 February 2020, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*) organised a stakeholder conference to mark the completion of the project “No Hate” implemented jointly with partner organisations from Bulgaria and Switzerland.⁶²

In its regular human rights report, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*) criticised the media for facilitating the public dissemination of hate speech, the national courts for dismissing claims

⁶⁰ Ivanova, E., Dimotrova, B. and Abdullah, A. (2020), ‘Majority and minorities – attitudes towards the different’ (*‘Мнозинство и малцинства – нагласи към различните’*), Alpha Research, 30 March 2020.

⁶¹ Bulgaria, Ministry of Foreign Affairs (*Министерство на външните работи*) (2020), [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Bulgaria](#), 13 February 2020.

⁶² For more information about the outcomes of the project, see the [project’s website](#).

related to hate speech and discrimination, and the policy makers for not suggesting legislation against manifestations of hate speech and hate crime on the grounds of characteristics other than race, ethnicity, and religion. The report paid special attention to the political formation "United Patriots" (*„Обединени патриоти“*), part of the ruling coalition, whose representatives had often been accused of inciting hatred, discrimination and violence against Roma, Muslims, migrants, and the LGBTI community, and to the role of certain Bulgarian politicians (candidates in municipal elections and members of the European Parliament) in popularising negative stereotypes and discriminatory perceptions of minority groups.⁶³

In December 2020, the Centre for the Study of Democracy (CSD) (*Център за изследване на демокрацията, ЦИД*) published the results of a study on the impact of far-right messages on young people in Bulgaria. The study was conducted in the period April – June 2019 through face-to-face semi-structured interviews with 1,018 respondents aged between 14 and 19 years (national representative sample for this age group). According to the survey report, young people in Bulgaria are most susceptible to anti-Roma messages. A prevailing majority of respondents agreed with statements such as "The birth rate among Roma must be restricted so that Bulgarians do not become a minority in their own country" (74 %), "The liberal attitude toward the Roma resulted in Roma living on the backs of Bulgarians" (73.5 %), "The terror of Roma criminality over Bulgarians must be stopped with an iron fist" (71.4 %), etc. Another finding of the study is that the majority of young people in Bulgaria do not approve hate motivated violence, although a relevantly high share of respondents supported the use of violence in cases such as civilians apprehending and pushing back illegal migrants at the border (25.6 %), preventing Muslims from attending Friday prayers (11.5 %), destroying or vandalising mosques (9.7 %), destroying the property of persons from minority groups (9.6 %), etc. Between 20 % and 25 % of the respondents said that they would join an anti-Roma or anti-migrant actions, about 9 % would actively promote such actions among other people, and about 7 % would not leave even if the action becomes violent.⁶⁴

⁶³ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), Human rights in Bulgaria in 2019 ([Правата на човека в България през 2018 г.](#)), Sofia, Bulgarian Helsinki Committee.

⁶⁴ Center for the Study of Democracy (*Център за изследване на демокрацията*) (2020), How far-right messages in the internet reach and influence young people in Bulgaria ([Как крайнодесните послания в интернет достигат и влияят на българските младежи](#)), Sofia, Center for the Study of Democracy.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

In January 2020, the government adopted the National Development Programme: Bulgaria 2030 (*Национална програма за развитие: България 2030*) – a framework strategic document setting the national long-term development goals for the next decade.⁶⁵ It defines three main objectives: accelerated economic development, demographic growth and reducing inequalities. Within the first axis, covering the sphere of education and science, the government will apply policies for inclusion of all children within the pre-school and school system with additional effort on reducing dropout levels. Measures to prevent dropout will focus on children and pupils from vulnerable groups.⁶⁶ The indicative projections set stand at reducing the dropout rate by 5.7 % (from 12.7 % in 2019 to 7 % by the end of the period).⁶⁷ The fourth development axis, named “Responsive and fair Bulgaria”, sets the priority of social inclusion. Its goal is to reduce social inequality by enhancing the opportunities to start work, further developing work skills, encouraging social integration, enhancing the access to quality social services, overcoming the severe material shortages and improving poor living conditions of people from vulnerable groups. Among the employment encouragement measures, the programme foresees actions to include in the labour market people with poor education and qualifications, young people, people at close to retirement age, people with disabilities and permanently unemployed people. Special accent will be placed on Roma, among other groups, who will benefit from state support programmes for quick transfer from school/unemployment to active employment through internships, apprenticeships, informal education, etc.⁶⁸ the system of social support will help assure adequate and sustainable social allowances. The system of state-funded social services will further improve in terms of planning and coverage by setting a National Social Services Map (*Национална карта на*

⁶⁵ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)).

⁶⁶ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), p. 9.

⁶⁷ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), p. 11.

⁶⁸ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), p. 36.

социалните услуги), which will improve accessibility.⁶⁹ In terms of housing, the state will continue to invest in municipal housing where to accommodate people who live in poor living conditions. Meanwhile, the government will seek different additional opportunities such as affordable housing loans.⁷⁰

A draft of a new Roma inclusion strategy was published for public consultation on 10 December 2020.⁷¹ The document, entitled National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021-2030 (*Националната стратегия на Република България за приобщаване и участие на ромите 2021-2030*), proposes intersectoral coordination mechanisms in the areas of education and training, healthcare, living conditions, employment, rule of law and anti-discrimination, and culture and media. The document will remain open for review and opinions by 9 January 2021, after which the government will review it and vote it.

On 9 September 2020, the parliament adopted amendments to the Pre-School and School Education Act (*Закон за предучилищното и училищното образование*) envisaging, among other provisions, the enrolment of children to compulsory education in kindergartens at the age of four.⁷² One of the arguments for the proposed change, according to the Minister of Education and Science, is that "[p]resently, pre-school education has covered 91.5 % of the five years old children and only 78 % of the four years old ones. This difference of 13.5 % comes from children, whose mother tongue is not Bulgarian, and the parents lack attitude towards education".⁷³

⁶⁹ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), p. 37.

⁷⁰ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), p. 37.

⁷¹ Bulgaria, Council of Ministers (2020), National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021-2030 ([Националната стратегия на Република България за приобщаване и участие на ромите 2021-2030](#)), 10 December 2020.

⁷² Bulgaria, Amendments to the Pre-school and School Education Act ([Закон за изменение и допълнение на Закона за предучилищното и училищното образование](#)), 18 September 2020.

⁷³ Bulgaria, National Assembly (*Народно събрание*) (2020), Regular session of the Committee on education and science commission ([Редовно заседание на Комисията по образованието и науката](#)), 1 July 2020.

In March 2020, the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) published the goals of its administration of the year 2020.⁷⁴ Among the actions that might be relevant to Roma are the plans for improving the social inclusion of children from distant, rural or poor regions by renovating and implementing innovative pedagogical practices in 12 kindergartens. There are also measures aimed at the enrolment of all children into compulsory education and the prevention of dropout from school. They envisage increased inclusion of children at the age of five and six in the system of pre-school education, as well as introduction of compulsory education of children at the age of four. Another goal is the introduction of inclusive education in schools and kindergartens to encompass children from ethnic minorities and from families of migrants and refugees. The document also envisages mandatory education in Bulgarian language of children with a different mother tongue, which is delivered under a project entitled "Active inclusion in the system of pre-school education" funded under Operational Programme "Science and Education for Smart Growth" (*Оперативна програма „Наука и образование за интелигентен растеж“*). There are also measures for increasing the number and funding of the so-called 'protected schools' and 'protected kindergartens' (as a measure to improve equal access to education), as well as of 'centre schools and centre kindergartens' (*средищни училища и детски градини*), which offer free of charge transportation and full-day classes (as a measure to prevent drop-out).⁷⁵

In March 2020, the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) reported on the achievement of its goals for 2019.⁷⁶ According to the report, a total of 6,500 children were brought back into educational system (4,076 children who had dropped out from school and 2,424 children who had never been to school) as a result of the implementation of the mechanism for joint action of the institutions for outreach and inclusion of children and students of school and pre-school age in the educational system (*Механизъм за съвместна работа на институциите по обхващане и включване в*

⁷⁴ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'Goals of the administration of the Ministry of Education and Science for 2020' ([Цели на администрацията на Министерството на образованието и науката за 2020 г.](#)), 17 March 2020.

⁷⁵ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'Goals of the administration of the Ministry of Education and Science for 2020' ([Цели на администрацията на Министерството на образованието и науката за 2020 г.](#)), 17 March 2020, p. 15.

⁷⁶ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Report on the aims of the Administration of the Ministry of Education and Science for 2019' ([Отчет на целите на администрацията на Министерство на образованието и науката за 2019 г.](#)), 17 March 2020.

образователната система на деца и ученици в задължителна предучилищна и училищна възраст) in place since 2018.⁷⁷ In pre-school education, some 50,000 children took part in programmes for active inclusion, including Roma children who took part in educational integration and re-integration programmes. Over 11,000 children (all identified as children in need) passed additional Bulgarian language lessons in the framework of the project "Active Inclusion in the Pre-school System" („Активно приобщаване в системата на предучилищното образование“) and some 60,000 received additional lessons under the "Support for Success" project („Подкрепа за успех“) in different subjects, including Bulgarian language for those with a different mother tongue.⁷⁸

The programme "Support for Success" („Подкрепа за успех“), funded under Operational Programme "Science and Education for Smart Growth" (Оперативна програма „Наука и образование за интелигентен растеж“) was the main instrument for implementing the national policy for inclusive education in 2019 and 2020. The 30-month programme, which was officially launched on 28 February 2019, focused, among other activities, on addressing the needs of pupils in risk of dropping out of school by identifying them, determining their needs and organising additional activities to meet those needs (lessons in Bulgarian language, lessons in other subjects, for which pupils need additional support, additional activities aiming to increase the pupils' interest in the educational process, etc.).⁷⁹ When the programme was launched, educational mediators and social workers were hired to work with the parents of children in risk of dropping out of school. After schools' closure in March 2020, they started to act as intermediaries between the schools and the pupils' families to facilitate the process of distance learning. In the framework of this project, as of 30 June 2020, 743 educational mediators and 101 social workers were hired. Due to the COVID-19 pandemic situation, some of the resources under the project were redirected to

⁷⁷ Bulgaria, Ministry of Education and Science (Министерство на образованието и науката) (2020), Report on the aims of the Administration of the Ministry of Education and Science for 2019' ([Отчет на целите на администрацията на Министерство на образованието и науката за 2019 г.](#)), 17 March 2020, p. 9.

⁷⁸ Bulgaria, Ministry of Education and Science (Министерство на образованието и науката) (2020), Report on the aims of the Administration of the Ministry of Education and Science for 2019' ([Отчет на целите на администрацията на Министерство на образованието и науката за 2019 г.](#)), 17 March 2020, p. 11.

⁷⁹ Bulgaria, Ministry of Education and Science (Министерство на образованието и науката) (2019), 'The activities under project BG05M2OP001-2.011-0001 "Support for Success" have started' (["Стартираха дейностите по проект BG05M2OP001-2.011-0001 „Подкрепа за успех“](#)), press release, 21 May 2019.

facilitate the transition to distance learning.⁸⁰ Educational mediators carried paper-based lessons and homework to vulnerable pupils and explained to them how to use electronic devices for e-learning.⁸¹

As the main body responsible for the implementation of the Strategy of Educational Integration of Children and Students from Ethnic Minorities 2015-2020 (*Стратегия за образователна интеграция на децата и учениците от етническите малцинства 2015-2020*), the Centre for Educational Integration of Children and Students of Ethnic Minorities (CEICSEM) (*Център за образователна интеграция на децата и учениците от етнически малцинства, ЦОИДУЕМ*) continued to support initiatives in response to the educational needs of children and students from ethnic minorities. In 2020, the Centre implemented the National Programme "Supporting Municipalities in Carrying out Activities for Educational Desegregation and Prevention of Secondary Segregation" (*Национална програма „Подпомагане на общините за реализиране на дейности за образователна десегрегация и превенция за недопускане на вторична сегрегация"*) with a budget of BGN 1 million (approximately €500,000).⁸²

The implementation plan of the Strategy for Reducing the Portion of School Drop-Outs 2015-2020 (*Стратегия за намаляване дела на преждевременно напусналите образователната система, 2015-2020*) envisaged an amount of BGN 11.5 million (approximately €5.75 million) for one-off financial support of 46,000 children enrolled in first grade (the same amount was envisaged for 2018 and 2019 as well).⁸³

⁸⁰ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Letter No. 16-433 of 24 September 2020 to the Center for the Study of Democracy.

⁸¹ Ivanova, D. (2020), 'On the role of educational mediators during the state of emergency' ([*За ролята на образователните медиатори по време на извънредно положение*](#)), Center for Interethnic Dialog and Tolerance Amalipe (*Център за междуетнически диалог и толерантност Амалипе*), 19 March 2020.

⁸² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), National Programme "Supporting Municipalities in Carrying Out Activities for Educational Desegregation and Prevention of Secondary Segregation" ([*Национална програма „Подпомагане на общините за реализиране на дейности за образователна десегрегация и превенция за недопускане на вторична сегрегация"*](#)).

⁸³ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2015), Action Plan for Implementation of the National Strategy for Educational Integration of Children and

During the school year of 2020/2021, as a consequence of the COVID-19 pandemic, the families of children enrolled in eighth grade in state and municipal schools were entitled to receive a one-off social allowance of BGN 250 (approximately €125), provided that the average income per family member did not exceed BGN 450 (approximately €225).⁸⁴ According to a public statement of the Minister of Education and Science, the highest number of dropouts is usually registered during the transition from secondary school to high school (from seventh to eighth grade). While some 500 children do not enrol in seventh grade every year, the number of those not enrolled in eighth grade stands at around 1,500.⁸⁵

As part of the action plan under the National Strategy of the Republic of Bulgaria for Roma Integration (2012 – 2020) (*Националната стратегия на Република България за интегриране на ромите (2012-2020 г.)*), the Employment Agency (EA) (*Агенция по заетостта, АЗ*) implemented several measures targeting the Roma population (see Table 1).⁸⁶

Table 1: Number of Roma covered by national measures for promoting integration in the labour market between January and August 2020

Activities	Total number of Roma covered
Improving the employability and qualification of unemployed Roma	5,973
Providing employment of unemployed Roma	8,329

Students from Ethnic Minorities ([План за действие по изпълнение на Националната стратегия за образователна интеграция на деца и ученици от етническите малцинства \(2015-2020 г.\)](#)).

⁸⁴ Bulgaria, Council of Ministers (2020), Decree No 155 of 21.07.2020 on determining the amount and procedure for granting and paying one-off assistance for students enrolled in the eighth grade of a state or municipal school to cover part of the costs at the beginning of the school year 2020 - 2021 ([Постановление № 155 на МС от 21.07.2020 г. за определяне на размера и реда за отпускането и изплащането на еднократната помощ за ученици, записани в осми клас на държавно или общинско училище, за покриване на част от разходите в началото на учебната 2020 – 2021 година](#)), 21 July 2020.

⁸⁵ Fahri, D. (2020). 'Minister Valchev: We definitely do not envisage a full transition to e-learning' (['Министър Вълчев: Категорично не предвиждаме цялостно преминаване към електронно обучение'](#)), *Trud Daily*, 29 September 2020.

⁸⁶ Bulgaria, Employment Agency (*Агенция по заетостта*), Letter No. РД-08-4810 of 17 September 2020 to the Center for the Study of Democracy.

Encouraging entrepreneurship, starting and managing of own business	148
Activation of the long-term unemployed and economically inactive, by promoting labour mediation	79

Source: Employment Agency (Агенция по заетостта)

Between January and August 2020, the Employment Agency (EA) (Агенция по заетостта, АЗ) held 76 meetings and campaigns, eight labour exchanges and 92 'Employer's Day' events to promote social and civil dialogue in support of Roma employment.⁸⁷

In the area of housing, in 2020, the Ministry of Regional Development and Public Works (MRDPW) (Министерството на регионалното развитие и благоустройството, МРРБ) in co-operation with the World Bank is implementing the project "Assessment of housing and living conditions of the most marginalised and vulnerable communities (with a focus on Roma) in North-western Bulgaria" („Оценка на жилищните и битови условия на живот на най-маргинализираните и уязвими общности (с фокус върху ромите) в Северозападна България"). The project outcomes will serve as a basis for the development of a programme "Improving the living conditions of the most vulnerable groups of the population" (програма „Подобряване на жилищните условия на най-уязвимите групи от населението"), which in turn will serve as the basis for the development of a new National Housing Strategy (Национална жилищна стратегия). This project is expected to assess the living conditions of vulnerable groups, focusing on Roma, and to identify the deficiencies of the present housing policy in terms of both supply and demand.⁸⁸

In the framework of investment priority 4 "Social Infrastructure" of Operational Programme "Regions in Growth" 2014-2020 (Оперативна програма „Региони в растеж"2014 – 2020), financial support is provided for the construction of contemporary social housing settlements for vulnerable groups. Since 2015, 19 such contracts were signed worth a total of BGN 49, 8 million (approximately €24,

⁸⁷ Bulgaria, Employment Agency (Агенция по заетостта), Letter No. РД-08-4810 of 17 September 2020 to the Center for the Study of Democracy.

⁸⁸ Bulgaria, Ministry of Regional Development and Public Works (Министерството на регионалното развитие и благоустройството), Letter 92-00-280 of 3 September 2020 to the Center for the Study of Democracy.

9 million). As of October 2020, two project proposals are pending approval and three have reached grant agreement signing stage.⁸⁹

In 2020, as part of its efforts to improve the living conditions in Roma neighbourhoods, Sofia Municipality (*Столична община*) launched a project for installing new buildings made of sea freight containers in Fakulteta neighbourhood (one of the Sofia neighbourhoods with predominant Roma population). Three such buildings with 51 apartments were installed, which have the capacity to accommodate about 300 people. The buildings, placed on municipal land, will be used to accommodate families in need.⁹⁰

Upon decision of the municipal authorities in Stara Zagora, 97 illegal dwellings built in a local park and occupied by Roma families were demolished. During previous years, 302 such buildings were removed. According to a public statement of the Mayor of Stara Zagora Mayor, the people living in the demolished buildings were offered alternative housing but they rejected all of the suggested options.⁹¹

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

The Roma population in Bulgaria was affected by the COVID-19 pandemic in several aspects.

A number of Roma neighbourhoods (in the cities of Sofia, Pechtera, Kazanlak, Sliven, Yambol, etc.) were placed under entry bans for different periods ranging between few days and two weeks. People living in these neighbourhoods were allowed to leave the area only to go to work, for shopping of essential goods and for seeking medical help. The lockdowns were predominantly preventive to stop

⁸⁹ Bulgaria, Ministry of Regional Development and Public Works (*Министерството на регионалното развитие и благоустройството*), Letter 92-00-280 of 3 September 2020 to the Center for the Study of Democracy.

⁹⁰ Sofia Municipality (*Столична община*) (2020), 'The first dwellings for the poor made of containers will be ready in July' (['Тървите жилища за бедни от контейнери готови през юли'](#)), press release, 10 April 2020.

⁹¹ Manev, G. (2020), 'Illegal buildings in a neighbourhood in Stara Zagora are demolished' (['Събарят незаконни постройки в махала в Стара Загора'](#)), *Nova Television*, 4 August 2020.

the spread of the virus after (in some areas before) the first confirmed positive cases came up. Several protests against these measures took place in Sofia and Yambol. The protests calmed down with the support of the local authorities and community leaders.⁹²

A survey among 130 people living the Roma neighbourhoods of Stolipinovo (Столипиново) in Plovdiv and Fakulteta (Факултета) in Sofia on the impact of anti-pandemic measures among the Roma population showed that, regardless of whether the neighbourhoods were placed under blockade or not, the majority of the local population (94 % in Stolipinovo, which was not locked down, and 83 % in Fakulteta, which was under blockade for two weeks) believed that the anti-pandemic measures in Roma neighbourhoods were discriminatory compared to the other neighbourhoods due to the increased police presence and the negative experiences when interacting with the police. In terms of police attitude, the respondents noted that they had observed different treatment towards the community by the police officers, who usually worked in the area, and those who came from other places to help their colleagues. The first group was perceived as being more calm and polite, while the second group had more offensive behaviour. About 12 % of the respondents said they needed access to public services (administration, healthcare, court, etc.) in the period between 13 March to 13 May 2020 and to about 30 % of them such access was denied.⁹³

No social support measures specifically targeting the Roma population were implemented in relation to the COVID-19 outbreak. In practice, part of the Roma population was even excluded from the general support measures introduced by the government due to not having a registered permanent address in the country. According to data from the Ministry of Regional Development and Public Works (MRDPW) (Министерство на благоустройството и регионалното развитие, МРРБ) provided to the Bulgarian Helsinki Committee (BHC) (Български хелзинкски комитет, БХК), the number of people without a permanent address

⁹² For more information on the restrictive measures in Roma neighbourhoods in Bulgaria and their impact, see pages 3 to 6 of the [Franet country study](#), released on 15 June 2020.

⁹³ Venkov, N. (2020), 'The state of emergency in the large minority neighbourhoods' ([Извънредното положение в големите малцинствени квартали, 13 март – 13 май 2020 г.](#)), Bulgarian Institute for Legal Initiatives, pp. 9-10.

in Bulgaria as of the end of April 2020 was 81,360, including 75,406 Bulgarian citizens (mostly Roma) and 5,954 foreign nationals.⁹⁴

The restrictions had no impact on the employment of those working legally under labour contracts (excluding entrepreneurs), but seriously affected those engaged in undeclared work (for example in construction), who were not able to justify their reason for leaving the restricted area and were therefore not able to go to work and lost their jobs. Persons with businesses within such neighbourhoods (shops, etc.) complained they had been subjected to increased checks by the police and tax authorities that resulted in closure of some of the outlets.⁹⁵

According to official statistics of the Employment Agency (EA) (*Агенция по заетостта*, АЗ), in the period between 1 January and 31 August 2020, a total of 56,469 Roma registered as unemployed and 12,212 unemployed Roma found new jobs (see Table 2).⁹⁶

Table 2: Number of registered unemployed persons between 1 January and 31 August 2020 who self-identified as Roma

Age	Up to 24	25-39	40-59	60+	Total
Men	2,863	12,046	14,954	2,339	32,202
Women	2,981	9,063	10,017	2,206	24,267

Source: Employment Agency (Агенция по заетостта)

Two major programmes were launched to address unemployment related to the COVID-19 pandemic. The first one, entitled "Employment for you" (*„Заетост за теб“*), had a budget of BGN 160 million (approximately €80 million) and was aimed at subsidising employment for a three-month period up to the official minimum wage (BGN 610, approximately €305), with social and health insurance included,

⁹⁴ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), 'A huge number of people in Bulgaria are without address registration' (*„Огроман брой хора в България са без адресна регистрация“*), press release, 30 April 2020.

⁹⁵ Venkov, N. (2020), 'The state of emergency in the large minority neighbourhoods' (*„Извънредното положение в големите малцинствени квартали, 13 март – 13 май 2020 г.“*), Bulgarian Institute for Legal Initiatives, pp. 9 and 12.

⁹⁶ Bulgaria, Employment Agency (*Агенция по заетостта*), Letter No РД-08-4810 of 17 September 2020 to the Center for the Study of Democracy. The data is based on the self-identification of the persons, registering as unemployed, which is optional and not mandatory.

for a full 8-hour working day. Under this measure, 3,664 applications from employers were received and 3,007 persons, including Roma, were employed. The second programme, entitled "Short-term employment support in response to the COVID-19 pandemic" (*Краткосрочна подкрепа за заетост в отговор на пандемията от COVID-19*), was launched to support employers and self-employed persons working in the transport or tourism industry. Under the programme, as of 1 September 2020, 7,268 persons received compensations to the amount of BGN 290 (approximately €145) for six months as a measure to keep their jobs.⁹⁷

During the COVID-19 pandemic, the health mediators played a significant role in the communication, prevention and inclusion in the general response action of the Roma population. In 2020, 260 health mediators operated in 136 municipalities.⁹⁸ The Roma communities also recognised the role of mediators in providing information about the pandemic and organising general health support. About 36 % of the respondents in a survey conducted in the Roma neighbourhoods of Stolipinovo in Plovdiv and Fakulteta in Sofia perceived the mediators as the most helpful first line practitioners during the crisis. According to the same survey, the Roma communities as the most effective response to the COVID-19 crises the spontaneous internal self-organisation of the community (65 % in Stolipinovo and 50 % in Fakulteta) and the spontaneous campaigns of religious communities (66 % in Stolipinovo and 40 % in Fakulteta). Self-organised groups of people and the local Christian and Muslim religious organisations collected donations and delivered essential goods to the most vulnerable community members, including those who lost their income.⁹⁹

The Ministry of Health (MH) (*Министерство на здравеопазването, МЗ*) launched a BGN 60 million (approximately €30 million) project "Supporting the health workers in the context of COVID-19 public health threat" (*„Подкрепа за работещите в системата на здравеопазването в условията на заплаха за общественото здраве от COVID-19“*), aimed at providing additional remuneration to first-line workers. Health mediators were allowed to apply for an amount equal

⁹⁷ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

⁹⁸ Bulgaria, National Network of Health Mediators (*Национална мрежа на здравните медиатори*) (2020), 'Delegated budgets for health mediators for 2020' (['Отпуснати бройки по делегиран бюджет за здравни медиатори за 2020 г.'](#)).

⁹⁹ Venkov, N. (2020), 'The state of emergency in the large minority neighbourhoods' (['Извънредното положение в големите малцинствени квартали, 13 март – 13 май 2020 г.'](#)), Bulgarian Institute for Legal Initiatives.

to the official minimum wage (BGN 610, approximately €305) including social and health insurance. 10,164 first-line workers took advantage of this option, but there is no available information how many of them were health mediators.¹⁰⁰

On 19 August 2020, the Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) issued a regulation governing the activities of health mediators.¹⁰¹ It lists the activities of health mediators (including a number of awareness raising, support and intermediary services), the requirements that a person has to meet to be appointed as a health mediator, and the form that health mediators should use for reporting (on a monthly basis) their activities. It also allows municipalities to sign cooperation agreements with non-governmental organisations for obtaining assistance in the application of preventive healthcare policies. During the preliminary public consultation, held between 19 June and 18 July 2020, privacy concerns were raised in relation to a provision of the regulation obliging health mediators to compile a file for each case, which, together with all supporting documentation, is stored for a period of five years at the premises of the respective municipality.¹⁰²

On 7 May 2020, the National Network of Health Mediators (NNHM) (*Национална мрежа на здравните медиатори*, НМЗМ) together with the Sofia Medical University (SMU) (*Медицински университет София*, МУС) started the ninth consecutive health mediation-training course. In 2020, 50 persons enrolled in the course.¹⁰³

In terms of education, the introduction of online distance learning in schools disproportionately affected Roma children. According to the Ministry of Education

¹⁰⁰ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

¹⁰¹ Bulgaria, Regulation No 1 of 19 August 2020 on the requirements for the activities of health mediators ([Наредба № 1 от 19 август 2020 г. за изискванията за дейността на здравните медиатори](#)), 19 August 2020.

¹⁰² Bulgaria, Public consultation on the Draft regulation on the requirements for the activities of health mediators ([Обществена консултация по проект на Наредба за изискванията за дейността на здравните медиатори](#)), 19 June 2020.

¹⁰³ Bulgaria, National Network of Health Mediators (*Национална мрежа на здравните медиатори*) (2020) 'The training of new health mediators in 2020 has begun' ([Започна обучението на нови здравни медиатори през 2020 година](#)), National Network of Health Mediators, press release, 7 May 2020.

and Science (MES) (*Министерство на образованието и науката, МОН*), about 10 % of the all children remained excluded from electronic education due to the lack of proper devices. However, a survey done only among schools where children from vulnerable groups were enrolled showed that about 24 % of these schools (out of 200 schools covered by the survey) were unable to include more than half of their students in the distance learning process.¹⁰⁴ Apart from the lack of electronic devices, the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) identified the lack of skills for working with electronic devices, the lack of internet connection and the inability work independently as some of the other reasons leading to the exclusion from the e-learning process.¹⁰⁵

To overcome the exclusion of children from the e-learning process, the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) used the educational mediators and social workers as the link between families and schools. In addition, children who were unable to take part in the distance learning process effectively attended additional classes in different subjects during the summer vacation to overcome the knowledge gaps. The measures were implemented under the programme "Support for success" (*"Подкрепа за успех"*), funded under the Operational Programme "Science and Education for Smart Growth" (*Оперативна програма „Наука и образование за интелигентен растеж"*), which was amended to accommodate the additional activities.¹⁰⁶ At a later stage, an amendment to the Regulation on inclusive education (*Наредба за приобщаващото образование*) regulated the practice as a regular measure.¹⁰⁷ The amendments also allowed additional educational modules for children with other than Bulgarian mother tongue to be delivered in addition to regular school activities.

In October 2020, the Institute for Research in Education (IRE) (*Институт за изследвания в образованието, ИИО*) published a study on the impact of distance learning on the quality of education commissioned by the Ministry of Education

¹⁰⁴ For more information on the measures to facilitate the access of Roma children to online educations in Bulgaria, see pages 11 to 13 of the [Franet country study](#), released on 15 June 2020.

¹⁰⁵ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Letter No. 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹⁰⁶ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Letter No. 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹⁰⁷ Bulgaria, Regulation on inclusive education ([Наредба за приобщаващото образование](#)), 27 October 2017, last amended on 26 May 2020, Article 14(2).

and Science (MES) (*Министерство на образованието и науката, МОН*).¹⁰⁸ The survey took place in July 2020 in 135 schools and covered 4,448 pupils from V to XII grade (5.4 % speaking Romani language at home), 5,403 parents (6 % speaking Romani language at home), 1,885 teachers and 135 school directors. According to the report, the share of pupils speaking Romani language at home, who had a smart phone (64 %), a computer (21 %) and internet access (50 %), was significantly lower than the share of those speaking Turkish language (79 %, 46 % and 72 % respectively) or Bulgarian language (95 %, 70 % and 84 % respectively). The analysis concludes that children at the highest risk of exclusion from or irregular participation in distance learning in an electronic environment are those of parents with primary and lower education, those living in villages and those who speak different language from Bulgarian at home. According to the study, the inability of these children to participate in the e-learning process can lead to skipping material and lagging behind in learning, accumulation of inefficiencies in the learning process (especially when parents do not have the opportunity to support their child in learning), increasing educational inequalities, and increasing the risk of disengagement from learning ultimately leading to dropping out from school.

According to another study, some 24,000 Roma children do not have access to internet at home, which, combined with the unavailability of electronic devices and the lower computer skills of Roma children, has put these pupils in a disadvantaged position from the beginning of the distance learning process. Some of these disadvantages have been compensated with the support of the educational mediators, donation campaigns and additional classes under the programme "Support for Success" (*„Подкрепа за успех“*).¹⁰⁹

A national study on early childhood inclusion of Roma looks at the situation of early childhood education of Roma children and the situation of childcare in terms of healthcare, social services and education and care. The report recommends, among other things, the enhancement of Roma children's access to nurseries, kindergartens and social services for early childhood development, the strengthening of teachers' competencies to work with Roma children, and the

¹⁰⁸ Hristova, A., Petrova, S. and Papazova, E. (2020), Assessing the impact of distance learning in an electronic environment or other non-presence forms on the effectiveness of school education ([Оценка на въздействието на обучението от разстояние в електронна среда или други nepřисъствени форми върху ефективността на училищното образование](#)), Sofia, Institute for Research in Education (*Институт за изследвания в образованието*).

¹⁰⁹ Metodieva, M. (2020), 'Two-speed education' ([Образование на две скорости](#)), Sofia, Goethe Institute Bulgaria, July 2020.

improvement of pre-natal healthcare and paediatric care for children under four years of age.¹¹⁰

As to public attitudes towards Roma, a representative survey conducted before the COVID-19 outbreak showed a relatively high level of intolerance toward the Roma. The survey was conducted among Bulgarian orthodox Christians, persons with no self-identified religious affiliation and atheists and aimed to explore their attitudes toward different ethnic groups.¹¹¹ The survey showed that despite being relatively tolerant towards the majority of the other ethnic groups, a significant share of the respondents (21.6 %) manifested 'hatred' towards the group of 'gypsies'. Among those, the highest levels of hatred towards 'gypsies' were registered with the supporters of the political parties *Ataka (Атака)* (43 %) and *Volya (Воля)* (42 %), as well as with private owners (36 %) and intellectuals (25 %). The group of intellectuals also appeared the one with the highest levels of acceptance and respect toward the Roma (12 %), which the report explains with the strong polarisation within this group. According to the same survey, some 80.2 % of respondents shared the opinion that they could not trust 'Gypsies', 51.2 % would accept to live in the same country with 'Gypsies', 17.7 % would accept 'Gypsies' as neighbours, 17.8 % would work together with them, 3 % would accept a 'Gypsy' to be their superior in work, 9.4 % would have one as a friend, 0.8 % would accept to marry a 'Gypsy', and 47.5 % would not accept any of these. Some 26.7 % agreed with the statement that 'Gypsies' were 'lazy and freeloaders', while positive characteristics were selected by only 2.5 %. Asked about the policy of the government towards ethnic minorities, 64.1 % shared the opinion that the government should neither support nor hinder them.

Another study explored the media and online publications related to Roma in Bulgaria. The report, published by the Centre for the Study of Democracy (CSD) (*Център за изследване на демокрацията, ЦИД*), identifies the most prominent channels and narratives for the spread of anti-Roma hostility in traditional and social media and their impact on the Roma communities. It also views the channels of anti-Roma disinformation and how it affects the community's attitudes towards integration and auto-segregation. The report concludes that anti-Roma media hostility has two manifestations – explicitly discriminatory content, which often

¹¹⁰ Pamporov, A., Angelov, G., Dimitrov, D., Belcheva, D., Jordanov, I., Brainova, P. and Dimitrova R. (2020), [Roma Early Childhood Inclusion+ Republic of Bulgaria Report](#), Sofia, Open Society Institute – Sofia.

¹¹¹ Ivanova, E., Dimotrova, B. and Abdullah, A. (2020), 'Majority and minorities – attitudes towards the different' (['Мнозинство и малцинства – нагласи към различните'](#)), Alpha Research, 30 March 2020.

includes hate speech and anti-Roma propaganda, and implicit use of negative stereotypical images and myths, which perpetuate the anti-Roma attitudes. According to the report, the Roma community uses social media as a main source of information and is therefore aware of the online hostility against its members, but accepts it as something normal. The study also looks into the different levels of perception of disinformation and fake news among, and related to, Roma.¹¹²

¹¹² Todorova, R. (2020). '[Media and online narratives, fake news and disinformation trends in relation to Roma in Bulgaria](#)', Sofia, Center for the Study of Democracy.

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
Bulgaria	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	N/A	N/A	N/A

	<p>Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)</p>	<p>An amendment to the special law governing the state of emergency, adopted in November 2020, entitled persons, whose visas expired during a state of emergency or during an emergency epidemic situation, to apply for and obtain extension of their stay for up to three months. The new rule was made applicable retroactively since 31 August 2020. Before that, persons with expiring visas, who could not leave the country because of the anti-epidemic measures, had the option to apply for extension on the grounds of extraordinary circumstances according to the general rules for visa extensions.</p>	<p>Bulgaria, Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България), 23 December 1998, Art. 27(1)</p> <p>Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act (Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците), 9 April 2020, § 10a</p>	<p>Bulgaria is not a member of the Schengen Area and cannot issue Schengen visas. Bulgaria issues similar visas to the ones envisaged in the Visa Code, but they are not valid in other Member States.</p> <p>The provision applies to all visas expiring during the emergency epidemic situation. With the latest extension, adopted in November 2020, the emergency epidemic situation in Bulgaria was extended until 31 January 2021.</p>
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			(promulgated on 17 November 2020, in force since 31 August 2020).	
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)</p>	<p>An amendment to the special law governing the state of emergency, adopted in November 2020, entitled persons, whose visa-free stay expired during a state of emergency or during an emergency epidemic situation, to apply for and obtain extension of their stay for up to three months. The new rule was made applicable retroactively since 31 August 2020. Before that, persons with visa-free stay, who could not leave the country because of the anti-epidemic measures, had the option to apply for extension on the grounds of extraordinary circumstances according to the general rules for visa-free stay extensions.</p>	<p>Bulgaria, Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България), 23 December 1998, Art. 27(2)</p> <p>Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act (Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание</p>	<p>The provision applies to all visas expiring during the emergency epidemic situation. With the latest extension, adopted in November 2020, the emergency epidemic situation in Bulgaria was extended until 31 January 2021.</p>

			от 13 март 2020 г. и за преодоляване на последиците), 9 April 2020, § 10a (promulgated on 17 November 2020, in force since 31 August 2020).	
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	N/A	Bulgaria, Ordinance on the conditions and procedure for issuing visas and determining the visa regime (Наредба за условията и реда за издаване на визи и определяне на визовия режим), 11 July 2011	The national visa legislation was not amended in relation to the COVID-19 pandemic. Long-term visas (visa type D), which were issued by Bulgaria and had expired during the pandemic measures, were not automatically extended.
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)	Holders of prolonged residence permits (<i>разрешение за продължително пребиваване</i>), whose residence period expired during the state of emergency or nine months after its end (i.e.,	Bulgaria, Foreigners in the Republic of Bulgaria Act (Закон за чужденците в Република България), 23 December 1998, Art. 24(13) (last	The rules on prolonged residence permits were amended three times during the reporting period. The first amendment, in force since 13 March 2020 (the first

		<p>between 13 March 2020 and 13 February 2021) were allowed to: (a) submit an extension application within nine months after the end of the state of emergency (i.e., until 13 February 2021) preserving their continuous residence status as an eligibility criterion for applying for long-term residence, and (b) enter the territory of Bulgaria within nine months after the end of the state of emergency without a visa (i.e., until 13 February 2021). Prolonged residence permits are issued for a period of up to one year.</p>	<p>amendment promulgated on 17 November 2020)</p>	<p>day of the state of emergency), allowed permit holders, whose permits were expiring during the state of emergency, to apply for extension within 14 days after the end of the state of emergency. The second amendment, in force since 13 May 2020 (the last day of the state of emergency) allowed permit holders, whose permits were expiring during or three months after the state of emergency (i.e., between 13 March 2020 and 13 August 2020) to apply for extension and/or arrive in Bulgaria without a visa within three months after the end of the state of emergency (i.e., until 31 August 2020). The last amendment, promulgated</p>
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				on 17 November 2020, but retroactively effective since 31 August 2020, extended this period from three months to nine months (i.e., until 13 February 2021).
	<p> Holders of local border traffic permit under Regulation (EC) No. 1931/2006</p>	N/A	N/A	<p> Bulgaria has not signed any bilateral agreements for issuing local border traffic permits. In the past, negotiations for such agreements had been launched with the Republic of Serbia and the Republic of North Macedonia, but were discontinued after the two countries were transferred from Annex I to Annex II of Council Regulation (EC) No 539/2001 and their national were no longer required to possess a visa to cross EU external borders.</p>

	Any other category of TCN not listed above.	N/A	N/A	N/A
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Notes:

TCN = third-country nationals

EUMS = EU Member State

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

In April 2020, the Ministry of Health (MH) (*Министерство на здравеопазването, МЗ*) introduced a National Information System for Countering COVID-19 (*Национална информационна система за борба с COVID-19*). The system consists of five modules with different level of access, including a web portal, a mobile application, a register of persons in quarantine, isolation or treatment, a disease and epidemic prognosis software, and geographic maps for visualisation of the number of quarantined, sick, deceased and cured persons. Before it was officially released, the app's privacy policy was consulted with the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*).¹¹³

In March 2020, the parliament amended the Electronic Communications Act (*Закон за електронните съобщения*) allowing the police to obtain, without prior judicial authorisation, access to traffic data for the purpose of monitoring persons in mandatory isolation and/or treatment. According to the new rule, mobile operators were obliged to retain cell-site data (data detailing the location of mobile phones) for a period of six months for the purpose of enforcing mandatory isolation and/or hospital treatment of persons suffering from certain infectious diseases, who refused to, or did not, comply with such isolation or treatment.¹¹⁴ In November 2020, the Constitutional Court (CC) (*Конституционен съд*) declared the amendments unconstitutional and the new

¹¹³ For more information on the national information system, see pages 14 to 16 of the [Franet country study](#), released on 4 May 2020.

¹¹⁴ Bulgaria, Electronic Communications Act (*Закон за електронните съобщения*), 22 May 2007, Art. 251b, Par. 2, www.lex.bg/laws/ldoc/2135553187.

rules ceased to apply. According to the court, the provisions were violating the principle of proportionality, because the six-month duration of data retention was not linked to the duration of the mandatory isolation or treatment and was therefore considered excessive.¹¹⁵

Data protection concerns were raised in relation to the special traffic regime temporarily introduced in big cities in March 2020. All persons, passing through the checkpoints, were requested to present written declarations for the purpose of their travel, which contained personal data. The Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) reviewed and approved this measure by an official statement, while the Minister of the Interior issued an order laying down a special procedure for the collection, storage and processing of the declarations.¹¹⁶

In June 2020, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) published its annual activity report for the year 2019. The report highlighted the increase in the number of submitted complaints from 784 in 2018 to 1,600 in 2019, which was mostly due to the significant increase in the number of complaints against public authorities (from less than 50 in 2018 to 820 in 2019). The other areas with a high number of complaints included video surveillance (102 complaints), telecommunications (78 complaints) and media (77 complaints). According to the report, in 2019, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) issued 263 decisions on the merits (in 139 of them the complaint was dismissed, in 104 the complaint was fully upheld and in 20 the complaint was partially upheld) and imposed 73 sanctions to a total amount of more than BGN 1,000,000 (approximately €500,000). In 2019,

¹¹⁵ Bulgaria, Constitutional Court (*Конституционен съд*) (2020), Decision No 15 of 17 November 2020 on Constitutional case No 4/2020 ([Решение № 15 от 27.11.2020 г. по конституционно дело № 4/2020 г.](#)), 17 November 2020.

¹¹⁶ For more information on the processing of personal data at city check points in Bulgaria, see pages 16 and 17 of the [Franet country study](#), released on 4 May 2020.

the staff of the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни*, КЗЛД) amounted to 49 persons (including the members of the commission).¹¹⁷

On 7 July 2020, the Constitutional Court (CC) (*Конституционен съд*, КС) issued a decision stating that three provisions of the new Social Assistance Act (*Закон за социалните услуги*) were unconstitutional. Two of them were declared unconstitutional due to incompliance with the protection of personal data. Article 81(1) on the access of social service providers to personal data in the process of conducting assessments of needs was found unconstitutional due to the absence of a requirement for obtaining the applicant's consent), while Article 116(1)3 and Article 116(1)7 on the powers of the future Quality of Social Services Agency (QSSA) (*Агенция за качеството на социалните услуги*, АКСУ) was found unconstitutional due to the authorisation of officials to visit people in their homes and gather personal information without asking for their consent.¹¹⁸ In response to the decision of the Constitutional Court (CC) (*Конституционен съд*, КС), the parliament amended the law and corrected the provisions declared as unconstitutional, adding the mandatory requirement of obtaining consent before collecting personal data of individuals.¹¹⁹

In March 2020, a group of Members of Parliament submitted draft amendments to the Radio and Television Act (*Закон за радиото и телевизията*). The draft envisaged mandatory registration of online media service providers, introduction of court

¹¹⁷ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2020), Annual report on the activity of the Commission for Personal Data Protection in 2019 ([Годишен отчет на Комисия за защита на личните данни за дейността ѝ през 2019 г.](#)), 11 June 2020.

¹¹⁸ Bulgaria, Constitutional Court (*Конституционен съд*) (2020), Decision No 9 of 14 July 2020 on Constitutional case No 3/2020 ([Решение № 9 от 14.07.2020 г. по конституционно дело № 3/2020 г.](#)), 14 July 2020.

¹¹⁹ Bulgaria, Amendments and Supplements to the Social Services Act ([Закон за изменение и допълнение на Закона за социалните услуги](#)), 11 August 2020.

procedure for blocking the access to websites disseminating disinformation, and financial sanctions for spread of disinformation online.¹²⁰ By the end of 2020, the draft was discussed only at a session of Parliamentary Committee on Culture and Media (*Парламентарна комисия по културата и медиите*), which voted against the suggested amendments.¹²¹ In October 2020, the government submitted to parliament a set of draft amendments to the Radio and Television Act (*Закон за радиото и телевизията*) for transposing 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 audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.¹²² The draft was adopted on first reading on 26 November 2020 and on second reading on 17 December 2020, promulgated on 22 December 2020 and in force since the date of its promulgation.¹²³

2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

¹²⁰ For more information on the draft amendments regarding the dissemination of disinformation, see page 13 of the [Franet country study](#), released on 6 April 2020.

¹²¹ Bulgaria, National Assembly (*Народно събрание*) (2020), Report of the Committee on Culture and Media on the first voting of the Draft Amendments to the Radio and Television Act № 054-01-25 ([Доклад на Комисията по културата и медиите за първо гласуване на Законопроект за изменение и допълнение на Закона за радиото и телевизията № 054-01-25](#)), 28 May 2020.

¹²² Bulgaria, National Assembly (*Народно събрание*) (2020), Draft Amendments to the Radio and Television Act ([Закон за изменение и допълнение на Закона за радиото и телевизията](#)), 30 October 2020.

¹²³ Bulgaria, Amendments to the Radio and Television Act ([Закон за изменение и допълнение на Закона за радиото и телевизията](#)), 22 December 2020.

MS	Actor*	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
BG	Government / Parliamentary	other projects	Digital Transformation of Bulgaria: 2020-2030 (<i>Цифрова трансформация на България за периода 2020-2030 г.</i>) is a national strategic document. Among its key priorities is the improvement of the existing infrastructure through the installation and wide use of big-capacity networks. Enhanced connectivity will allow the development of innovative business models in such sectors as research, e-healthcare, security, e-government, and the development of "smart cities".	Yes – ensuring ethical and socially responsible access to and use, sharing, and management of data is a key principle of this strategic document.	Yes – non-discrimination, privacy, data protection. This document sets out a user-oriented approach to digitalisation based on inclusivity, cybersecurity, and technology in service of the public interest.	Bulgaria, Council of Ministers (<i>Министерски съвет</i>) (2020), Digital Transformation of Bulgaria: 2020-2030 (<i>Цифрова трансформация на България за периода 2020-2030 г.</i>), 21 July 2020

BG	Government / Parliamentary	other projects	<p>The Draft Concept for the Development of Artificial Intelligence in Bulgaria until 2030 (<i>Проект на Концепция за развитието на изкуствения интелект в България до 2030 г.</i>) is a national policy document. Its aim is to promote the development of reliable and trustworthy AI in Bulgaria. The specific policy objectives are aligned with the existing relevant EU framework documents including the EU Artificial Intelligence Strategy, the Coordinated Plan on Artificial Intelligence, the White Paper on Artificial Intelligence: A European Approach to Excellence and Trust, and the recommendations of High-Level Expert Group on Artificial Intelligence. The draft document was</p>	<p>Yes – this draft policy document sets out practical steps and measures for the implementation of AI ethical standards and enhancing public trust. The document mentions the Ethics Guidelines for Trustworthy AI of the EC High-Level Expert Group on</p>	<p>Yes – this draft policy document sets out indicative practical steps and measures for ensuring that the development and use of AI comply with the existing (and future) international, EU, and national standards for non-discrimination, protection of privacy, autonomy etc. In addition, the</p>	<p>Bulgaria, Ministry of Transport, Information Technology and Communications (<i>Министерство на транспорта, информационните технологии и съобщенията</i>) (2020), Draft Concept for the Development of Artificial Intelligence in Bulgaria until 2030 (<u>Проект на Концепция за развитието на изкуствения интелект в България до 2030 г.</u>), 18 August 2020</p> <p>Bulgaria, Ministry of Transport, Information Technology and Communications (<i>Министерство на транспорта, информационните технологии и съобщенията</i>) (2020), Draft Concept for the Development of Artificial Intelligence in Bulgaria until</p>
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			<p>released for public consultation in August. The Council of Ministers (<i>Министерски съвет</i>) adopted the Concept on 16 December 2020.</p>	<p>AI. The document also features a designated section on awareness-raising and fostering public trust, which focuses on the need for managing the risks of potential misuse of AI-based technologies.</p>	<p>document addresses the need for upholding consumer rights through the implementation of adequate safety and liability rules and procedures. The document acknowledges that a common EU regulatory framework for AI is being developed (e.g. White Paper on AI) and notes</p>	<p>2030 (<u>Концепция за развитието на изкуствения интелект в България до 2030 г.</u>), 16 December 2020</p>
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					that it is important to avoid overregulation, in order to ensure a balanced approach for promoting innovation and upholding fundamental rights.	
BG	Government / Parliamentary	other projects	Artificial Intelligence in Education and Science: Ideas for the Development and Use of AI in Education and Science in Bulgaria (<i>Изкуственият интелект в образованието и науката: Идеи за развитието и използването на ИИ в образованието и науката в Република България</i>) is a draft policy document. The	Yes – this draft document refers to the Ethics Guidelines for Trustworthy AI of the EC High-Level Expert	Yes – children’s rights and in particular the right to education. One of the goals of this draft document is to improve the quality	Bulgaria, Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2020), Artificial Intelligence in Education and Science: Ideas for the Development and Use of AI in Education and Science in Bulgaria (<u>Изкуственият интелект в образованието и науката: Идеи за развитието и използването на ИИ в</u>

			<p>document outlines three priority areas as regards the use of AI in the field of education: 1) education on the development and application of AI; 2) scientific research on AI; and 3) use of AI systems as part of continued professional development (CPD), life-long education, and higher education. The document specifically mentions the importance of developing reliable systems for online learning – a process that has been intensified by the need for social distancing because of COVID-19.</p>	<p>Group on AI. The ethical aspects of teaching and mentorship at all stages of education are also acknowledged.</p>	<p>of education. It seeks to enhance access to education taking into account individual needs (e.g. location, existing disability etc.). In addition, the document underscores the importance of enhancing digital literacy in general, in order to ensure that people are able to</p>	<p>образованието и науката в Република България), 25 September 2020</p>
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					exercise their fundamental rights in the digital age fully.	
BG	Government / Parliamentary	other projects	The Strategy for Digital Healthcare 2021-2027 (<i>Стратегия за цифровото здравеопазване 2021-2027</i>) and the National Healthcare Strategy 2030 (<i>Национална здравна стратегия 2030</i>) are draft national strategic documents, which are not finalised yet and therefore not publicly available. Both documents focus on the digital transformation of healthcare as a way of improving the quality of life and changing the delivery of healthcare services. A key priority in this regard is	Yes – the digital transformation of healthcare will be patient-oriented taking into account the specific needs of different social groups and ensuring that every citizen has access to good-	Yes – privacy and data protection. Specific attention will be given to the operationalisation and embedding of the existing data sharing and data management standards to guarantee privacy and effective	Bulgaria, Ministry of Health (2020), Draft Strategy for Digital Healthcare 2021-2027 (<i>Проект на Стратегия за цифровото здравеопазване 2021-2027</i>) Bulgaria, Ministry of Health (2020), Draft National Healthcare Strategy 2030 (<i>Проект на Национална здравна стратегия 2030</i>)

			<p>the upgrade of the National Healthcare Information System (<i>Национална здравна информационна система</i>). This system will integrate all health-related administrative processes. It will feature electronic health registries and an individual medical health record for every citizen. The wide use of digital prescriptions is further envisaged, as well as the development of telemedicine as a way of providing access to healthcare to people living in remote areas, the elderly, and persons with specific health needs.</p>	<p>quality healthcare services.</p>	<p>data protection.</p>	
BG	Government / Parliamentary	National Draft Acts / Adopted Acts	<p>Draft amendments to the laws governing civil, criminal and administrative procedure aimed at introducing and expanding</p>	<p>Yes – the proposed new rules envisage the</p>	<p>Yes – access to justice. The new provisions are</p>	<p>Bulgaria, National Assembly (<i>Народно събрание</i>) (2020), Draft Amendment to the Civil Procedure Code (<u>Законопроект за изменение</u>)</p>

			the application of videoconference.	introduction of videoconference for interpretation and collection of evidence in civil proceedings, for interpretation and participation of parties in administrative proceedings, and for participation of prisoners and detainees in certain hearings	envisaged as a permanent alternative to conducting procedural actions in person. Videoconferencing has been widely used during court hearings and other procedural actions involving prisoners and pre-trial detainees in response to the social distancing restrictions introduced	<u>и допълнение на Гражданския процесуален кодекс</u>), 6 July 2020
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				and execution of certain procedural actions in criminal proceedings.	because of the COVID-19 pandemic.	
BG	Government / Parliamentary	other projects	National Information System on Countering COVID-19 (<i>Национална информационна система за борба с COVID-19</i>). The System comprises five modules: (1) Information Web Portal with up-to-date information about the epidemiological situation in Bulgaria; (2) Mobile App with a health status tracker; (3) Registry of persons under quarantine, in self-isolation, or in home care; (4) software for analytical forecasting of the development of the	Yes – the information web portal and the mobile app are publicly accessible. The other modules are accessible to a predefined list of public authorities (healthcare inspectorat	Yes – privacy and data protection. Each authority authorised to use the system has a specified scope of access rights defining what data they can use and/or enter	Bulgaria, Ministry of Health (<i>Министерство на здравеопазването</i>) (2020), Order No RD-01-184 on putting into operation of National Information System for Countering COVID-19 (Заповед № РД-01-184 за въвеждане в експлоатация Национална информационна система за борба с COVID-19), 6 April 2020

			epidemic situation and the spread of COVID-19; and (5) geographic maps for the visualisation of the number of COVID-19 confirmed and suspected cases, and cured and deceased persons.	es, social security and health insurance authorities, medical establishments, general practitioners, the police and border police, and municipal authorities)	into the system.	
BG	Government / Parliamentary	other projects	Information System for Electronic PCR COVID-19 Test Prescription (<i>Информационна система за електронно направление за PCR тест за COVID-19</i>) This system allows general practitioners to issue	Yes – the system is not publicly accessible and allows individuals who show COVID-19 symptoms	Yes – standard rules and procedures concerning data protection, privacy, and	Bulgaria, Ministry of Health (<i>Министерство на здравеопазването</i>) (2020), Contract No RD-NS-01-4-5 on amending the National Framework Agreement for Medical Activities between the National Health Insurance Fund and the Bulgarian

			<p>electronic PCR COVID-19 test prescriptions if a patient shows at least two symptoms that are associated with COVID-19 infection. The prescription allows patients to be tested for COVID-19 free of charge. General practitioners can access the integrated information system using designated software. The system offers an alternative solution to paper-based prescriptions.</p>	<p>to be tested whilst observing the principles of social distancing. It is one of the first steps toward digital healthcare. The electronic prescription is a patient-oriented measure that seeks to speed up COVID-19 testing and help ensure that</p>	<p>cybersecurity apply.</p>	<p>Medical Association, 2020-2022 (Договор № Д-НС-01-4-5 от 26 ноември 2020 г. за изменение и допълнение на Националния рамков договор за медицинските дейности между Националната здравноосигурителна каса и Българския лекарски съюз за 2020 – 2022 г.), 26 November 2020.</p> <p>Bulgaria, Bulgarian News Agency (Българска телеграфна агенция) (2020), 'General practitioners can issue electronic prescriptions for PCR testing' („Вече е възможно личните лекари да издават електронно направление за PCR-тест“), 1 December 2020.</p>
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				infected patients are diagnosed as early as possible and provided with timely care.		
BG	Government / Parliamentary	other projects	The Ministry of Education and Science (MES) (<i>Министерство на образованието и науката, МОН</i>) has set up an Online Information Portal in Support of Distance Learning at Bulgarian Schools (<i>Портал в помощ на дистанционното обучение в българските училища</i>). The purpose of the Portal is to support school staff, students, and parents in the process of online education. The portal	N/a	N/a	Bulgaria, Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2020), Online Information Portal in Support of Distance Learning at Bulgarian Schools (<i>Портал в помощ на дистанционното обучение в българските училища</i>) Bulgaria, Ministry of Education and Science, MES (<i>Министерство на образованието и науката, МОН</i>) (2020), National E-Library for Teachers

			is accompanied by a National E-Library for Teachers (<i>Национална електронна библиотека на учителите</i>) featuring different educational material and resources. Online learning was introduced in March 2020 as a contingency measure that supports social distancing in response to the COVID-19 outbreak.			(Национална електронна библиотека на учителите)
BG	Business	other projects	Virusafe is an open-source mobile application created to assist society and governmental institutions in the fight against COVID-19. The Ministry of Health (MH) (<i>Министерство на здравеопазването, МЗ</i>) has approved the app. The app has a daily symptoms and health status tracker and a voluntarily enabled location tracker, which	Yes – the application is compliant with the European Commission recommendation on COVID-19 apps for contact	Yes – privacy and data protection. The rules governing the use of the collected data as well as the rights of users in relation to this use are	Bulgaria, Ministry of Health (<i>Министерство на здравеопазването</i>) (2020), Order No RD-01-184 on putting into operation of National Information System for Countering COVID-19 (Заповед № РД-01-184 за въвеждане в експлоатация Национална информационна система за борба с COVID-19), 6 April 2020

			allows creating a heat map with potentially infected people.	tracing. Users need to go through an SMS validation and to enter personal data, such as personal ID, age, any chronic diseases they may have and allow the app to use their location. Users can enter their	laid down in the application's terms of reference, to which each user has to explicitly agree before they start using the app. ¹²⁴ Before it was officially released, the app's Privacy Policy was consulted with the Commission for Personal Data	
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¹²⁴ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), Terms of use of ViruSafe mobile app ([Общи условия за използване на мобилното приложение ViruSafe](#)).

				<p>symptoms several times a day and the general practitioner receives the processed data automatically. All personal data is accessible only by Ministry of Health and authorised governmental institutions</p>	<p>Protection (CPDP) (Комисия за защита на личните данни, КЗЛД) and its recommendations were taken into account.¹²⁵</p>	
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¹²⁵ Bulgaria, Ministry of Health (Министерство на здравеопазването) (2020), Privacy policy of ViruSafe mobile app ([Политика за поверителност при обработване на лични данни на мобилното приложение ViruSafe](#)).

*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

	<p>Due to the COVID-19 outbreak, on 13 March 2020, the parliament declared state of emergency, which ultimately lasted for two months.¹²⁶ In the area of social assistance, the law of March 2020 specifically laying down measures during a declared state of emergency, temporarily suspended some of the mandatory requirements for obtaining compensations (e.g. the mandatory requirement to participate in community service or qualification courses for individuals receiving monthly social assistance allowances) and extended the period for receiving social assistance allowances for children and for accommodation in residential social services of persons with disabilities and other beneficiaries of social services.¹²⁷</p> <p>The Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика</i>, МТСП) recapitulates that in the pandemic situation measures were directed at, on the one hand, stimulating businesses and curbing unemployment and, on the other hand, ensuring material support and accessible and high-quality services to people in need. Besides the measures in the emergency legislation, support was ensured to indigent working parents with children under 14 years of age on unpaid leave of more than 20 working days due to being unable to work remotely. They were included among the beneficiaries of the social payment for urgent needs under Article 16 of the Regulation on the Implementation of the Social Assistance Act (<i>Правилник за прилагане на Закона</i></p>
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¹²⁶ Bulgaria, National Assembly (*Народно събрание*), Decision of declaring state of emergency ([Решение за обявяване на извънредно положение](#)), 13 March 2020.

¹²⁷ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 12. For more information about the initial measures undertaken in Bulgaria, please see pages 3 and 6 of the [Franet country study](#), released on 6 April 2020

	<p>за социално подпомагане). The same payment was given to indigent single parents, as well as families with one or two unemployed parents without access to unemployment benefits. The beneficiaries of this measure were about 3,800 families. Besides the urgent measure, supplements were made to the Regulation to ensure monthly payments in emergency situations for families with children under 14 years of age in electronic education, if both or one parent cannot work remotely and do not have access to paid leave, or are left unemployed without access to unemployment benefits, or are self-employed and cannot work due to emergency measures, or are single parents.¹²⁸</p> <p>Via further amendments to the special law governing the measures related to the state of emergency, families whose children were enrolled in the eighth grade of a state or municipal school for the school year 2020-2021 were granted a one-time allowance to cover part of the costs at the beginning of the school year, provided that the average monthly income per family member for the previous 12 months was less than or equal to BGN 450 (approximately €225). The purpose of this measure was to prevent school dropout of children, who had finished seventh grade (the stage with the highest dropout rate, according to the justification of the measure).¹²⁹</p> <p>In the area of education, the emergency law introduced electronic education for all students.¹³⁰ At the beginning of</p>
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¹²⁸ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), Letter No 39-519 of 18 September 2020 to the Center for the Study of Democracy.

¹²⁹ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците](#)), 9 April 2020, Article 12a. For further details, please see page 2 of the [Franet country study](#), released on 29 July 2020

¹³⁰ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 13. For more information, please see page 6 of the [Franet country study](#), released on 6 April 2020

	<p>April 2020, the Minister of Education and Science reported that 89 % of all students were effectively included in the e-learning process, while at later stages the share reported reached 95 %.¹³¹</p> <p>The Ministry of Education and Science (MES) (<i>Министерство на образованието и науката</i>, МОН) reports on having swiftly analysed the reasons for the inability of some teachers and students to participate in electronic education. As a result, laptops were bought for some of the neediest teachers and 11 Wi-Fi zones in nine towns for 26,000 children were set in locations where the percentage of coverage of electronic education was lowest. Amendments were also introduced in the legislation on financing schools so that schools can fund internet connectivity for students' homes during periods of electronic education.¹³²</p> <p>For the students not covered by electronic education, as well as for students with learning difficulties the authorities were discussing the option of holding additional in person educational activities in June and July 2020.¹³³ Indeed, children from socioeconomically disadvantaged background, who were not able to participate in the e-learning process, were provided with the opportunity to receive additional education of up to 120 teaching hours</p>
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¹³¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹³² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Parliamentary control: response of the Minister of Education and Science to a question about the measures and decisions taken by the Ministry of Education and Science to keep students and children in the education system, in the event of the introduction of distance learning in the context of COVID-19 ([Парламентарен контрол: отговор на министъра на образованието и науката на въпрос относно мерките и решенията, които предприема МОН, за да не останат учениците и децата извън системата на образованието, при евентуално въвеждане на дистанционно обучение в контекста на COVID-19](#)), 16 September 2020.

¹³³ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'The Ministry of Education and Science with a proposal for new dates for the state graduation exams and the national external evaluation in the case of extended e-learning' (['МОН с проект за нови дати за ДЗИ и НВО при удължено обучение в електронна среда'](#)), press release, 2 April 2020. For more information, please see page 8 of the [Franet country study](#), released on 25 May 2020

	<p>on one or more subjects during the summer (see also annex on promising practice).¹³⁴ Lessons were delivered individually or in small groups of up to ten children, preferably in person, observing the applicable anti-epidemic measures.</p> <p>Nurseries and kindergartens were ultimately reopened on 22 May 2020.¹³⁵ All schools and universities remained closed and the school and academic year ended online.¹³⁶</p> <p>In terms of supplying devices for electronic education, private donors donated devices to children in disadvantaged situation to facilitate their inclusion in e-learning. The Social Assistance Agency (SAA) (<i>Агенция за социално подпомагане, АСП</i>) reported the receipt of a donation of 104 tablets, which were distributed among children accommodated in family-type residential services across the country.¹³⁷ For children not in social services, the Ministry of Education and Science (MES) (<i>Министерство на образованието и науката, МОН</i>) received and distributed a donation of 500 tablets made by</p>
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¹³⁴ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 100 of 21 May 2020 on amending the Regulation on Inclusive Education adopted by Decree No 232 of the Council of Ministers of 2017 ([Постановление № 100 от 21 май 2020 г. за изменение и допълнение на Наредбата за приобщаващото образование, приета с Постановление № 232 на Министерския съвет от 2017 г.](#)), 26 May 2020. For more information, see page 7 of the [Franet country study](#) released on 29 July 2020.

¹³⁵ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-272 on introduction of temporary anti-epidemic measures ([Заповед № РД-01-272 за въвеждане на временни противоепидемични мерки](#)), 20 May 2020. For more information, see page 11 of the [Franet country study](#) released on 26 June 2020.

¹³⁶ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-354 on the introduction of anti-epidemic measures ([Заповед № РД-01-354 за въвеждане на противоепидемични мерки](#)), 22 June 2020. For more information, see page 6 of the [Franet country study](#) released on 29 July 2020.

¹³⁷ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), '104 children from accommodation centres will be able to study remotely with donated tablets' (['104 деца от Центрове за настаняване ще могат да учат дистанционно с дарени таблети'](#)), press release, 16 April 2020. For more information, please see page 8 of the [Franet country study](#), released on 25 May 2020

	<p>one of the national mobile service providers¹³⁸ and made agreements with all such providers for preferential device and internet offers to schools and families.¹³⁹ The Ministry further reports¹⁴⁰ the supply of 1,986 laptops to teachers in 461 schools of lower budgets. 500 of the laptops had Wi-Fi capabilities with 3-month pre-paid unlimited access. Laptops were also given to 500 students and the Ministry gave substantial support to private donors to supply around 500 tablets and 400 computers.¹⁴¹ In October 2020, the Ministry of Education and Science (MES) (<i>Министерство на образованието и науката, МОН</i>) reported on the allocation of BGN 14 million for the purchase of laptops for 12,000 students and 4,000 teachers. Further 80,000 devices for 60,000 students and 20,000 teachers are planned for buying under an application to the React EU financial instrument.¹⁴² In addition, as part of its integrated approach for supporting children and families, the Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика, МТСП</i>) reported on ensuring funds through the Social Support Fund (<i>Фонд „Социална закрила“</i>) for buying tablets for children in family-type residential services in the regions of Vidin, Vratsa and Montana. A targeted support programme was approved for supporting the educational process of children in residential services and homes for children, deprived of parental care. Proposals by municipalities, managing social services, were funded, concerning the purchase of electronic devices</p>
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¹³⁸ 24 Chasa (24 часа) (2020), 'Vivacom donates 500 tablets to MES for distance learning' (['Виваком дарява 500 таблета за дистанционно обучение на МОН'](#)), 24 Chasa, 18 March 2020. For more information, please see page 9 of the [Franet country study](#), released on 25 May 2020

¹³⁹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹⁴⁰ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹⁴¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-433 of 24 September 2020 to the Center for the Study of Democracy.

¹⁴² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'BGN 14 million are given for the purchase of laptops for 12,000 students and 4,000 teachers' (['14 млн лв. се предоставят за закупуване на преносими компютри за 12 хиляди ученици и 4 хиляди учители'](#)), press release, 14 October 2020.

for possible continuation of electronic education. The Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) was reported to have provided guidelines for mayors and local social workers for restoring the face-to-face educational process of children in residential services¹⁴³.

Electronic education got a stable regulation via special amendments in the Pre-School and School Education Act (*Закон за предучилищното и училищното образование*).¹⁴⁴ The amendments also provided for a flexible form of electronic education in epidemic circumstances for up to 30 school days upon request of the student if health reasons related to the student himself/herself or his/her relatives, or other justified reasons, exist. The education can be performed by the student's or another school determined by the regional educational authorities. Electronic options were also regulated for additional support sessions for students in need. In another part of the amendments, options were opened for support on the part of the state for covering the food expenses for children in pre-school education, as well as for covering the expenses of the parents, whose children did not get a slot in one of the state or municipal kindergartens – a frequent problem in bigger cities and especially in the capital. Further amendments were made to the Regulation on Inclusive Education (*Наредба за приобщаващото образование*).¹⁴⁵ They provide for additional classes for students on non-real time remote schooling to compensate for the missing interaction with teachers. A new chapter is introduced on providing support for personal development (*подкрепа за личностно развитие*) remotely through electronic means.

¹⁴³ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), Letter No 39-519 of 18 September 2020 to the Center for the Study of Democracy.

¹⁴⁴ Bulgaria, Amendments and Supplements to the Pre-School and School Education Act (*Закон за изменение и допълнение на Закона за предучилищното и училищното образование*), 9 September 2020.

¹⁴⁵ Bulgaria, Regulation on Inclusive Education (*Наредба за приобщаващото образование*), 27 October 2017.

The Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) has taken an active stance on children's rights during the pandemic. In April 2020, the Ombudsman seized the Minister of Education and Science about the extremely negative impact of social isolation on children with disabilities, learning and behavioural difficulties, who, in conditions of social isolation, cannot benefit from social services, rehabilitation and special education sessions. Parents of such children had appealed to the Ombudsman for 'green corridors' for their families to be able to visit parks and playgrounds which will benefit children's psychological well-being. The Ombudsman also appealed for better organisation of special education sessions for the children with special educational needs.¹⁴⁶ In July 2020, the Ombudsman wrote a letter to the Minister of Education and Science summarising parents' concerns in several key areas. Among those were what had been done for children who had no access to distance learning during the previous school year so that they are not digitally excluded. Moreover, the Ombudsman asked what measures had been taken to ensure equal access to high quality education for all students and teachers and whether there might be schools left without internet access and sufficient electronic devices.¹⁴⁷ In September 2020, prior to the start of the school year, the Ombudsman wrote a letter to the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) raising the question that, allegedly, around 70,000 children do not have computer and internet access and therefore cannot be included in distance learning if such is again necessary. According to the institution, this is especially relevant for families with lower income, unemployed

¹⁴⁶ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), 'The Ombudsman is asking the Ministry of Education and Science about 'green corridors' for children with special needs' (['Омбудсманът пита МОН за „зелени коридори“ за деца със специални потребности](#)'), press release, 14 April 2020.

¹⁴⁷ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), 'The Ombudsman Diana Kovacheva is asking the Ministry of Education and Science if it has an action plan against COVID-19 for the new schoolyear' (['Омбудсманът Диана Ковачева пита МОН има ли екшън план срещу COVID-19 за нова учебна година'](#)), press release, 29 July 2020.

	<p>parents or families with more than one child, for all of whom no clear plan on the part of the state is in place.¹⁴⁸</p> <p>The State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>) reports on creating a special children’s section on the governmental COVID-19 portal with useful information materials for children and their parents. In addition, the Agency appealed to mayors for increased attention to children, including those in residential services, and later requested information from them on the difficulties encountered. Materials were provided with guidelines and advice for protecting children’s health, organising children’s free time and obtaining information and support in case of need. Already before the outbreak of the pandemic in March 2020, Agency’s officials met with health authorities to outline concrete guidelines for action in epidemic circumstances. In view of the epidemic situation, the Agency also introduced procedures for remote online inspections in schools, kindergartens, hospitals and social services.¹⁴⁹</p> <p>At the end of September 2020, an extensive report was published to assess the impact of electronic education and other remote formats on the effectiveness of schooling.¹⁵⁰ The assessment took place at the end of the 2019/2020 school year and covered 135 schools from the whole country, 4,448 students in V-XII grade, and 5,403 parents, including parents of students in I-IV grade, 1,885 teachers</p>
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¹⁴⁸ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), ‘The Ombudsman Diana Kovacheva is asking the Ministry of Education and Science about 70,000 children without tablets or internet access’ ([‘Омбудсманът Диана Ковачева пита МОН за 70 000 деца без таблети и достъп до интернет’](#)), press release, 9 September 2020.

¹⁴⁹ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2020), Letter No 48-05-51#1 of 24 September 2020 to the Center for the Study of Democracy.

¹⁵⁰ Hristova, A., Petrova, S. and Papazova, E. (2020), Assessing the impact of distance learning in an electronic environment or other non-presence forms on the effectiveness of school education ([Оценка на въздействието на обучението от разстояние в електронна среда или други неприсъствени форми върху ефективността на училищното образование](#)), Sofia, Institute for Research in Education (*Институт за изследвания в образованието*).

	<p>and 135 headmasters. Most students, although fewer of those of Roma and Turkish origin, were found to have an electronic device at home which they could use for school purposes, and internet access. Most students had access to electronic education, and around two thirds of those were schooled real time. Around half of the teachers had participated in courses on innovative educational methods, and around 45 % were trained to use ICTs when teaching. The levels of behavioural, emotional and cognitive involvement of the students with the education were relatively low – between 20 and 30 %.</p> <p>After the pandemic situation in Bulgaria worsened again, the Minister of Health issued an order, imposing a ban on face-to-face classes in schools and group activities for children within and outside schools, and sports activities for children. Kindergartens were also closed. Measures were initially imposed for the period 27 November 2020 – 21 December 2020.¹⁵¹ As a consequence, the Minister of Education and Science issued three orders instructing schools to conduct classes¹⁵² and other pedagogical activities with the children and their parents¹⁵³, as far as possible, from a distance in an electronic environment through the use of information and communication technologies and extending the duration of the 2020/2021</p>
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¹⁵¹ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), Order No РД-01-677 on the introduction of anti-epidemic measures on the territory of the Republic of Bulgaria ([Заповед № РД-01-677 за въвеждане на противоепидемични мерки на територията на Република България](#)), 25 November 2020.

¹⁵² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Order № РД09-3457 on education of students in the period from 30.11.2020 to 21.12.2020 from a distance in an electronic environment ([Заповед № РД09-3457 за обучението на учениците в периода от 30.11.2020 г. до 21.12.2020 г. от разстояние в електронна среда](#)), 26 November 2020.

¹⁵³ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Order № РД09-3464 for implementation of pedagogical interaction from a distance in an electronic environment through the use of information and communication technologies and with the participation of parents ([Заповед № РД09-3464 за осъществяване на педагогическо взаимодействие от разстояние в електронна среда чрез използване на средствата на информационните и комуникационните технологии и с участието на родителите](#)), 27 November 2020.

	school year by three weeks for pupils in I-III grade and by two week for those in IV-VI grade. ¹⁵⁴
Measures to protect children from violence	<p>In December 2020, Members of Parliament from the IMRO – Bulgarian National Movement (IMRO-BNM) (<i>ВМРО – Българско национално движение</i>, ВМРО-БНД) (a political party often associated with nationalistic ideologies and member of the ruling coalition) submitted to parliament draft amendments to the Child Protection Act (<i>Закон за закрила на детето</i>).¹⁵⁵ The amendments envisage a number of provisions giving preference to the children’s care in their biological family (<i>биологично семейство</i>) and advocate observance of morality, traditions and good manners in the country (<i>морала, традициите и добрите нрави в държавата</i>). An option to suspend or revoke the license of an NGO social service provider is also introduced in case of a procedure before court for violations related to the rights of children and their legal representatives. Any signal for a child in need of protection is proposed to be accompanied by a declaration on the truthfulness of the facts in the signal possibly invoking the author’s criminal liability if facts turn out not to be true. In a highly critical statement, the National Network for Children (NNC) (<i>Национална мрежа за децата</i>, НМД)¹⁵⁶ claims ‘moral and traditions’ replace the principle of the child’s best interest and the declaration for truthfulness of any signal about a child needing protection practically hinders any attempt by relatives, teachers or friends to approach the institutions in such cases.</p> <p>The Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика</i>, МТСП) reports on continuous remote provision of information,</p>

¹⁵⁴ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Order № РД09-3472 amending Order № РД09-2118 for determining the school time schedule for the 2020/2021 school year ([Заповед № РД09-3472 за изменение и допълнение на Заповед № РД09-2118 за определяне на график на учебното време за учебната 2020/2021 година](#)), 27 November 2020.

¹⁵⁵ Bulgaria, National Assembly (*Народно събрание*), Draft Amendments and Supplements to the Child Protection Act ([Законопроект за изменение и допълнение на закона за закрила на детето](#)), 4 December 2020.

¹⁵⁶ Bulgaria, National Network for Children (*Национална мрежа за децата*) (2020), The rights of children in Bulgaria are under threat! ([Правата на децата в България са под заплаха!](#)), 10 December 2020.

	<p>consultation and psychological support to all vulnerable persons, including children, and including within the framework of community-based social services. The services of the National Telephone Line for Children (<i>Националната телефонна линия за деца</i>) (116 111) with the State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>) also continue.¹⁵⁷ The Agency itself reports¹⁵⁸ that, as per the line's procedures, in case of information for a child at risk, child protection authorities are notified to undertake protection measures, which the Agency follows until there is no risk for the child any more.</p> <p>In terms of continuing its efforts on countering violence against children in the epidemic circumstances, the State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>) reports on having prepared in May 2020 guidelines for children's internet safety, including advice on online bullying. In addition, the Steps Together (<i>Стъпки заедно</i>) programme of UNICEF Bulgaria and the Ministry of Education and Science (MES) (<i>Министерство на образованието и науката, МОН</i>) aims to build in the next three years an overall school programme for safe school environment and prevention of bullying and violence, building upon existing experience and good practices.¹⁵⁹</p> <p>The State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>) also reports on having opened a section on its website for questions to psychologists related to the epidemic situation, including in cases of violence. Options for remote psychological support in cases of violence were also ensured. The</p>
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¹⁵⁷ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2020), Letter No 39-519 of 18 September 2020 to the Center for the Study of Democracy.

¹⁵⁸ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2020), Letter No 48-05-51#1 of 24 September 2020 to the Center for the Study of Democracy.

¹⁵⁹ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2020), Letter No 48-05-51#1 of 24 September 2020 to the Center for the Study of Democracy.

	<p>platform Pomogni.net for organising various forms of assistance in epidemic circumstances also provides a channel for electronic reporting of domestic violence, including violence against children.¹⁶⁰</p> <p>On 26-27 November 2020, the National Network for Children (<i>Национална мрежа за децата</i>) held an online conference on the right of children for protection against violence. It gathered lawyers from around the country working on cases against children, children’s psychologists, the Ombudsman of the Republic of Bulgaria (<i>Омбудсман на Република България</i>), judges and a lawyer from the ECtHR. Case law and practices on protecting children’s rights were discussed extensively.¹⁶¹</p>
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2. Legal and policy measures or initiatives developed about criminal proceedings

<p>Legislative changes</p>	<p>In a legislative package to amend the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>), the Ministry of Justice (MoJ) (<i>Министерство на правосъдието, МП</i>) put out for public discussion proposals to transpose Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.¹⁶² According to the proposed amendments, cases of accused children are given priority in investigation, prosecution and trial. In case there is doubt in an accused’s age, it is obligatorily a subject of an expert opinion. The decree for bringing charges against a child should always contain</p>
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¹⁶⁰ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2020), Letter No 48-05-51#1 of 24 September 2020 to the Center for the Study of Democracy.

¹⁶¹ Bulgaria, National Network for Children (*Национална мрежа за децата*) (2020), ‘Conference “Right of the Child for Protection against Violence” will bring together lawyers working on cases involving children’ ([‘Конференция „Право на детето на защита от насилие“ ще обедини адвокати, които работят по дела с участието на деца’](#)), press release, 11 November 2020.

¹⁶² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Draft Amendments and Supplements to the Criminal Procedure Code ([‘Закон за изменение и допълнение на Наказателно-процесуалния кодекс’](#)), 31 July 2020.

his/her specific rights as an accused. Children accused in criminal proceedings should always be notified about their rights orally, in addition to in writing, in an accessible language. Substantial amendment and expansion are undertaken in the Code's chapter on criminal cases against children. Apart from the established set of defendant's rights, accused children are explicitly given the right for a parent, guardian or another person taking care of them by law to be given full information about their rights in criminal proceedings. An accused child has the right to be accompanied during trial by a parent, guardian or another person who takes care of him/her by law, the same goes for investigative actions when it is in his/her best interest and would not hamper the criminal proceedings. Parents/guardians may not be given such rights and be replaced by social workers or other adults identified by the accused child and approved by the prosecutor/court if giving rights to parents/guardians would contradict the child's best interest or they cannot be found. An accused child has the right to medical examination upon detention, to have his/her personal specifics established, to receive protection for his/her right to personal and family life. Reduced duration of detention by the prosecutor to appear before court and of detention in custody are provided for accused children. Court sessions against accused children will be held behind closed doors, unless the child himself/herself requests public hearing or public holding of specific actions. Age assessment procedures are regulated in detail, together with a presumption of age under 18 years if the doubts in the accused child's age have not been resolved. A personal specifics opinion is requested for each accused child from an inspector in the specialised police child pedagogical unit (*детска педагогическа стая*); social reports may also be requested. Further support persons, like doctors, are provided for in case of need during the accused child's interview, and the presence of parents/guardians if that is in the child's best interest and would not hamper the criminal proceedings. Specialisation of judges in cases involving accused children is introduced.

After the public discussion the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) summarised

	opinions submitted, ¹⁶³ the draft was approved by the government on 4 November 2020, ¹⁶⁴ and submitted to the parliament on 10 November 2020. ¹⁶⁵
Policy developments	<p>The Ministry of the Interior (MoI) (<i>Министерство на вътрешните работи</i>, МВР) reports¹⁶⁶ on investigative police officers undergoing specialised trainings to work with children in contact with the criminal justice system. The Academy of the Ministry of the Interior (AMoI) (<i>Академия на Министерството на вътрешните работи</i>, АМВР) organises and holds courses for continuing training of police officers on investigating cases involving children and working with children in general. In 2020, 44 officers from child pedagogical units (<i>детски педагогически стаи</i>) and investigative departments have been included in a one-week course entitled "Investigating Crimes Involving Minors and Juveniles" (<i>„Разследване на престъпления с участието на малолетни и непълнолетни лица“</i>). Two other courses for another 69 participants have been cancelled due to the COVID-19 outbreak.</p> <p>In 2020, Directive 2016/800 has been part of a number of courses within the mandatory initial training of magistrates at the National Institute of Justice (NIJ) (<i>Национален институт на правосъдието</i>, НИП).¹⁶⁷ Among them have been "Proceedings under the Child Protection Act" (<i>„Производства по Закона за закрила на детето“</i>) and "Hearing Children. Methodology for</p>

¹⁶³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No 66-00-185/20 of 18 September 2020 to the Center for the Study of Democracy.

¹⁶⁴ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), Agenda for the session of the Council of Ministers on 4 November 2020 ([Дневен ред на заседание на Министерския съвет на 04.11.2020 г.](#)), 4 November 2020.

¹⁶⁵ Bulgaria, National Assembly (*Народно събрание*) (2020), Amendments and supplements to the Criminal Procedure Code ([Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 10 November 2020.

¹⁶⁶ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), Letter No 812100-14149 of 25 September 2020 to the Center for the Study of Democracy.

¹⁶⁷ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2020), Letter No DA-03-789/1 of 14 September 2020 to the Center for the Study of Democracy. For more information, see the mandatory initial training curricula for judges, prosecutors and investigators on the [website](#) of the National Institute of Justice.

	<p>Interviewing Children" („Изслушване на непълнолетни. Методика за разпит на непълнолетни"). As part of magistrates' continuous training, the Institute held in June-September 2020 a pilot edition of the Council of Europe's HELP module on procedural guarantees in criminal proceedings and the rights of victims, which included studying the safeguards for accused children under EU Directives.</p>
<p>Other measures or initiatives</p>	<p>N/A</p>

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

In a legislative package to amend the Criminal Procedure Code (*Наказателно-процесуален кодекс*) and the Victim Support and Financial Compensation Act (*Закон за подпомагане и финансова компенсация на пострадали от престъпления*), the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) put out for public discussion proposals to further transpose the Victims' Rights Directive in Bulgarian legislation.¹⁶⁸ The circle of persons to be supported under the Act is expanded to the relatives of the directly victimised person, having sustained material and non-material damages. It is proposed that the Act explicitly obligates entities who are supposed to inform victims about their rights to do so in a 'clear and understandable manner' (*ясен и разбираем начин*). In the Code, the regulation on interviews of witnesses, including victims, with special protection needs is expanded to include, if that would not hamper seriously the criminal proceedings (*ако това няма да затрудни сериозно наказателното производство*) a number of additional facilities. Among those are premises suitable for the purpose, presence of an educational specialist or psychologist, the same investigative authority if another interview is needed. A police officer of the same sex should interview victims of domestic violence and sexual crimes, if that would not hamper the criminal proceedings. An explicit proposal is made for victims to be only interviewed more than once in pre-trial proceedings by exception. Two new cases of written translation are proposed – of the document confirming the receipt of the victim's complaint and of the decree, refusing to institute pre-trial proceedings. For the first time, the right of the victim to be accompanied by a person of their choice is proposed to be added, if that does not contradict their interests or hamper the criminal proceedings. The assessment of specific protection needs under the Code is explicitly linked to a new chapter in the victims' act devoted to the victim's individual assessment, making it a specific right of each victim they should be expressly notified about. The assessment should establish the physical and

¹⁶⁸ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Draft Amendments and Supplements to the Criminal Procedure Code ([Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 31 July 2020.

psychological status of the victim because of the crime committed and the existence of specific protection needs. Children, people with disabilities, victims of terrorism, human trafficking and organised crime, sexual crimes, domestic violence, racist or xenophobic crime or victims in dependency on the perpetrator are presumed to have special protection needs. The draft amendments list the factors to be taken into account when making the individual assessment and the procedure to do so. An 'expanded' (*разширена*) individual assessment is also possible. Multidisciplinary teamwork when making the assessment is widely introduced. In terms of reception by civil society actors, within the framework of the public consultation of the draft, the Social Activities and Practices Institute (SAPI) (Институт по социални дейности и практики, ИСДП) received a statement.¹⁶⁹ The Institute assesses positively the introduction of individual assessment of victims' needs and the special premises for interviews of victims. At the same time, the organisation appeals for swifter proceedings when children victims are involved and for inclusion of social workers in the victims' interviews and claims that all victims with special protection needs should be subjected to an expanded individual assessment. The government approved the draft on 4 November 2020¹⁷⁰ and submitted it to the parliament on 10 November 2020.¹⁷¹

After the repeal of the previous (publicly available) instruction on the matter, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) reports¹⁷² on having issued Internal Rules for Reception of Citizens and Support for Victims of Crime in the Structures of the Ministry of the Interior (*Вътрешни правила за осъществяване на прием на граждани и подкрепа на пострадали от престъпления в структурите на МВР*). It is an internal, not publicly available, document, which all heads of directorates and units have presented to their subordinates.

¹⁶⁹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Draft Amendments and Supplements to the Criminal Procedure Code ([Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 31 July 2020.

¹⁷⁰ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), Agenda for the session of the Council of Ministers on 4 November 2020 ([Дневен ред на заседание на Министерския съвет на 04.11.2020 г.](#)), 4 November 2020.

¹⁷¹ Bulgaria, National Assembly (*Народно събрание*) (2020), Amendments and supplements to the Criminal Procedure Code ([Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 10 November 2020.

¹⁷² Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), Letter No 812100-14149 of 25 September 2020 to the Center for the Study of Democracy.

In terms of practical measures, upon the COVID-19 outbreak one of the first amendments in the law of March 2020¹⁷³ specifically laying down measures during a declared state of emergency declared that the proceedings under the Criminal Procedure Code (*Наказателно-процесуален кодекс*) to rule on protection measures for victims are among the ones not stopped during the emergency. The Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) also cites information by the Supreme Prosecutor's Office of Cassation (SPOC) (*Върховна касационна прокуратура, ВКП*) that no disruption was allowed in the work of the prosecution. Work on criminal cases continued, including via videoconferencing, and prosecutors and investigative authorities went on with their actions on pre-trial proceedings.¹⁷⁴ Although no specific data was publicised on the volume of videoconferencing during the pandemic period, legislative amendments adopted by the parliament on 5 November 2020 attempt to give a definition of videoconferencing and further introduce it for some witnesses', including victims', interviews in criminal proceedings.¹⁷⁵ Further, e-justice options were more widely introduced in criminal proceedings, including summoning and informing victims about criminal proceedings, and submitting victim complaints about a crime via electronic means.¹⁷⁶

2. Violence against women

The Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) reports¹⁷⁷ on closing the work of the interinstitutional working group to prepare amendments to the Protection against Domestic Violence Act (*Закон за защита от домашното насилие*) in the first half of 2020, although no draft has been publicised yet. The Protection against Domestic Violence Act

¹⁷³ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците](#)), 9 April 2020.

¹⁷⁴ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No 66-00-185/20 of 18 September 2020 to the Center for the Study of Democracy.

¹⁷⁵ Bulgaria, Amendments and Supplements to the Civil Procedure Code ([Закон за изменение и допълнение на Гражданския процесуален кодекс](#)), 5 November 2020.

¹⁷⁶ Bulgaria, Amendments and Supplements to the Civil Procedure Code ([Закон за изменение и допълнение на Гражданския процесуален кодекс](#)), 29 December 2020.

¹⁷⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No 66-00-185/20 of 18 September 2020 to the Center for the Study of Democracy.

(*Закон за защита от домашното насилие*)¹⁷⁸ provides for a set of protection measures imposed by the civil court upon motion by the victim, including prohibition for the offender to approach the victim, removal of the offender from the common home, specialised programmes for victims and offenders. The amendments are supposed to expand the circle of persons victimised by domestic violence who can seek protection under the Act. The circle of protection measures under the Act will also be expanded, as well as the circle of persons who can initiate proceedings for issuing protection orders. There will be a national body for co-ordination, monitoring and evaluation of policies and measures for preventing domestic violence and improving the co-operation among relevant institutions and organisations, but no information has been publicised about its planned composition and the possible involvement of civil society structures. Another proposal is for a co-ordination mechanism with clear rules of action and co-ordination among competent institutions and organisations to guarantee reliable, timely and adequate protection of domestic violence victims. A database is proposed for systematic collection of statistical data on domestic violence. Prevention and protection programmes will be regulated, as well as specialised protection services from the instance of domestic violence until the full recovery of the victims and their social inclusion. The draft also aims to optimise the court proceedings for imposing protection measures to achieve more speed and effectiveness, as well as guarantees for protecting the interests of victims. Definitions of economic and psychological violence, as well as factual co-habitation will be given to ensure better coverage of all forms of violence. Amendments to the Criminal Code (*Наказателен кодекс*) are also planned to abolish the requirement of 'systematic' nature for the acts of domestic violence to be criminalised, to criminalise marital rape and all forms of economic and psychological domestic violence. The draft is at the stage of consultation among governmental entities.

In relation to the work of the working group, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) reports¹⁷⁹ on having prepared and submitted a statistical analysis of cases of domestic and gender-based violence during the state of emergency in the country in March-May 2020, exhibiting an increase of those cases during the pandemic.

¹⁷⁸ Bulgaria, Protection against Domestic Violence Act ([*Закон за защита от домашното насилие*](#)), 29 March 2005.

¹⁷⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), Letter No 812100-14149 of 25 September 2020 to the Center for the Study of Democracy.

Towards the end of 2020, the media raised concerns that since the beginning of October 2020 crisis centres for victims of violence and trafficking were instructed to accommodate persons only upon the presentation of a negative PCR test result obtained within the last 72 hours. According to the media, such a requirement, which was not envisaged in any legal act, was compromising the chances of victims to get immediate assistance in urgent cases, because many of them had nowhere to stay until the release of the test result or could not afford to pay for the test.¹⁸⁰

In 2020, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) also reports¹⁸¹ on having started work on a 36-month pre-defined project under the Norwegian Financial Mechanism 2014-2021 on improving the efficiency of police work in the area of domestic and gender-based violence with a funding of €620,000. The project aims at developing effective policies in the area of countering those types of violations of human rights. In particular, it will also improve the situation in Roma neighbourhoods and will be directed towards prevention, risk assessment, victim support and data collection on domestic and gender-based violence within Roma communities. One of the activities of the project will be building an automated information system on cases of domestic and gender-based violence. Trainings for institutions and NGOs will also be organised. Representatives of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) also took part in an OSCE-led project on effective criminal justice strategies and practices to combat gender-based violence in Eastern Europe, together with stakeholders from Romania and Hungary.

In May 2020, the Special Rapporteur on Violence against Women came out with a report on her visit to Bulgaria in October 2019.¹⁸² Among the recommendations of the report for the country were: to ratify the Council of Europe Convention on Preventing and Combating Violence against Women

¹⁸⁰ Dimitrova, D. (2020), 'New absurdity – access to a crisis centre after a paid PCR test' (*'Нов абсурд - влизаш в кризисен център след платен PCR тест'*), *Sega Daily*, 12 October 2020.

¹⁸¹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), Letter No 812100-14149 of 25 September 2020 to the Center for the Study of Democracy.

¹⁸² United Nations (UN) Human Rights Council (2020), Report of the Special Rapporteur on violence against women, its causes and its consequences, on her visit to Bulgaria, 19 May 2020.

and Domestic Violence (the Istanbul Convention); counter the misinterpretation of the term “gender”, translate, interpret, explain and promote the terms “gender” and “gender-based violence against women”, as contained in the Istanbul Convention, in line with their translations in European Union instruments applicable to Bulgaria, revise the Criminal Code (*Наказателен кодекс*) to include a rape provision based on the lack of consent, include all forms of penetration and explicitly include marital rape; remove the word “systematic” from the provisions criminalising domestic violence to guarantee that victims have access to justice as currently the victim should have signalled at least three instances of domestic violence to go under the criminal law provisions; urgently ensure that there are an adequate number of state-funded crisis centres, including rape crisis centres, and other services, and provide support to NGOs offering shelter and other forms of support to victims of violence; ensure careful analysis of all cases of femicide on an annual basis to identify any failure within the protection chain; strengthen collaboration between State institutions and civil society organisations, ensuring the legal and social conditions for the regular exercise of their activities in defence of women’s rights and for the elimination of violence against women, and protecting them from undue restrictions and attacks on their work. On a similar note, in May 2020, the Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) proposed legislative amendments to improve the framework for criminalisation of domestic violence.¹⁸³ Among the amendments, the Ombudsman proposed the abolition of the ‘systematic’ nature of domestic violence for it to be punished under the Criminal Code (*Наказателен кодекс*). She also appealed for definitions of psychological and economic violence to be included in relevant legislation, and for improvement of the definition of stalking.

Shortly after the imposition of a state of emergency and despite the significant limitations in the types of cases which the judiciary continued to hear, proceedings for orders for immediate protection under the Protection against Domestic Violence Act (*Закон за защита от домашно насилие*) were placed among the types of cases to be heard exceptionally¹⁸⁴ until the

¹⁸³ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), ‘The Ombudsman proposed amendments in the Criminal Code to abolish the ‘systematic’ nature of domestic violence’ ([‘Омбудсманът предложи промени в НК, иска да отпадне „системността“ при домашното насилие’](#)), press release, 27 May 2020.

¹⁸⁴ Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*) (2020), ‘Regarding the current epidemic in the country, the Judicial Chamber of the Supreme Judicial Council adopted

suspension on all court cases was lifted on 13 May 2020, when the state of emergency ceased to apply and detailed rules were adopted on the operation of the courts during the new situation.¹⁸⁵ Around the imposition of the emergency state, the organisations from the Alliance for Protection against Gender-Based Violence (*Алианс за защита от насилие, основано на пола*)¹⁸⁶ declared they would continue to provide online and offline services to victims in full compliance with the anti-epidemic measures.

The reception unit for victims of domestic violence in Bulgaria's biggest emergency hospital announced a round-the-clock telephone line for crisis psychological services, related to COVID-19 fears and pandemic-related rise in domestic violence (see also annex on promising practice).¹⁸⁷ In a follow-up initiative to the creation of the reception unit Demetra Association (*Асоциация „Деметра“*) and the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) as partners¹⁸⁸ will organise a conference for institutions and organisations working in the area of domestic violence, as well as a free access specialised website on the issue.

The National Programme for Prevention and Protection against Domestic Violence for 2020 (*Национална програма за превенция и защита от*

measures for prevention and limitation of the spread of COVID-19' (['Във връзка със създадената епидемична обстановка в страната, Съдийската колегия на ВСС прие мерки за превенция и ограничаване на разпространението на COVID-19'](#)), press release, 15 March 2020.

¹⁸⁵ Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*), Rules and measures for the operation of the courts during a pandemic (['Правила и мерки за работа на съдилищата в условията на пандемия'](#)), 12 May 2020.

¹⁸⁶ Bulgaria, Alliance for Protection against Gender-Based Violence (*Алианс за защита от насилие, основано на пола*) (2020) Notification for providing support during the state of emergency in the country in view of the spread of COVID-19 (['Уведомление за предоставяне на подкрепа в периода на обявеното извънредно положение в страната във връзка с разпространението на заразата с COVID-19'](#)), 24 March 2020.

¹⁸⁷ Bulgaria, Demetra Association (*Асоциация „Деметра“*) (2020), 'A round the clock line for crisis services' (['Психологична денонощна линия за обслужване при кризи'](#)), press release, 29 March 2020.

¹⁸⁸ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), Letter No 812100-14149 of 25 September 2020 to the Center for the Study of Democracy.

домашно насилие за 2020 г.) was adopted in April 2020.¹⁸⁹ It traditionally included sections on institutional and organisational measures, prevention, training and qualification, protection and rehabilitation of victims, legislation, monitoring and evaluation. Notably, in expectation of relevant amendments in the Protection against Domestic Violence Act (*Закон за защита от домашното насилие*), it provides for the creation, once the amendments are in place, of a specialised centralised body to co-ordinate the countering of domestic violence – National Commission for Combating Domestic Violence (*Национална комисия за борба с домашното насилие*).

In May 2020, a group of companies in the beauty industry sent an open letter to Bulgaria’s legislative and executive bodies to elaborate on the consequences of the COVID-19 pandemic on the dynamics of domestic violence.¹⁹⁰ The letter’s drafters emphasise how the pandemic leaves the domestic violence victims stuck in their homes with the perpetrators. They note a significant increase in the number of cases and need of support services, and the insufficient capacity of shelters and crisis centres, added to the newly arising necessities for quarantine premises, testing kits, protective gear and disinfectants. The increase of domestic violence signals is mentioned, as well as the need for victims to have alternative channels to complain as they are often under the control of the perpetrators. The letter’s drafters appeal to the legislative and executive authorities in Bulgaria to prioritise the work on prevention and protection against domestic violence in the pandemic situation. The companies also report on their donations – funds to victim support organisations as well as hygiene products.

The year 2020 saw the first sentences under the new provisions for criminalising domestic violence under the Criminal Code (*Наказателен кодекс*). In one of the prominent cases, publicised by a major victim service NGO,¹⁹¹ the Sofia Regional Court (SRC) (*Софийски районен съд, СРС*)

¹⁸⁹ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), National Programme for Prevention and Protection against Domestic Violence for 2020 ([Национална програма за превенция и защита от домашно насилие за 2020 г.](#)), 9 April 2020.

¹⁹⁰ Bulgaria, Alliance for Protection against Gender-Based Violence (*Алианс за защита от насилие, основано на пола*) (2020), United to Support the Victims of Domestic Violence ([Обединени в подкрепа на жертвите на домашно насилие](#)), 5 May 2020.

¹⁹¹ Bulgaria, Animus Association Foundation (*Фондация „Асоциация Анимус“*) (2020), ‘One of the first systematic perpetrators of domestic violence sentenced under the 2019 Criminal Code amendments’ ([‘Един от първите системни домашни насилници, осъден според измененията на НК от 2019г.’](#)), press release, 6 July 2020.

issued a sentence based on detailed testimony by the victim and her daughter, supported by a psychologist, testimony of a neighbour, a shop assistant from a neighbouring shop, police officers having witnessed an ongoing argument, two certificates by a forensic doctor, and expert psychological evaluation of the victim.

The Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) reports¹⁹² that in its annual call for proposals, related to prevention of domestic violence and supporting victims, 18 projects were approved amounting to a total of BGN 440,000 (approximately €220,000). The administration of the National Telephone Line for Victims of Domestic Violence (*Национална телефонна линия за пострадали от домашно насилие*) was also procured to the Animus Association Foundation (*Фондация „Асоциация Анимус“*).

The Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) reports¹⁹³ on two upcoming pre-defined projects under the Justice Programme of the Norwegian Financial Mechanism (2014-2021) for which the Ministry is Programme Operator. The project "Prevention and Countering of Violence against Women and Children and Domestic Violence" (*„Превенция и противодействие на насилието срещу жени и деца и домашното насилие“*) has as beneficiary the National Institute of Justice (NIJ) (*Национален институт на правосъдието*, НИП) in partnership with the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП). It aims at raising the capacity of Bulgarian institutions in the area of domestic violence and violence against women and children with an emphasis on justice professionals. The project "Improving Access to Justice for Persons below the Poverty Line with a Special Focus on Women, Children and the Roma Community" (*„Подобряване на достъпа до правосъдие на лица под прага на бедност със специален фокус върху жени, деца и ромската общност“*) has as beneficiary the National Legal Aid Bureau (NLAB) (*Национално бюро за правна помощ*, НБПП) in partnership with the Norwegian Courts Administration. The project aims to ensure legal aid to vulnerable groups through developing a mechanism for cooperation on local level and creating mobile legal aid units.

¹⁹² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No 66-00-185/20 of 18 September 2020 to the Center for the Study of Democracy.

¹⁹³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2020), Letter No 66-00-185/20 of 18 September 2020 to the Centre for the Study of Democracy.

As part of the annual call for proposals for projects, concerning domestic violence, in June 2020 the Alliance for Protection against Gender-Based Violence (*Алианс за защита от насилие основано на пола*), in partnership with one of its member organisations, started a project on developing and holding programmes for victims and perpetrators of domestic violence in Sofia, Lovech and the smaller towns of Troyan and Teteven. The project was financed by the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) and encompassed the period between 8 June and 8 October 2020. The project ensured the continuation the victim services in the four towns, including free consultations with a lawyer and a psychologist, and offered a specialised programme for perpetrators. The main aim of the programme was adopting a new attitude and understanding of violence as unacceptable, grasping one's own aggressive behaviour, while building new non-aggressive habits for conflict solving.¹⁹⁴ The Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) also funded a project of similar profile for the towns of Sofia, Haskovo, Sliven and Veliko Tarnovo.¹⁹⁵

¹⁹⁴ Bulgaria, Alliance for Protection against Gender-Based Violence (*Алианс за защита от насилие, основано на пола*) (2020), United in Crisis We Stand – Prevention and Protection against Domestic Violence – applying and holding programmes for victims and perpetrators of domestic violence in Sofia, Lovech, Troyan and Teteven (['Обединени за помощ в кризата можем повече – Превенция и защита от домашно насилие – прилагане и издаване на програми в помощ на пострадали лица и програми за извършители на домашно насилие в София, Ловеч, Троян и Тетевен'](#)), press release, 18 June 2020.

¹⁹⁵ Bulgaria, Bulgaria Gender Research Foundation (*Български център за джендър изследвания*) (2020), 'Start of the implementation of the project Let us not leave anyone in need without care – Protection of the Rights of Vulnerable Persons, suffering from Domestic Violence in a pandemic environment in Sofia, Haskovo, Svilengrad and Veliko Tarnovo' (['Започна изпълнението на Проект "Да не оставим нито едно нуждаещо се лице без грижа"- Защита на правата на уязвими лица, пострадали от домашно насилие в София, Хасково, Свиленград и Велико Търново в условията на пандемия'](#)), press release, 22 June 2020.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

In January 2020, the government adopted the National Development Programme: Bulgaria 2030 (*Национална програма за развитие: България 2030*), a framework strategic document setting the national long-term development goals for the next decade. It sets three main goals: accelerated economic development, demographic growth and reducing inequalities. In the programme, the people with disabilities are target group under priority 11 "Social inclusion". According to the document, the national policy for people with disabilities until 2030 will sustain the horizontal approach joining all sectoral policies. At the same time, the document proclaims the commitment of the State to undertake individualised support in line with the Convention on the Rights of Persons with Disabilities (CRPD). The system of social support will be further improved by guaranteeing adequate and sustainable social payments and by improving the system of planning of social services at national level by the development of a National map of state-funded social services (*Национална карта на социалните услуги, които се финансират от държавния бюджет*).¹⁹⁶

As a first step towards the introduction of the map, in December 2020 the government published for public consultations a Draft Regulation for Social Services Planning (*Проект на Наредба за планирането на социалните услуги*).¹⁹⁷ The regulation should lay down the procedures for analysing the needs for social services and integrated health-and-social services at municipal and district level, the procedure for developing and updating the National Map of Social Services and the procedure for elaborating and coordinating municipal annual plans for social services.

¹⁹⁶ Bulgaria, Ministry of Finance (*Министерство на финансите*) (2020), National Development Programme: Bulgaria 2030 ([Национална програма за развитие: България 2030](#)), pp. 36-37.

¹⁹⁷ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), Draft Regulation for Social Services Planning ([Проект на Наредба за планирането на социалните услуги](#)), 14 December 2020.

The National Development Programme: Bulgaria 2030 (*Национална програма за развитие: България 2030*) will serve as the basis for the new National Strategy for People with Disabilities 2021 – 2030 (*Национална стратегия за хората с увреждания 2021 – 2030*), voted on 22 December 2020.¹⁹⁸ In its introductory part, the strategy defines the main challenges it will address during the period of its implementation: shifting the paradigm of the overall policy towards the people with disabilities to correspond to the CRPD principles by investing efforts in countering social exclusion, promoting employment as a measure against poverty and social exclusion, overcoming the shortages of qualified teachers to work with children with disabilities, assuring equal access to quality healthcare for people with disabilities, and developing architectural and ICT accessibility to further assist social inclusion. The document has set four strategic goals: 1) increasing the opportunities of people with disabilities to live independently; 2) guaranteeing the access to effective social support; 3) improving the access to quality and inclusive healthcare, education, employment and suitable working conditions; and 4) applying intersectional approach in preventing social inclusion. The implementation of the strategy will be supported by annual action plans specifying the actions, implementing bodies, financial resources and terms of implementation.

As the current Action plan for the implementation of the CRPD (*План за действие за прилагане на Конвенцията за правата на хората с увреждания*) expires at the end of 2020, the Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика, МТСП*) set up an interdepartmental working group to develop an Action plan for implementing the recommendations of the UN Committee on the Rights of Persons with Disabilities for the period of 2020 – 2026 (*План за действие за изпълнение на препоръките на Комитета за хората с увреждания на ООН 2020 – 2026*).¹⁹⁹

¹⁹⁸ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), National Strategy for People with Disabilities 2021 – 2030 (*Национална стратегия за хората с увреждания 2021 – 2030*), 22 December 2020.

¹⁹⁹ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

The plan was published for public consultation on 9 December 2020.²⁰⁰ It consists of 43 actions that correspond to the respective Committee recommendations. Among these are reforms in the medical expert assessment of people with disabilities, legislative changes to prohibit rejection of provision of reasonable accommodation in all social spheres, adoption of measures to promote gender equality among people with disabilities, completion of the process of deinstitutionalisation of adults by 1 January 2035, accessibility measures in transport and IT services, compliance with the constitutional analysis of proposed legislation to substitute the deprivation of legal capacity and its adoption in line with the Constitutional Court ruling. The public consultation is scheduled to end on 8 January 2021.

In October 2020, the Ministry of Health (МН) (*Министерство на здравеопазването*, МЗ) published for public consultation a Draft strategy on the mental health of the citizens of the Republic of Bulgaria 2020 – 2030 (*Проект на Стратегия за психично здраве на гражданите на република България 2020 - 2030 г.*).²⁰¹ The proposed document offers a new and holistic approach as regards the different aspects of mental health, which are currently covered fragmentally by various legislative and strategic documents (hospital care, social support, deinstitutionalisation, forensic psychiatry, children’s mental health, etc.), and aligns the national mental health policy with the CPRD by shifting the philosophy of mental care towards human rights-based approach of forming a ‘therapy alliance’ that brings together the people with mental health issues, their related people and the therapy professionals as equal partners in a support provision process. The draft strategy is supplemented with an action plan for 2021 and a long-term action plan with indicative budget for the next ten years (until 2030). The public consultations process ended on 1 November 2020 and the document was submitted to the government for further consideration and adoption.

²⁰⁰ Bulgaria, Council of Ministers (*Министерски съвет*) (2020) Draft action plan for implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the Rights of Persons with Disabilities for the period of 2021 – 2026 ([Проект на План за действие за изпълнение на заключителните препоръки към Република България, отправени от Комитета на ООН за правата на хората с увреждания 2021-2026](#)), 9 December 2020.

²⁰¹ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), Draft strategy on the mental health of the citizens of the Republic of Bulgaria 2020 – 2030 ([Проект на Стратегия за психично здраве на гражданите на република България 2020 - 2030 г.](#)), 3 October 2020.

Amendments to the Personal Assistance Act (*Закон за личната помощ*), voted in November 2020, allow for a broader circle of people with disabilities to qualify for a personal assistant (all adults with certified disability over 70 % and children with certified disability over 90 %, as opposed to all children and adults with certified disability over 90 % before the amendments). The changes also allow for the costs of aids and medical devices to be fully covered by the National Health Insurance Fund (NHIF) (*Национална здравноосигурителна каса, НЗОК*) as of 2021. A new provision authorises municipalities to introduce additional requirements to personal assistants in response to the specific needs of people with disabilities. The remuneration of personal assistants is increased to BGN 780 (approximately €400) for an 8-hour workday.²⁰²

In addition, on 2 December 2020, the parliament adopted amendments to the People with Disabilities Act (*Закон за хората с увреждания*)²⁰³ to harmonise its provisions with the latest amendments to the Personal Assistance Act (*Закон за личната помощ*) regarding the costs of aids and medical devices to be covered by the National Health Insurance Fund (NHIF) (*Национална здравноосигурителна каса, НЗОК*) as of 2021.

In line with its annual goals for the year 2020, published in March 2020,²⁰⁴ the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) administers the National programme "Building accessible architectural environment and safety at school" (*Национална програма „Създаване на достъпна архитектурна среда и сигурност в училище"*). Under the programme, 17 educational institutions received BGN 382,497 (approximately €190,000) for reasonable accommodation, in particular for building or reconstructing ramps, adapting

²⁰² The law was not promulgated at the time of submission of the report.

²⁰³ Bulgaria, Amendments and supplements to the People with Disabilities Act ([Закон за изменение и допълнение на Закона за хората с увреждания](#)), 2 December 2020.

²⁰⁴ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), 'Goals of the administration of the Ministry of Education and Science for 2020' ([Цели на администрацията на Министерството на образованието и науката за 2020 г.](#)), 17 March 2020.

or constructing sanitary rooms, installing elevators and platforms, and marking routes.²⁰⁵

In April 2020, the government adopted a national programme for the development of textbooks and other teaching materials.²⁰⁶ One module of the programme supported the development of textbooks for children with special educational needs and methodological guidance for adaptation of educational content. Under this module, six regional centres for support of the process of inclusive education (*регионални центрове за подкрепа на процеса на приобщаващото образование*) and six centres for special educational support (*центрове за специална образователна подкрепа*) received funding for developing such materials.

In September 2020, the State e-Government Agency (SeGA) (*Държавна агенция „Електронно управление“*, ДАЕУ) published a Methodology for monitoring and checking the accessibility of the content of websites and mobile applications (*Методология за наблюдение и проверки на достъпността на съдържанието на интернет страниците и мобилните приложения*).²⁰⁷ The document is in line with Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies setting the requirements of accessibility of public bodies and services' web content, with focus on people with disabilities. The document provides guidelines to public institutions how to apply and to agency's officials how to check the accessibility of content of public websites and mobile applications. According to the methodology, the websites and mobile applications of all public bodies and services should comply with the accessibility principles (to

²⁰⁵ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), National programme "Building accessible architectural environment and safety at school" ([Национална програма „Създаване на достъпна архитектурна среда и сигурност в училище“](#)).

²⁰⁶ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), National programme "Development of textbooks and methodological manuals, evaluation and approval of projects of textbooks to support training organised abroad, textbook projects and project kits" ([Национална програма „Разработване на учебни помагала и на методически ръководства, оценяване и одобряване на проекти на учебни помагала за подпомагане на обучението, организирано в чужбина, на проекти на учебници и на проекти на учебни комплекти“](#)), 30 April 2020.

²⁰⁷ Bulgaria, State e-Government Agency (*Държавна агенция „Електронно управление“*) (2020), Methodology for monitoring and checking the accessibility of the content of websites and mobile applications ([Методология за наблюдение и проверки на достъпността на съдържанието на интернет страниците и мобилните приложения](#)), 23 September 2020.

be perceivable, operable, understandable, and robust) by 23 September 2020 (for websites) or by 23 June 2021 (for mobile apps). According to the amendments to the Electronic Government Act (*Закон за електронното управление*), adopted in November 2019, the State e-Government Agency (SeGA) (*Държавна агенция „Електронно управление“*, ДАЕУ) was authorised to perform regular content checks as well as to receive complaints from citizens.²⁰⁸ The information collected through the checks and complaints should be transferred to the Minister of Transport, Information Technology and Communications and should serve for the publication of regular reports on accessibility.

In terms of legislation, the government published for public consultation a Draft Bulgarian Sign Language Act (*Законопроект за българския жестов език*).²⁰⁹ The purpose of the law is to recognise the statute of the Bulgarian sign language and to set the rules for its use in education for assisting students with hearing and visual impairments (and making it a separate subject in schools and kindergartens to facilitate its use during exams). The draft also envisages trainings for parents of children with hearing and visual impairments for using the sign language as well as development of different (electronic) systems of communication. The draft also includes provisions for including Bulgarian sign language in the curricula of universities offering education to teachers. The public consultation ended on 8 September 2020, the draft was submitted to parliament on 7 October 2020 and was voted on first reading on 12 November 2020.

On 5 March 2020, 54 Members of Parliament challenged before the Constitutional Court (CC) (*Конституционен съд*, КС) the Social Services Act (*Закон за социалните услуги*), adopted in March 2019 and in force since 1 July 2020.²¹⁰ The law was adopted as a part of the overall reform of the provision of social support to vulnerable groups of the population. It aimed at setting the rules for the provision, use, planning, financing, quality, control and monitoring of residential and non-residential social services for children in general, children and adults at risk or overcoming the consequences of a crisis, people with disabilities and elderly people. The law

²⁰⁸ Bulgaria, Electronic Government Act ([Закон за електронното управление](#)), 12 June 2007.

²⁰⁹ Bulgaria, Council of Ministers (*Министерския съвет*) (2020), Draft Bulgarian Sign Language Act ([Законопроект за българския жестов език](#)), 6 August 2020.

²¹⁰ Bulgaria, Constitutional Court (*Конституционен съд*) (2020), Constitutional case No 3/2020 ([Конституционно дело № 3/2020 г.](#)), 5 March 2020.

set the philosophy of operation of social services, introducing the principles of personalised approach to needs, accessibility, comprehensiveness and continuity of support, and laid down the rules and procedures for exercising control and supervision.

The applicants questioned the overall concept of 'social service' arguing that being a for-profit commercial activity it substitutes the free 'social support' and deprives citizens in need of their constitutional right to social support. They also contested the provisions governing the funding of social services for allowing foreign and private funding sources to intervene in the formation of the national and local policies related to these services. According to the applicants, the law enabled social service providers to interfere with the personal and family life of individuals by collecting a wide range of personal data for conducting the evaluation of needs. The introduction of the principle of the best interest of the child was also challenged for unjustifiably restricting the rights of parents to grow their own children and enabling the State and social service providers to deprive parents of their parental rights.

After receiving statements from 23 government bodies, non-governmental organisations and legal experts, on 7 July 2020, the Constitutional Court (CC) (*Конституционен съд, КС*) issued a decision dismissing the request for declaring the unconstitutionality of the entire law. However, the Court singled out three of the law's provisions, which were declared unconstitutional. These included: Article 81(1) on the access of social service providers to personal data in the process of conducting assessments of needs (due to the missing requirement for obtaining the clients' consent); Article 87 on the rights of social service providers as regards children (due to its unclear wording, which might lead to inconsistent application and to the provision of rights to children, which they do not have according to the Constitution, such as the right to apply for social service support without the knowledge of their parents); and Article 116(1)3 and Article 116(1)7 governing the powers of the future Quality of Social Services Agency (QSSA) (*Агенция за качеството на социалните услуги, АКСУ*) (for authorising its officials to visit people in their homes and gather personal information without asking for their consent).²¹¹

²¹¹ Bulgaria, Constitutional Court (*Конституционен съд*) (2020), Decision No 9 of 14 July 2020 on Constitutional case No 3/2020 ([Решение № 9 от 14.07.2020 г. по конституционно дело № 3/2020 г.](#)), 14 July 2020.

In response to the decision of the Constitutional Court (CC) (*Конституционен съд, КС*), the parliament amended the law and corrected the provisions declared as unconstitutional.²¹² In November 2020, the government adopted a Regulation on the implementation of the Social Services Act (*Правилник за прилагане на Закона за социалните услуги*), which specifies the referral procedure for the use of social services, and the preparation and update of individual needs assessments and individual support plans. It also sets the mechanisms for state funding of social services and the assignment procedure.²¹³

In the context of the COVID-19 outbreak, both during the state of emergency (13 March – 13 May 2020) and the following emergency epidemiological situation (since 13 May 2020), people with disabilities, in particular those living in residential social services, were identified as a particularly vulnerable group and a set of measures were undertaken for them. The legislation adopted in response to the COVID-19 situation extended the validity of all documents for accommodation of people in residential social services, which expired after 1 March 2020, to 31 December 2020; obliged social services not to close or reduce their capacity due to lack of clients during the period between 16 March and 31 August 2020; released the clients of some non-residential types of social services, such as day-care and rehabilitation centres, from the obligation to pay monthly fees over the same period.²¹⁴

On 16 March 2020, the Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*) suspended the access of visitors to and the accommodation of new persons in all residential services for people with disabilities and older people live except for urgent cases, in which there is

²¹² Bulgaria, Amendments and Supplements to the Social Services Act ([Закон за изменение и допълнение на Закона за социалните услуги](#)), 11 August 2020.

²¹³ Bulgaria, Council of Ministers (*Министерския съвет*), Regulation on the implementation of the Social Services Act ([Правилник за прилагане на Закона за социалните услуги](#)), 9 November 2020.

²¹⁴ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците](#)), 9 April 2020.

no alternative option.²¹⁵ The people living in these institutions were provided the opportunity and means to leave the facility for visiting their families or fulfilling urgent personal commitments. Contacts with their families were also via telephone or video calls.²¹⁶ On 31 August 2020, residential social services were allowed to re-open for visitors in exceptional cases, upon decision of the director of the service, and in compliance with all anti-epidemic measures (distancing, use of face masks in closed spaces, etc.). The local authorities (as the main residential social service providers) undertook various measures to monitor the condition of the personnel of social services (measuring of body temperature upon entry, signing of declarations for not being in contact with infected persons, etc.).²¹⁷

Despite the measures, several social services reported high numbers of infected persons. For example, on 28 August 2020, in one such social service, located in the village of Dzhurkovo near Plovdiv, a total of 21 persons tested positive for COVID-19 – 16 (out of 39) residents and 5 (out of 25) persons from the personnel.²¹⁸ Earlier, cases of infection were reported in residential services in the regions of Vidin, Smolyan, Russe, Varna, etc. In May 2020, after the first cases of COVID-19 were registered social services for older people, a large scale testing of the residents and personnel in residential services was organised.²¹⁹ An official statement, released on 4 June 2020, reported that 54 people living such services 45 persons from the personnel tested positive, which accounted for less than 1 % of the total number of residents (16,000) and staff (10,800).²²⁰

²¹⁵ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), Order No РД01-0497 of 16 March 2020 ([Заповед № РД01-0497 от 16 март 2020 г.](#)), 16 March 2020.

²¹⁶ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

²¹⁷ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), Letter No 63-00-0313#1 of 21 September 2020 to the Center for the Study of Democracy.

²¹⁸ Dimitrov, E. (2020), 'Coronavirus in the home for people with disabilities in the village of Dzhurkovo village' (['Коронавирус в дома за хора с увреждания в село Джурково'](#)), *Actualno.com*, 28 August 2020.

²¹⁹ bTV (2020), 'Denitsa Satcheva: We initiate mass COVID-19 testing in institutions for elderly people' (['Деница Сачева: Започваме масово тестване за COVID-19 в домовете за стари хора'](#)), *bTV News*, 4 May 2020.

²²⁰ Genova, M. (2020). 'Less than 1 % are infected with coronavirus in social services' (['Под 1% са заразени с коронавирус в социалните услуги'](#)), *Monitor*, 3 June 2020.

According to official data of the Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*), as of 31 August 2020, there were 79 institutions for adults with disabilities with a total capacity for 5,241 users, of which 4,739 were occupied by people with physical, intellectual, psychosocial and sensory disabilities or dementia. Residential community-based services amounted to 274 with a capacity for 2,970 people. They hosted 2,726 young people and adults with disabilities. The number of day-care services was 196 with 6,555 users.²²¹

The Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*) was regularly sending instructions to municipalities (the main social service providers) specifying the necessary measures to prevent the spread of infection in social services. One of these instructions authorised the local authorities to cover the PCR tests of persons about to be accommodated in residential social services who could not afford to pay for the tests. All instructions were issued in consultation with the Minister of Labour and Social Policy and the Minister of Health.²²² Despite that fact, media reported that some service providers (mainly in emergency crisis centres) required people to present a negative result of a PCR test done up to 72 hours before their accommodation. The people in need had to cover the testing expenses themselves (usually about BGN 120, or approximately €60), which most of them could not afford and were thus deprived from access to social services.²²³

In terms of funding, the government approved the allocation of some BGN 15 million (approximately €7.5 million) for increasing the delegated budgets of social services.²²⁴

²²¹ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), Letter No 63-00-0313#1 of 21 September 2020 to the Center for the Study of Democracy.

²²² Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*) (2020), Letter No 63-00-0313#1 of 21 September 2020 to the Center for the Study of Democracy.

²²³ Dimitrova, D. (2020), 'New absurdity – access to a crisis centre after a paid PCR test' (['Нов абсурд - влизаш в кризисен център след платен PCR тест'](#)), *Sega Daily*, 12 October 2020.

²²⁴ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

The legislation, adopted in response to the COVID-19 outbreak, introduced several measures to facilitate the access of people with disabilities to the social assistance system. The validity of disability certificates, expiring during the state of emergency, was extended by two months as from the end of the state of emergency. The national and territorial commissions issuing disability certificates were allowed to assess the degree of disability only based on documents without requiring applicants to appear before them in person.²²⁵ The validity of individual needs assessments, which served as justification of the need of receiving social services, was also extended by one month as from the end of the state of emergency. The extension was introduced with an amendment to Rules for Implementation of the People with Disabilities Act (*Правилник за прилагане на Закона за хората с увреждания*)²²⁶ and the Methodology for Individual Assessment of Support Needs for People with Disabilities (*Методика за извършване на индивидуална оценка на потребностите от подкрепа за хората с увреждания*).²²⁷ On 15 October 2020, the government announced the official launch of the information system for control of the medical expertise (*Информационната система за контрол на медицинската експертиза*), which was designed to digitalise the entire process of disability certification.²²⁸

The Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика*, МТСП) also introduced a free of charge hotline for

²²⁵ Bulgaria, Regulation on the structure and organisation of work of the expert medical examination authorities and of the regional databases of medical examinations ([Правилник за устройството и организацията на работа на органите на медицинската експертиза и на регионалните картотеки на медицинските експертизи](#)), 26 April 2010.

²²⁶ Bulgaria, Rules for Implementation of the People with Disabilities Act ([Правилник за прилагане на Закона за хората с увреждания](#)), 2 April 2019.

²²⁷ Bulgaria, Methodology for Individual Assessment of Support Needs for People with Disabilities ([Методика за извършване на индивидуална оценка на потребностите от подкрепа за хората с увреждания](#)), 2 April 2020.

²²⁸ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), 'As of tomorrow, October 15, the Information System for Control of Medical Expertise will be operational' (['От утре, 15 октомври, ще заработи Информационната система за контрол на медицинската експертиза'](#)), press release, 14 October 2020. The system is accessible to users possessing qualified electronic signature at <https://ibd.mh.government.bg>.

psychological support to older people and people with disabilities during the state of emergency.²²⁹

The Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика*, МТСП) with financial support from the Social Protection Fund (*Фонд „Социална закрила“*) provided tablets to children living in the family-type accommodation centres (*центрове за настаняване от семеен тип*) in the regions of Vidin, Vratsa and Montana. The devices allowed these children to continue attending school in an electronic environment.²³⁰

The Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) issued instructions to the centres for special educational support (*центрове за специална образователна подкрепа*) on how to include children with disabilities in the e-learning process. According to data provided by the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) about 90 % of the children studying in these centres were successfully involved, with the support of their parents, in electronic distance learning and additional personal development support.²³¹

The epidemic situation resulted in new challenges for the children with special educational needs studying in the general system of schools and kindergartens. Since the beginning of the state of emergency (on 13 March 2020), resource teachers (*ресурсни учители*), psychologists and speech therapists switched to electronic means for providing support. Teachers also worked with the children's families to check to what extent they were prepared to be included in e-learning and to inform them about the available additional resources online. Those who were not able to switch to online sessions, continued their education through the so-called 'asynchronous learning': teachers were preparing printed materials for one

²²⁹ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

²³⁰ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

²³¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-443 of 24 September 2020 to the Center for the Study of Democracy.

week ahead and families, mediators or teachers handed them to the students.²³²

For the school year 2020/2021, the families of children enrolled in eighth grade in a state or municipal school were entitled to apply for one-off social allowance of BGN 250 (approximately €125) provided that the average income per family member did not exceed BGN 450 (approximately €225).²³³ The families of children with disabilities were allowed to apply without meeting the income threshold requirement.

During the state of emergency, people with disabilities living in the community had the opportunity to take advantage of emergency teams, which delivered food and other essential goods and provided assistance with the payment of utility bills and other urgent administrative obligations. This initiative was funded under the procedure "Patronage Care to Elderly People and People with Disabilities" (*„Патронажна грижа за възрастни хора и лица с увреждания“*) of Operational programme "Human Resources Development" 2014-2020 (*Оперативна програма „Развитие на човешките ресурси“ 2014-2020*).²³⁴

In the area of employment, enterprises and cooperatives of people with disabilities had the opportunity to apply for financial support of between BGN 3,000 and BGN 10,000 (approximately between €1,500 and €5,000) for covering expenses related to overcoming the lack of liquidity because of the COVID-19 situation. The measure was funded under the procedure "Support for micro and small enterprises for overcoming the economic consequences of the COVID-19 pandemic" (*„Подкрепа за микро и малки предприятия за преодоляване на икономическите последствия от пандемията COVID-19“*) of Operational Programme "Innovations and Competitiveness"

²³² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-443 of 24 September 2020 to the Center for the Study of Democracy.

²³³ Bulgaria, Council of Ministers (2020), Decree No 155 of 21.07.2020 on determining the amount and procedure for granting and paying one-off assistance for students enrolled in the eighth grade of a state or municipal school to cover part of the costs at the beginning of the school year 2020 - 2021 ([Постановление № 155 на МС от 21.07.2020 г. за определяне на размера и реда за отпускането и изплащането на еднократната помощ за ученици, записани в осми клас на държавно или общинско училище, за покриване на част от разходите в началото на учебната 2020 – 2021 година](#)), 21 July 2020.

²³⁴ For more information about the procedure, see the relevant section of the [ESF website](#).

(Оперативна програма „Иновации и конкурентоспособност“) with an overall budget of BGN 173 million (approximately €86,5 million). There is no available information on the number of social enterprises, which benefited from the programme.²³⁵

In addition to the measures addressing the consequences of the COVID-19 pandemic, the Agency for People with Disabilities (APD) (*Агенция за хората с увреждания, АХУ*) provided financial support to employers for increasing employment and entrepreneurship of people with disabilities and for improving accessibility of workplaces.²³⁶ The agency administers the National Programme for Employment of People with Disabilities in line with Article 44(1) of the People with Disabilities Act (*Национална програма за заетост на хората с увреждания, съгласно чл. 44, ал. 1 от Закона за хората с увреждания*), which provides support to employers for granting access to existing job positions and for opening new ones for people with disabilities as well as for qualification courses or career development. In order to receive funding, employers should hire the people with disabilities for a period of at least three years.²³⁷

The Employment Agency (EA) (*Агенция по заетостта, АЗ*) administers the National Programme for Employment and Training of People with Permanent Disabilities (*Национална програма за заетост и обучение на хора с трайни увреждания*),²³⁸ under which unemployed people with disabilities registered in local labour bureaus could receive professional training and be hired for at least 24 months.

Between 1 January and 15 September 2020, the Employment Agency (EA) (*Агенция по заетостта, АЗ*) registered as unemployed 10,719 people with disabilities. Of them, 2,823 people had not been employed before applying for registration and the rest had lost their job. About 5,640 unemployed

²³⁵ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*), Letter No 39-491 of 4 September 2020 to the Center for the Study of Democracy.

²³⁶ For more information about the financial support to employers, see the [website of the Agency for People with Disabilities](#).

²³⁷ For more information about the financial support to employers, see the [website of the Agency for People with Disabilities](#).

²³⁸ For more information about the programme, see the [website of the Employment Agency](#).

people with disabilities found jobs through the labour bureaus between January and August 2020.²³⁹

2. CRPD monitoring at national level

In Bulgaria, the structures established under Article 33 of the CRPD are the Minister of Labour and Social Policy (*Министър на труда и социалната политика*), serving as co-ordination mechanism under Article 33(1), the Council for Oversight (*Съвет за наблюдение*), serving as a monitoring mechanism under Article 33(2), and the National Council for Persons with Disabilities, NCPD (*Национален съвет за хората с увреждания, НСХУ*), serving as platform for participation of civil society and persons with disabilities and their representative organisations under Article 33(3). No changes in these structures have been introduced in 2020.

In 2020, the National Council for Persons with Disabilities, NCPD (*Национален съвет за хората с увреждания, НСХУ*), discussed and expressed opinion on several legislative and policy initiatives, among which were:

- National Programme for Employment of People with Disabilities in line with Article 44(1) of the People with Disabilities Act (*Национална програма за заетост на хората с увреждания, съгласно чл. 44, ал. 1 от Закона за хората с увреждания*);
- Constitutional Court Decision No 3/2020 concerning the compliance with the Constitution of the Social Services Act (*Закон за социалните услуги*);
- Draft Bulgarian Sign Language Act (*Законопроект за българския жестов език*);
- Draft decisions of the government for the for extension of the emergency epidemiological situation (after its introduction on 13 May 2020);
- Draft amendments to the Regulation on the organisation of traffic on the territory of Sofia Municipality (*Наредба за изменение и допълнение*

²³⁹ Bulgaria, Employment Agency (*Агенция по заетостта*) (2020), Letter РД-08-4810 of 17 September 2020 to the Center for the Study of Democracy.

на Наредбата за организация на движението на територията на Столична община);

- Methodology for monitoring and checking the accessibility of the content of websites and mobile applications (*Методология за наблюдение и проверки на достъпността на съдържанието на интернет страниците и мобилните приложения*); etc.

The Council for Oversight (*Съвет за наблюдение*), established in July 2019, is administered by the Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*). The Ombudsman is the chairperson of the council and is assisted by a deputy chair from the non-governmental organisation Association of parents of children with epilepsy (APCE) (*Асоциация на родители на деца с епилепсия, АРДЕ*). The council consists of five representatives of state institutions and three representatives of organisations of people with disabilities: the Union of Blind (*Съюз на слепите*), the Bridges Community (*Общност МОСТОВЕ*) and the Bulgarian Association for Persons with Intellectual Impairments (*Българска асоциация за лица с интелектуални затруднения*). State institutions nominate their representatives, while the representatives of civil society organisations are elected through a special election procedure. During the election, 34 organisations of and for people with disabilities applied to take part in the voting and 11 persons were nominated. The elected candidates were elected with the vote of 28 of the 34 organisations.²⁴⁰

After its constitution, the Council for Oversight (*Съвет за наблюдение*) adopted a programme for its activities for the period October 2019 – December 2020.²⁴¹ Among its priority goals, the Council named the development of monitoring indicators for performing regular checks of legislation in terms of compliance with the rights of the people with disabilities. In preparing the methodology, the Council also approached the FRA for support and assistance. The plan also envisaged the development of an alternative analysis (to the one done by the government) of the Persons

²⁴⁰ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), Annual activity report of the Council for Oversight under the Persons with Disabilities Act ([Годишен доклад за дейността на Съвета за наблюдение по Закона за хората с увреждания](#)), 31 May 2020, p. 7.

²⁴¹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), Programme for the activities of the Council for Oversight ([Програма за дейността на Съвета за наблюдение](#)), 21 October 2019.

with Disabilities Act (*Закон за хората с увреждания*) and the Personal Assistance Act (*Закон за личната помощ*) as well as the elaboration of an instrument for analysing architectural accessibility.

In May 2020, the Council for Oversight (*Съвет за наблюдение*) published its annual activity report for the year 2019.²⁴² It covers the council's activities until February 2020, including the procedure of its establishment and the recommendations it has made, as well as its cooperation with the FRA. As of 2020, the council commits to further monitor the institutions in terms of compliance with its recommendations.

²⁴² Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), Annual activity report of the Council for Oversight under the Persons with Disabilities Act ([Годишен доклад за дейността на Съвета за наблюдение по Закона за хората с увреждания](#)), 31 May 2020.

Annex 1 – Promising practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Целева програма „Топъл обяд у дома в условията на извънредна ситуация – 2020 г.“
Title (EN)	Targeted programme “Warm lunch at home in the conditions of emergency situation – 2020”
Organisation (original language)	Агенция за социално подпомагане (АСП)
Organisation (EN)	Social Assistance Agency (SAA)
Government / Civil society	Government
Funding body	Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика, МТСП</i>)
Reference (incl. url, where available)	Bulgaria, Social Assistance Agency (<i>Агенция за социално подпомагане</i>) (2020), Targeted programme “Warm lunch at home in the conditions of emergency situation – 2020” (<i>Целева програма „Топъл обяд у дома в условията на извънредна ситуация – 2020 г.“</i>), adopted by Order No РД-01-209 and amended by Order No РД-01-227 of 6 April 2020 of the Minister of Labour and Social Policy
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 June 2020 – 31 October 2020

Type of initiative	Social patronage
Main target group	Older persons, persons with disabilities, poor persons
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Essentially the action takes the form of provision of at-home services to older people and people with disabilities facilitating their access to essential goods and foodstuffs during the COVID-19 emergency situation in Bulgaria. The programme aims to ensure access to basic foodstuffs (one cooked meal per day) for persons who, due to their age, disability or medical condition, cannot care for themselves and cannot procure necessary foodstuffs themselves, and vulnerable persons, including the elderly over 65 years of age, without income or living below the national poverty threshold, who live alone and have no relatives who can provide care, and are unable to procure necessary foodstuffs themselves. Funding under the programme is open to municipalities, capable of preparing and delivering the foodstuffs to the beneficiaries and, additionally, having the capacity to help with procuring other foodstuffs and necessary goods for the beneficiaries (with resources provided by the beneficiaries or via another source of funding). The programme's overall budget is BGN 5,1 million (approximately €2,5 million). The rate for the provision of cooked meals is BGN 2,90 (approximately €1,45) per person per day, inclusive of transportation costs. The overall objective is to ensure that the elderly and the persons with disabilities are not deprived of access to basic necessities and to lessen the disproportionately negative effect of the anti-pandemic measures in terms of the equal enjoyment of their rights.
Highlight any element of the actions that is transferable (max. 500 chars)	The concept of social patronage is widespread, and exists side by side with the provision of social services. The action as a whole is transferable provided that country-specific regulations and settings are accounting for. It could also be implemented by non-governmental organisations and private entities.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Initially, the programme's implementation period was set at 33 days, but due to the extension of the emergency situation in Bulgaria, it was prolonged several times. The Ministry of Labour and Social Policy (<i>Министерство на труда и социалната политика</i> ,

	<p>МТСП) refers to the programme as one of its good practices in relation to alleviating the negative effects of social distancing measures associated with the COVID-19 pandemic, in particular in relation to the elderly and the persons with disabilities. Envisioned as a short-term initiative, the programme has demonstrated its utility over a longer period of time, and could be replicated in the future as well, subject to available funding.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The programme envisions that supported municipalities must submit, among other documents, monthly reports on the actions undertaken, together with the relevant financial reports. Based on these reports, the Social Assistance Agency (SAA) (<i>Агенция за социално подпомагане, АСП</i>) can collect and review statistics on the number of persons reached and thus evaluate the efficacy and sufficiency of the programme. After the end of the programme the International Cooperation, Programmes and European Integration Directorate (<i>Дирекция „Международно сътрудничество, програми и европейска интеграция“</i>) of the Social Assistance Agency (SAA) (<i>Агенция за социално подпомагане, АСП</i>) is obliged to present a comprehensive report on the programme to the Minister of Labour and Social Policy.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Social patronage is characteristic to many social service systems in the European Union, and as such can accommodate the emergency provision of such services for this particular vulnerable group.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The programme envisions recurrent monitoring by the International Cooperation, Programmes and European Integration Directorate (<i>Дирекция „Международно сътрудничество, програми и европейска интеграция“</i>) of the Social Assistance Agency (SAA) (<i>Агенция за социално подпомагане, АСП</i>) in relation to the implemented activities,</p>

	the achieved results, the process of delivering the services, the target groups, the quality of service provision, the number of beneficiaries reached, etc. Monthly activity and financial reports are submitted by the supported municipalities and an overall report on the implementation of the programme in due after its end.
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Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	NO HATE BG: Заедно в защита на малцинствата и противодействие на престъпленията от омраза
Title (EN)	No HATE BG: For a consolidated response toward minority protection and hate crimes' prevention in Bulgaria
Organisation (original language)	Български хелзинкски комитет (БХК)
Organisation (EN)	Bulgarian Helsinki Committee (BHC)
Government / Civil society	Government
Funding body	European Commission, DG Justice and Consumers, Rights, Equality and Citizenship Programme of the EU (2014-2020)
Reference (incl. url, where available)	Bulgarian Helsinki Committee (<i>Български хелзинкски комитет</i>) (2019), No HATE BG: For a consolidated response toward minority protection and hate crimes' prevention in Bulgaria (<i>NO HATE BG: Заедно в защита на малцинствата и противодействие на престъпленията от омраза</i>)
Indicate the start date of the promising practice and the	1 November 2018 – 28 February 2020

finishing date if it has ceased to exist	
Type of initiative	Campaign
Main target group	Ethnic minorities, general public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project is implemented by the Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>) in cooperation with the Amalipe Center for Interethnic Dialogue and Tolerance (<i>Център за междуетнически диалог и толерантност Амалипе</i>) and the Swedish non-governmental organisation Civil Rights Defenders (CRD). Its purpose is to provoke an in-depth discussion on the need for effective mechanisms for a better protection of minorities, with an emphasis on the prevention and counteraction of hate crimes, to strengthen the capacity of the public authorities and non-governmental organisations, to share good practices in counteracting the crimes of prejudice, xenophobia and other forms of intolerance, to promote cooperation and increase mutual trust between the state, civil society and the affected communities, and to increase intolerance to hate crimes by making them more visible to society. The initiative includes, in addition to the analysis of hate crime in Bulgaria and the exchange of best practices with other countries, a large-scale awareness campaign consisting of public discussions in 11 cities across the country, urban art interventions in Sofia, Plovdiv and Veliko Tarnovo, dissemination of awareness raising materials in the subway in Sofia, "Love and Hate" magazine distributed free of charge, a documentary theatrical performance and a video documentary presented with virtual reality technology.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>The concept of the awareness raising campaign is transferable to any other country provided that its content is adapted to the national specifics of these countries in terms of the populations most vulnerable to hate speech and hate crime (in Bulgaria the campaign was focused mostly on hate crime against Roma, religious minorities, migrants and LGBTI persons).</p>

Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative mobilised a sustainable community of stakeholders committed to raise awareness on the prevention and countering of hate speech and hate crime. The major components of the campaign, including the video documentary, continue to be disseminated through the initiative's website and Facebook page as well as through the YouTube channel of the Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>)
Give reasons why you consider the practice as having concrete measurable impact	The concrete measurable impact of the project, in particular its public awareness raising component, is linked to the number of persons reached by the campaign, which can be assessed on the basis of the number of persons involved in the public discussions, the number of views of the video documentary, the number of followers in social networks, etc.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The initiative uses innovative methods for reaching its target audience, which are fully transferable, provided that the content is adapted to the specific context of the target setting or Member State.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The campaign was developed on the basis of the information collected during the series of public discussions, organised in 11 cities across the country. During these events representatives of the target groups were invited to share their experiences with hate speech and hate crime.
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	ROMA EQUALITY AND INCLUSION
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	Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.
Title (original language)	Стара техника за ново начало
Title (EN)	Old Devices for a New Beginning
Organisation (original language)	Център за междуетнически диалог и толерантност Амалипе Фондация „Заедно в час“
Organisation (EN)	Amalipe Center for Interethnic Dialogue and Tolerance Teach for Bulgaria Foundation
Government / Civil society	Civil society
Funding body	Self-funded (donations)
Reference (incl. url, where available)	Amalipe Center for Interethnic Dialogue and Tolerance (<i>Център за междуетнически диалог и толерантност Амалипе</i>) (2020), Information bulletin: The Old Devices for a New Beginning campaign (Информационен бюлетин: Кампания „Стара техника за ново начало“) Amalipe Center for Interethnic Dialogue and Tolerance (<i>Център за междуетнически диалог и толерантност Амалипе</i>) (2020), 'The Old Devices for a New Beginning campaign: the balance' ('Кампания „Стара техника за ново начало“ – Равносметката), press release, 20 July 2020 Amalipe Center for Interethnic Dialogue and Tolerance (<i>Център за междуетнически диалог и толерантност Амалипе</i>) (2020), 'RESTART of the campaign "Old devices for a new beginning" with the next 30 withdrawn schools' , press release, 28 September 2020

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	March 2020 – July 2020, restarted on 28 September 2020
Type of initiative	Education
Main target group	Roma children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The purpose of this donation raising campaign is to collect electronic devices to enable already identified children excluded from the online learning, introduced during the COVID-19 pandemic, to continue their education in electronic environment. Within the first round of the campaign, covering the period between the closing of schools in March 2020 and the end of the school year in June 2020, more than 70 donors joined the campaign providing devices to close to 1,200 children. Companies and other private donors were asked to donate old but functioning equipment with pre-defined parameters or, alternatively, donate money for the purchase of new equipment.
Highlight any element of the actions that is transferable (max. 500 chars)	The initiative is a traditional donation raising campaign, which is fully transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Online education is expected to be temporarily re-introduced during the 2020/2021 school year due to the continuing spread of COVID-19. At the same time, an increasing number of schools introduce regular or additional education activities in electronic environment. In this context, the lack of electronic devices for socially disadvantaged groups remains a challenge for the inclusion of children from these groups in online education. Meanwhile, companies and other private entities regularly renew their equipment, allowing for this practice to become a sustainable mechanism for long-term cooperation.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice allows for improving school performance of children by re-integrating them to school in the context of e-learning. In the long run, the provision of electronic devices to children for the purpose of education allows them to acquire essential computer skills, improved communication with their peers and access to online resources. In practical terms, the impact of the initiative is measured through indicators such as number of schools (70) and children (1,200) covered, number of devices received (793), amount collected for purchase of new devices (BGN 35,462, approximately €18,000), etc.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Being a traditional donation raising campaign with no country specific activities, the practice is fully transferable to any other setting or Member State.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Beneficiaries were involved from the very beginning of the campaign as schools were invited to share with the organisers of the campaign their specific needs in terms of equipment and technology.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	Център за компетентност по персонализирана медицина, 3D и телемедицина, роботизирана и минимално инвазивна хирургия
Title (EN)	Competence Centre on Personalised Medicine, 3D and telemedicine, robotic and minimally invasive surgery
Organisation (original language)	Медицински университет – Плевен (водещ партньор) Медицински университет – Варна Институт по роботика към БАН УМБАЛ „Света Марина“ – Варна УМБАЛ „Д-р Георги Странски“ – Плевен Компания за иновативни решения „5th Degree“ Институт за ракови заболявания – Флорида, САЩ (асоциирани партньори)
Organisation (EN)	Medical University – Pleven (lead partner) Medical University – Varna Institute of Robotics – Bulgarian Academy of Sciences University Hospital “St. Marina” – Varna University Hospital “Dr Georgi Stranski” – Pleven 5th Degree Innovative Solutions Company Florida Hospital Cancer Institute, USA
Government / Civil society	Civil society (academia)

Funding body	Operational Programme "Science and Education for Smart Growth" (<i>Оперативна програма „Наука и образование за интелигентен растеж“</i>) and European Regional Development Fund of the European Commission
Reference (incl. url, where available)	Medical University – Pleven (<i>Медицински университет – Плевен</i>), Leonardo Da Vinci Competence Centre (Център за компетентност Леонардо да Винчи) Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2020), Project BG05M2OP001-1.002-0010 "Competence Centre on Personalised Medicine, 3D and telemedicine, robotic and minimally invasive surgery" (Проект BG05M2OP001-1.002-0010 „Център за компетентност по персонализирана медицина, 3Д и телемедицина, роботизирана и минимално инвазивна хирургия“), 20.02.2020
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	26 July 2018 – ongoing (scheduled to finish on 31 December 2023)
Type of initiative	Innovation
Main target group	Academic and hospital staff at medical universities, general public
Indicate level of implementation: Local/Regional/National	Regional: Pleven, Varna, and Sofia regions
Brief description (max. 1000 chars)	This initiative seeks to establish an innovative high technology competence centre in the field of personalised medicine, telemedicine and 3D medicine, robotic and minimally invasive surgery. The envisaged competence centre is expected to boost research excellence and improve the quality of medical education and training and thus, to enhance the competitiveness of local academic institutions and create a favourable environment for entrepreneurship both in the regions covered by the project and nationally. The centre will function on the basis of innovative infrastructure and specialised software. Four departments will be set up on the premises of Medical University – Pleven (<i>Медицински университет – Плевен</i>) in the subject domains addressed by the initiative. An additional department on robotic surgery will be set up on the premises of Medical University – Varna

	<p>(<i>Медицински университет – Варна</i>) and an experimental laboratory on robotic surgery will be set up on the premises of the Institute of Robotics (<i>Институт по роботика</i>). The goal is to further develop the existing infrastructure at Medical University – Pleven (<i>Медицински университет – Плевен</i>) that is based on the DaVinci Si system and to transfer this experience to Medical University – Varna (<i>Медицински университет – Варна</i>). In addition, a robotic simulator will be created to support experimental and research activities. Among the expected results of the initiative are: (1) improved quality of medical education and training; (2) improved professional development of medical academic and hospital staff; (3) enhanced capacity for early diagnostics and prevention of different cancer diseases; (4) enhanced capacity for the prevention, identification, and treatment of genetic disorders and hereditary diseases. The ethics of robotic surgery is a key research theme in the project and Medical University – Pleven is considered a pioneer in this field in Bulgaria.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The initiative is envisaged as a transferable practice underpinned by experience sharing between two medical universities in Bulgaria and their affiliated hospitals. One of the goals of the initiative is embedding the use of novel technologies and in particular, virtual reality in the education and training of medical students. This practice is likely to be subsequently transferred to other higher education institutions in Bulgaria.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The initiative seeks to further develop the existing infrastructure at one medical university of Bulgaria and transfer this experience to another medical university. The creation of experimental laboratories and introduction of novel technologies (e.g. virtual reality) in medical education and training are prerequisites for fostering sustainable capacity building for using, maintaining, and further improving the envisaged high technology infrastructure.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the initiative can be measured in terms of: (1) the number of persons who have been trained to use the novel technologies; (2) the number of persons who have been exposed to awareness-raising activities, e.g. by attending project events, accessing materials developed as part of the project etc.; (3) the extent to which there is interest among other medical universities and hospitals in Bulgaria to take up relevant activities and/or participate in experience exchange, technology transfer, and knowledge sharing;</p>

	(4) the extent to which relevant training and education courses and programmes will be introduced in other medical universities in Bulgaria.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The initiative could be of interest to medical universities and hospitals in other EU Member States with regard to capacity building for embedding high technology in education, training, and medical practice. The initiative is also of relevance to the efforts to implement new technologies in education and training in other domains besides medicine.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The initiative brings together academic, hospital, and research staff, in order to ensure a holistic approach to capacity building and the implementation of novel technologies in medical education and training and the provision of healthcare.
Explain, if applicable, how the practice provides for review and assessment.	Each of the activities that are being implemented as part of the initiative have clear measurable indicators, e.g. the establishment of a research department, education programme, or experimental laboratory which allows progress monitoring and evaluation.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Присъствено допълнително обучение и дейности в училищата
Title (EN)	Face to face additional lessons and activities in schools
Organisation (original language)	Министерство на образованието и науката (МОН)
Organisation (EN)	Ministry of Education and Science (MES)
Government / Civil society	Government
Funding body	Operational Programme "Science and Education for Smart Growth" (<i>Оперативна програма „Наука и образование за интелигентен растеж“</i>) co-funded by the European Social Fund and the European Regional Development Fund
Reference (incl. url, where available)	Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2019), Support for Success (Подкрепа за успех) Ministry of Education and Science (<i>Министерство на образованието и науката</i>) (2020), Letter No 9105-189/02.06.2020 on inclusion of new students in the target group and instructions for organising and delivering face to face additional lessons and activities in school under the project "Support for Success" from 1 June 2020 until the end of the 2019-2020 school year (Писмо № 9105-189/02.06.2020 г. относно включване на нови ученици в целевата група и указания за организиране и провеждане на присъствено допълнително обучение и дейности в училищата по проект „Подкрепа за успех“, считано от 01 юни 2020 г. до края на учебната 2019-2020 година), 2 June 2020
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 June 2020 – ongoing (until the end of 2019/2020 school year)
Type of initiative	Education

Main target group	Children (school students, unable to participate actively in the electronic schooling during the COVID-19 pandemic)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The main purpose of the additional face to face lessons and activities under the project "Support for Success" was to provide additional support for those students, who could not actively participate in the electronic education during the COVID-19 pandemic or used paper study materials, in order to prevent students from dropping out of school. Furthermore, it aims to help students to catch up with the education content that they missed during the pandemics. The additional lessons covered all school subjects for the different stages of education and especially Bulgarian language and literature and mathematics and/or other subjects in view of graduation exams. Education took place in small groups. The programme also renewed the additional sessions for personal development provided to students in such need, as well as creative activity groups. Expenses for snacks and water for students and for disinfected chairs and tables could also be covered under the programme, as well as transportation costs for students who commuted to schools in territorial establishments different from their own.
Highlight any element of the actions that is transferable (max. 500 chars)	The practice as a whole is fully transferable as additional face to face lessons could be organised everywhere after longer periods of electronic education to compensate for lessons missed and support students in danger of dropping out of school.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable in that it can be applied after any longer period of electronic education to compensate for possibly insufficient coverage of school content. It is also organised and promoted at ministerial level, which also guarantees sustainability.
Give reasons why you consider the practice as having concrete measurable impact	The practice has concrete measurable impact, because it provides for specific multidisciplinary engagement of students and various indicators can be used for their successful participation in lessons, as well as in socialising activities, important after periods of isolation and social distancing. Indeed, in terms of quantitative indicators for the practice's coverage, 85 additional schools were included in the programme especially for

	the face to face lessons component. Although no numbers are available specifically for this component, for the whole 2019/2020 school year a total of 443 schools formed 1,422 study groups involving 22,166 students. The thematic strands of the study groups include digital creativity, maths, environmental sciences, civic and environmental education, etc. ¹
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice is transferable to other Member States and settings, due to the fact that it addresses issues that affected the world globally (social isolation, students not having face to face classes and not managing to participate in online activities) and not only the domestic society.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice is very much relying on beneficiaries and stakeholders, as initial and continuous diagnostic tools are applied by teachers to assess students' starting status and progress.
Explain, if applicable, how the practice provides for review and assessment.	The practice provides for immediate review and assessment as it is in fact supplementary school activity compensating for longer periods of electronic education, therefore usual measurements of school performance are used, complemented by ad hoc indicators due to the extraordinary nature of those face to face classes.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Психологична денонощна линия за обслужване при кризи
Title (EN)	24/7 psychological telephone line for crisis intervention

¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2020), Letter No 16-433 of 24 September 2020 to the Center for the Study of Democracy.

Organisation (original language)	Асоциация „Деметра“
Organisation (EN)	Demetra Association
Government / Civil society	Civil society
Funding body	Self-funded (own sources)
Reference (incl. url, where available)	Demetra Association (<i>Асоциация „Деметра“</i>) (2020), 24/7 psychological telephone line for crisis intervention (Психологична денонощна линия за обслужване при кризи)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	30 March 2020 – ongoing
Type of initiative	Crisis intervention
Main target group	People in need of consultation for domestic violence and/or psychological crises related to the COVID-19 pandemic
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Since 30 March 2020, Demetra Association (<i>Асоциация „Деметра“</i>) as part of its reception unit for victims of domestic violence in Pirogov Emergency Hospital in Sofia provides help through a 24/7 telephone line for psychological crisis intervention – 070040150. The line provides consultations on COVID-19 related worries and panic and acts of domestic violence in an environment of lockdown/anti-epidemic measures. It aims to counter dysfunctional behavioural models, reflecting on perpetrators’ closest relatives, and contribute to lowering the number of domestic violence victims in the epidemic environment. The consultants on the line listen to potential victims, assess the situation via specialised methodologies, assist in getting help from law enforcement and in drafting a safety plan for the victim.

Highlight any element of the actions that is transferable (max. 500 chars)	The practice as a whole is fully transferable as it aims to provide distance help to domestic violence victims and serve as hub for referring them to law enforcement and support services.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable as telephone lines are an effective and financially reasonable, especially in times of a health and economic crisis, model to help victims of violence and connect them to relevant institutions and services.
Give reasons why you consider the practice as having concrete measurable impact	The practice has a concrete measurable impact as a number of indicators can be used to measure the number of potential victims who have called the line, the number of referrals made and possibly the follow up actions undertaken by victims and authorities.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice is fully transferable to other settings and Member States as emergency telephone lines are a well-known model in providing support to victims of crime and violence.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice involves stakeholders as it is linked to the reception unit of Bulgaria's largest emergency hospital and medical professionals, as well as duty law enforcement in the hospital, can be involved in its implementation.
Explain, if applicable, how the practice provides for review and assessment.	The practice provides for review and assessment through regular intervals by analysing the workload of the telephone line and the volume of advice and referral it has provided to potential victims of domestic violence.

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Иновативни социални услуги за личностно развитие на лицата с психични разстройства и интелектуални затруднения
Title (EN)	Innovative social services for personal development of persons with mental disorders and intellectual disabilities
Organisation (original language)	Фондация „Булгари“
Organisation (EN)	Bulgari Foundation
Government / Civil society	Civil society
Funding body	Operational Programme “Human Resources Development” (<i>Оперативна програма „Развитие на човешките ресурси“</i>) co-funded by the European Social Fund
Reference (incl. url, where available)	Bulgaria Foundation (Фондация „Булгари“) (2020), BG05M9OP001-2.082 Personal development of persons with mental disorders and intellectual disabilities
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	4 June 2020 – ongoing (scheduled to finish on 4 June 2021)
Type of initiative	Training, capacity building
Main target group	People with intellectual and psychosocial disabilities
Indicate level of implementation: Local/Regional/National	Local: Sofia

<p>Brief description (max. 1000 chars)</p>	<p>This project will pilot an innovative for Bulgaria approach for personal development of people with mild intellectual and psychosocial disabilities living in residential social services. A team of social workers will engage a minimum of 20 persons in stimulating their needs of communication, social contacts, physical activity, self-esteem and autonomy through physical activities in the form of games for the development of memory, attention, perception, thinking and imagination. The personal approach will allow for positive development of the overall functioning of these persons. In the long run, the activities will improve the persons' well-being and capabilities, strengthen their relationships with family members, friends and peers, create a sense of belonging and acceptance, and develop positive social attitudes and behaviours.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The set of techniques used by the project team is universal and applicable in all situations associated with the need of personal development of people with psychosocial and intellectual disabilities, in particular in countries going through a process of deinstitutionalisation.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>In terms of needs, the personal development approach has a long-term impact the selected target group. The proposed approach can be incorporated and implemented in other types of settlements such as day-care centres, career centres and group houses.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Personal development is a subjective matter and is difficult to measure. Nevertheless, the ability of the person to act independently and the extent to which they are included in the community social life can be measured. This practice is aimed to provide a minimum of 20 persons with disabilities living in Sofia with a chance to live more actively and acquire skills that would enable them to be less dependent on the social system.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice does not include any country-specific activities. People with psychosocial and intellectual disabilities in any other setting or Member State could benefit from similar programmes.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the</p>	<p>N/A</p>

design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Quantitative indicators are used for monitoring and assessment of progress.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	28 April 2020
Reference details	Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 5023 on administrative case No 13911/2019 (<i>Решение № 5023 по административно дело № 13911/2019 г.</i>), 28 April 2020
Key facts of the case (max. 500 chars)	The case concerns multiple discrimination in the form of harassment on the grounds of age, disability and trade union membership. The defendant, regional manager of a retail store chain, was found guilty of discrimination against one of the company’s employees, who was demoted to several lower positions in the course of 22 months and was verbally threatened with dismissal. The employee first approached the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>), which found the defendant guilty, but the decision was repealed by the Sofia City Administrative Court (SCAC) (<i>Административен съд – София-град, АССГ</i>). The court decision was then appealed before the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>), which repealed it and confirmed the initial decision of the equality body.
Main reasoning/argumentation (max. 500 chars)	The first instance court repealed the decision of the equality body arguing that the applicant and the defendant had a personal conflict which was not related to the applicant’s age or trade union affiliation, and that the practice of relocating employees to different positions was not discrimination in itself. The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) disagreed with these conclusions arguing that the behavior of the defendant was aimed at to violate the applicant’s dignity and self-esteem, and undoubtedly resulted in the creation of a negative environment at the workplace.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case was the interpretation of unequal treatment. The first instance court disregarded the applicant's arguments that she was discriminated on the grounds of age because she was the older employee and because younger employees were not subjected to the same treatment. The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>), however, gave the opposite interpretation, arguing that the age of the applicant and her trade union affiliation were the main reasons for her unequal treatment and therefore the case constituted discrimination in the form of harassment.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) confirmed the initial decision of the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>), according to which the defendant was found guilty of multiple discrimination on the grounds of age, disability and trade union affiliation and was sanctioned to pay a fine of BGN 1,000 (approximately €500).</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>По делото няма данни за идентично поведение на дискриминатора спрямо по-млади служители, заемали идентична ръководна длъжност в предприятието в процесния интервал, няма спор по факта на синдикалното членство на касатора И., а по отношение признака увреждане следва да се отбележи, че от данните по делото се установява страдание на И. от заболяване, което застрашава или би могло да застраши в определен момент участието ѝ в професионални живот за достатъчно дълъг период, и това обстоятелство е било известно на ръководството на предприятието. Изборът на И. като обект за дискриминиране в случая е обусловен от синдикалната принадлежност и възрастта, а установените специфични действия на дискриминатора, предвид техния характер, са имали за цел да предизвикат чувство на унижение на основание именно тези признаци, съчетани с признака „увреждане“.</i></p> <p><i>In the case, there are no data for identical behaviour of the discriminator towards younger employees, who held identical managerial positions in the company during the reference period; there is no dispute on the fact of the trade union membership of the cassation applicant I.; and regarding the ground of disability it should be noted that, based on the facts of the case, it is established that I. was suffering from an illness that threatened or could endanger at some point her participation in professional life for a sufficiently long period, and this circumstance was known to the management of the company. The choice of I. as target of discrimination in this case is due to her union affiliation and her age, and the established</i></p>

	<p><i>specific actions of the discriminator, given their nature, were intended to cause a sense of humiliation based on these grounds, combined with the ground "disability".</i></p> <p>Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 5023 on administrative case No 13911/2019 (Решение № 5023 по административно дело № 13911/2019 г.), 28 April 2020</p>
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Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</p> <p>Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
Decision date	13 January 2020
Reference details	<p>Bulgaria, District Court – Varna (<i>Окръжен съд – Варна</i>), Decision No 5 on appellate criminal case of general nature No 1135/2019 (Решение № 5 по въззивно наказателно дело от общ характер № 1135/2019 г.), ECLI:BG:DC310:2020:20190601135.001, 13 January 2020</p>

<p>Key facts of the case (max. 500 chars)</p>	<p>The case concerns a violent crime allegedly motivated by hatred on the grounds of ethnicity. The incident happened in the city of Varna during the night of 22 May 2016. On their way back from a walk in the park, the two victims and their friends encountered a group of 15 boys, allegedly fans of a local football team, who started to insult and threaten them, calling them <i>мангали</i> (an offensive name for Roma, literally meaning brazier). The situation escalated and two persons from the group attacked the victims and started hitting and kicking them, causing them light bodily injuries, before the other members of the group managed to stop them. The two offenders were prosecuted and found guilty of causing light bodily injuries motivated by hooliganism. The first one received a suspended sentence of one year of imprisonment and the other one was released from criminal responsibility because he was a juvenile (under 18 years of age). The court also ordered the defendants to pay a compensation to the victims for BGN 1,000 (€500). The victims appealed the sentence, claiming that the defendants should have been prosecuted for violence motivated by ethnicity and not for a crime motivated by hooliganism. The second instance court, however, dismissed the appeal and confirmed the sentence issued by the first instance court.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The applicants claimed that the attack against them was motivated by their ethnic background and the offenders were incorrectly investigated, prosecuted and convicted for a crime motivated by hooliganism. The court, in turn, referred to the procedural rules, according to which only the public prosecutor was authorised to decide what charges should be brought against the defendants and the court was not in a position to revise or request the revision of these charges. The court also noted that as long as the offenders were charged for a crime motivated by hooliganism, the first instance court should not have even discussed the nature of the verbal attacks and whether they were or were not related to ethnicity and race.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case is the way, in which the authorities decide on whether to investigate and prosecute a certain offence as hate crime or conventional violent crime. According to the court's decision, only the public prosecutor was authorised to make a decision whether to prosecute the crime as a hate crime and neither the victims, nor the court had the right to contest that decision.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court dismissed the appeal and confirmed the sentence issued by the first instance court, by which the two offenders found guilty of causing light bodily injuries motivated by hooliganism, the first one was sentenced to one year of (suspended) imprisonment, the other one was released from criminal responsibility because of his age (under 18 years) and both were ordered to pay a compensation to the victims in the amount of BGN 1,000 (€500).</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

Правната оценка на фактите - квалификация, прави единствено прокурорът и я манифестира с обвинителния акт, а с него се формират правните рамки, в които се развива същинското наказателно производство пред съда. Поради горното, отправения упрек към първоинстанционния съд, че не е прекратил съдебното производство и не е върнал делото на Варненския районна прокуратура, с указания за повдигане на конкретно обвинение е несъстоятелен. Той е такъв и на друго основание. Съдът може да извърши коментирания процесуална дейност, единствено при наличието на съществени процесуални нарушения и то отстраними, а разглежданите без съмнение не са от тази категория. Едва ли има съмнение, че с обвинителния акт се повдига обвинение, а подведено под отговорност лице се защитава срещу фактите, а не срещу правото. В тази връзка Варненския районен съд изобщо не е следвало да се занимава с оценката на епитетите (дали те имат или не етнически и расов оттенък), извън обхвата на предявеното обвинение по т. 12 на чл. 131 от НК.

The legal assessment of the facts - qualification, is made only by the prosecutor and is manifested by the indictment, which gives the legal framework, within which the actual criminal proceedings before the court take place. Due to the above, the reproach to the first instance court that it did not terminate the court proceedings and did not return the case to the Varna Regional Prosecutor's Office with instructions to bring a specific accusation is untenable. It is untenable for another reason as well. The court may carry out the commented procedural activity only in the presence of significant procedural violations and that can be remedied, and the ones under consideration are undoubtedly not in this category. There can be little doubt that the indictment brings charges and the accused person defends themselves against the facts and not against the law. In this regard, the Varna Regional Court should not have dealt at all with the assessment of the epithets (whether or not they have an ethnic and racial connotation), outside the scope of the accusation under item 12 of Article 131 of the Penal Code.

Bulgaria, District Court – Varna (Окръжен съд – Варна), Decision No 5 on appellate criminal case of general nature No 1135/2019 ([Решение № 5 по въззивно наказателно дело от общ характер № 1135/2019 г.](#)), 13 January 2020

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	14 February 2020
Reference details	Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Ruling No 80 on civil case No 3932/2019 (<i>Решение № 80 по гражданско дело № 3932/2019 г.</i>), 14 February 2020
Key facts of the case (max. 500 chars)	<p>The case concerns alleged Roma segregation in healthcare. Two non-governmental organisations, the Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>) and the European Roma Rights Centre (ERRC), filed a complaint to the court claiming that the obstetric and gynaecological unit of the hospital in the city of Pazardzhik was segregating Roma women by accommodating them in separate rooms from ethnic Bulgarian women. In their complaint, the applicants referred to a study, done by the Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>) in 2016, which revealed that out of 20 interviewed Roma women, who gave birth in the hospital in Pazardzhik, 19 were accommodated separately from ethnic Bulgarians. To verify the findings, a representative of the Bulgarian Helsinki Committee (BHC) (<i>Български хелзинкски комитет, БХК</i>) called the hospital, introduced himself as a partner of a pregnant woman and asked if Bulgarian and Roma women are accommodated in one room, to which question two different doctors answered that they do not mix the two groups and that there are rooms only for Bulgarian women and such for Roma. In response to the claim against it, the hospital presented evidence that the accommodation of women was done only based on medical criteria. Both the first instance court and the second instance court concluded that the hospital was not guilty of racial segregation and dismissed the applicants' claims. The case was brought before the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>), which found that the decisions of the lower instance courts were legally justified and there were no grounds for re-examining the case.</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The court concluded that the testimonies of all witnesses (including hospital patients) as well as the written evidence (medical documentation of the women admitted to the hospital during the period under review) completely refuted the applicants' claims about intentional separate accommodation of women of Roma origin and women of Bulgarian ethnic origin. According to the court, women were accommodated in the relevant hospital rooms according to medical criteria: their health condition (women with pathological pregnancy, women admitted for childbirth, operated or sick with a viral disease, etc.) and the necessary medical care, and only patients in VIP rooms (available for an additional fee) were accommodated separately. The court established no act or practice in the hospital by which the accommodation of patients was carried out on racial or ethnic grounds, nor had the applicants specifically identified women in respect of whom the hospital employees had discriminated against during their stay in the hospital.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case was the interpretation of racial segregation. According to the court, not every isolation based on race, ethnicity, or skin colour was segregation, but only the one, which was not the result of the individual's free will (if all the circumstances necessary for the individual to express their free will are present).</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Court of Cassation (SCC) (<i>Върховен касационен съд</i>, ВКС) dismissed the applicants' claims refusing to re-examine the case. As a result, the decision of the lower instance court, which found the defendant not guilty of segregation, entered in force.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Изоляцията на основание раса, етническа принадлежност или цвят на кожата е неприемлива, когато не е резултат на формирана свободна воля на индивида, при положение, че всички обстоятелства свободна воля да бъде формирана са налице. Тогава разделянето, обособяването или отделянето е „сегрегация“. Определението „принудително разделяне“ не следва да се приема формално, само като отсъствие на принуда в тесния смисъл на думата, а както това понятие е изяснено в практиката на ЕСПЧ. В случая, анализирайки пълно представените по делото доказателства съдът е счел, че претенциите на ищците са неоснователни, тъй като не се установява да е налице акт, действие или бездействие от страна на ответника, което да е довело до принудително отделяне на жена от ромски произход от останалите жени, с което да е нарушено правото ѝ на равно третиране.</i></p>

	<p><i>Isolation based on race, ethnicity, or skin colour is unacceptable when it is not the result of an individual's free will, if all the circumstances for free will to be formed are present. Then the division, separation or isolation is "segregation". The definition of "forced separation" should not be taken formally, only as the absence of coercion in the narrow sense of the word, but should be interpreted as clarified in the case law of the ECtHR. In the present case, fully analysing the evidence presented in the case, the court considered that the applicants' claims were unfounded, as it was not established that there was an act, action or inaction on the part of the defendant, which led to the forced separation of a Roma woman from by the other women, thereby violating her right to equal treatment.</i></p> <p>Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Ruling No 80 on civil case No 3932/2019 (Решение № 80 по гражданско дело № 3932/2019 г.), 14 February 2020</p>
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Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
Decision date	17 November 2020
Reference details	Bulgaria, Constitutional Court (<i>Конституционен съд</i>), Decision No 15 on constitutional case No 4/2020 (Решение № 15 по конституционно дело № 4/2020 г.), 17 November 2020
Key facts of the case (max. 500 chars)	The Constitutional Court (CC) (<i>Конституционен съд</i> , КС) declared unconstitutional a recent legislative amendment obliging mobile operators to retain and grant access to the police to cell-site data (data detailing the location of mobile phones) for monitoring persons in mandatory isolation and/or hospital treatment. The amendment was adopted in March 2020 as a measure to enforce the mandatory isolation and/or hospital treatment of persons infected with COVID-19 or suffering from another infectious disease listed in the law (cholera, plague, smallpox, yellow fever, viral haemorrhagic fevers, diphtheria, typhoid fever, polio, brucellosis, anthrax, malaria, severe acute respiratory syndrome, and tuberculosis). According to the law, mobile operators were obliged to retain the data for a period of six months and the police

	<p>was authorised to obtain access to the retained data without prior judicial authorisation. A group of 63 Members of Parliament challenged the amendment before the Constitutional Court (CC) (<i>Конституционен съд, КС</i>) in April 2020, and in November 2020 the Court issued a decision declaring the amendment unconstitutional.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The main reasoning of the Constitutional Court (CC) (<i>Конституционен съд, КС</i>) was based on the principle of proportionality. According to the Court, the authorisation of the police to obtain access to traffic data indicating the location of a person, which were collected without any restrictions for a period of six months, was disproportionate to the public relations it was supposed to regulate. These relations, according to the decision, had a certain and limited duration, which in most cases was significantly shorter than the six-month period envisaged for the retention of data.</p> <p>The data retention would have been a proportionate measure, if it was linked to the duration of the mandatory isolation and/or treatment. On a more general note, the Court also noted that the right to privacy was equally valid in times of calm and in times of crisis, and any restrictive interventions should be absolutely necessary and proportionate. As additional argumentation, the Court referred to several judgements of the Court of Justice of the European Union on cases related to data retention, including the judgement on case C-293/12 <i>Digital Rights Ireland</i>, by which the Court declared invalid the Data Retention Directive (Directive 2006/24/EC).</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case was the interpretation of the principle of proportionality. The Court noted that public health was, in principle, a legitimate purpose justifying the introduction of certain restrictions of the individuals' right to privacy. In such cases, according to the Court, the only way to overcome the collision between the right to life and health and the right to privacy was to apply the principle of proportionality and restrict the right to privacy to an extent that is necessary, appropriate and proportionate. In the present case, according to the Court, the excessive duration of data retention and the unspecified circle of persons, whose data could be retained and provided to the police, were significantly exceeding the minimum scope of the measure necessary to protect public health. Furthermore, the Court also noted that the volume of data, which the police could obtain for a certain person in the course of six months, would be sufficient in many cases not only to locate that person, but also to apply certain profiling techniques to analyse the person's habits (the places they visit, the people they meet, etc.).</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court (CC) (<i>Конституционен съд, КС</i>) declared the amendment unconstitutional. According to national law, when a certain provision is declared unconstitutional, it ceases to apply although it is not automatically repealed.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Всяко ограничаване на правата на гражданите трябва да бъде достатъчно точно, съответстващо на обстоятелствата за вмешателство и да осигурява силни и надеждни защитни средства срещу евентуална злоупотреба. Тоталното превантивно събиране на трафични данни за местоположение, без точни критерии за начало и край на предписани от здравните власти задължителни здравни мерки – задължителна изолация и лечение на определени заразни болести по чл. 61 ЗЗ на конкретни диагностицирани лица, за които се твърди, че не изпълняват тези предписания, представлява сериозно, непропорционално навлизане в правото на неприкосновеност на личния живот и защита на личните данни. [...] След като оспорваните допълнения в ЗЕС, макар и приети по повод възникнало извънредно положение и епидемична обстановка, се прилагат не само за периода на извънредното положение, а остават да действат постоянно, веднъж инкорпорирани в закона, е следвало да се съобрази спецификата на въведените ограничителни мерки, по повод инфекциозни заболявания, които се характеризират с начало, карантинен период, задължителна изолация и/или лечение и край, определени по строги правила чрез медицински дейности и документи, издавани от здравни органи за всеки отделен случай. Единствено тези обстоятелства биха могли да служат за отправна точка при изработване на критерий за определяне на необходимия и подходящ период на достъп от органите на МВР до трафичните данни на съответните диагностицирани лица.</i></p> <p><i>Any restriction of citizens' rights must be sufficiently precise, appropriate to the circumstances of the interference and provide strong and reliable safeguards against possible abuse. The total preventive collection of traffic data for identification of location, without precise reference to the beginning and the end of mandatory health measures prescribed by the health authorities (mandatory isolation and treatment of certain infectious diseases under Art. 61 of the Health Act of specific diagnosed persons, who are alleged not to comply with these prescriptions), represents a serious, disproportionate intrusion into the right to privacy and protection of personal data. [...] Since the disputed amendments to the Electronic</i></p>

	<p><i>Communications Act, although adopted on the occasion of a state of emergency and an epidemic situation, apply not only for the period of the state of emergency, but remain permanent, once incorporated into law, the specifics of these restrictive measures should have been taken into account as they are introduced in relation to infectious diseases, which are characterised by onset, quarantine period, compulsory isolation and/or treatment and end, determined by strict rules through medical activities and documents issued by health authorities on a case-by-case basis. Only these circumstances could serve as a starting point in developing a criterion for determining the necessary and appropriate period of access by the bodies of the Ministry of the Interior to the traffic data of the respective diagnosed persons.</i></p> <p>Bulgaria, Constitutional Court (Конституционен съд), Decision No 15 on constitutional case No 4/2020 (Решение № 15 по конституционно дело № 4/2020 г.), 17 November 2020</p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	22 May 2020
Reference details	Bulgaria, Burgas Appellate Court (Бургаски апелативен съд), Ruling No 54 of 22 May 2020 on appellate private criminal case No 102/2020 (Определение № 54 от 22 май 2020 г. на Бургаския апелативен съд по ВНЧД № 102 по описа за 2020 година), ECLI:BG:AP200:2020:20200600102.001, 22 May 2020
Key facts of the case (max. 500 chars)	The case concerned the appeal of defendant Mr B.A.D. against the detention in custody ruled upon by the lower court. The defendant’s lawyer claimed that there was no hard evidence that the defendant was involved in the intentional homicide in question. The defence further stated that the defendant was under 18 years of age, a high school student and he had clear criminal record. Instead of detention, the lawyer requested that the defendant be put under the supervision of the people, who exercised parental authority, because there was no risk that he would escape or would commit another crime.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>In its decision, the Court pointed out that despite the fact that the defendant was a child, he was in full mental capacity and there was still danger that he could abscond or commit another crime. Despite his young age, he was often travelling to Greece, drank alcohol and was in conflict with a number of families. He was not going to school regularly either, was not living with his parents, who could therefore not exercise control over him, and was in the records of juvenile delinquency police inspectors. During the four months of his detention, a large amount of evidence (psychological assessment, questioning witnesses) was gathered, but this cannot amount to change of circumstances that can lead to altering the defendant's detention.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The court elaborated on the concept of change in the circumstances under Article 65(4) of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>). Judges also looked at a number of circumstances, justifying the child defendant's detention in custody as an extreme measure due to the seriousness of the charges against him and the evidence that he could abscond or commit another crime.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The defendant remained in custody and the application, filed by the defence, was dismissed.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Обоснована е преценката, че предпоставките за взетата най-тежка мярка за неотклонение продължават да са налице. Липсват основания за изменение на мярката за неотклонение в по-лека, както претендира защитата - надзор на родителите. Правилно съдът е посочил, че целта на мярката за неотклонение е да се осигури присъствието на обвиняемото лице за нуждите на наказателното производство, да му се попречи да се укрие или да извърши престъпление. Обосновано решаващият съд е приел, че изменението на мярката за неотклонение в по-лека, с оглед обоснованото предположение за извършеното от обв. Д. престъпление и реалната опасност от извършване на престъпление или укриване, не би могло да осигури постигането на целта по смисъла на чл. 57 от НПК. Настоящата инстанция споделя аргумента на решаващия съд, че мярката за неотклонение надзор на родителите на този етап не би препятствала опасността обвиняемия да се укрие или да извърши престъпление, предвид конкретните данни по делото, че обв. Д. не живее с родителите си, които са безработни и преживяват от социални помощи и сезонна работа в чужбина, до настоящия момент не е упражняван</i></p>

ефективен контрол от тях, а и видно от обясненията на обвиняемия- той не живее с тях. Установено е по делото, че макар обв. Д. преди задържането му да е бил записан като ученик през учебната 2019 / 2020г., той не е посещавал редовно училище и е заведен на отчет в ДПС при РУ - Твърдица, категория „Утвърден“. Данните по делото, насочващи към постоянно местоживее на обвиняемия и чисто съдебно минало, върху които защитата акцентира, не водят до промяна в изводите за наличие на опасност от укриване или извършване на нови престъпления, тъй като те не представляват новонастъпили обстоятелства и са съобразени от предходните съдебни инстанции.

The assessment that there was still justification for the most severe measure of restraint to be taken is substantiated. There are no grounds for changing the remand measure to a lighter one, as claimed by the defence - parental supervision. The court correctly stated that the purpose of the remand measure was to ensure the presence of the accused person for the purposes of the criminal proceedings, to prevent him from absconding or from committing another crime. Reasonably, the deciding court has accepted that the amendment of the remand measure to a lighter one, in view of the substantiated presumption on the crime committed by the defendant and the actual danger of committing another crime or absconding, could not ensure the achievement of the goal within the meaning of Art. 57 of the Criminal Procedure Code. The present instance shares the argument of the deciding court that the supervision of the parents at this stage would not prevent the danger of the accused absconding or committing a crime, given the specific data in the case that the defendant does not live with his parents, who are unemployed and live on social benefits and seasonal work abroad, and so far no effective control has been exercised by them, and it is evident from the explanations of the accused - he just does not live with them. It was established in the case that although before his detention the defendant was enrolled as a student for the school year 2019/2020, he did not attend school regularly and was registered with the juvenile delinquency police unit. The data in the case, pointing to the permanent residence of the accused and a clean criminal record, on which the defence focuses, does not lead to a change in the conclusions about the danger of absconding or committing new crimes, as they do not constitute new circumstances and are consistent with the conclusions of previous courts.

Bulgaria, Burgas Appellate Court (Бургаски апелативен съд), Ruling No 54 of 22 May 2020 on appellate private criminal case No 102/2020 ([Определение № 54 от 22 май 2020 г. на](#)

	Бургаския апелативен съд по ВНЧД № 102 по описа за 2020 година), ECLI:BG:AP200:2020:20200600102.001, 22 May 2020
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Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	10 March 2020
Reference details	Bulgaria, Targovishte District Court (<i>Търговищки окръжен съд</i>), Decision No 22 of 10 March 2020 on appellate criminal case of general nature No 235/2019 (Решение № 22 от 10 март 2020 г. по ВНОХД 235/2019), ECLI:BG:DC350:2020:20190600235.001, 10 March 2020
Key facts of the case (max. 500 chars)	The defendant Mr A tried to challenge the criminal fine of BGN 1,000 (approximately €500) imposed against him for a minor bodily injury in conditions of domestic violence claiming his impugned acts were not intentional. The defendant was in a relationship with Ms M, they had a daughter born in 2014 and Ms M shared that during their relationship he was abusive both physically and verbally. The couple had a previous instance of a protection order issued to the woman and in the case under review; the defendant pushed a chair in a cafe towards the woman and their child. Because of that, the victim and the child suffered minor bodily injuries.
Main reasoning/argumentation (max. 500 chars)	The main reasoning of the court revolved around proving the nature of the bodily injuries suffered by the victim and her child and the systematic character of the violence, preceding the accused's impugned act. The protection order previously issued against the defendant was recalled as well as numerous testimonies by witnesses, proving the violence he committed repeatedly against the victim and their daughter.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The systematic nature of the physical and verbal abuse was interpreted on several occasions by the court in order to justify the application of the relevant provision of the Criminal Code (<i>Наказателен кодекс</i>) criminalising acts in conditions of domestic violence, preceded, as stipulated by law, by systematic physical, sexual or mental violence.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court confirmed the fine was fair and pursued the legitimate aims of a criminal punishment.

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Правилно ТРС е приел, че в случая са налични посочените в чл. 93, т. 31 от НК критерии , поради което и съвсем обосновано ТРС е приел, че нанесената лека телесна повреда нанесена от обв. А. спрямо З.М. е осъществена при условието на домашно насилие, предвид това, че е предшествана от системно упражняване най-вече на психическо насилие... като е осъществено спрямо лице от което има дете и е бил във фактическо съпружеско съжителство. Анализа на събраните по делото доказателства не налага промяна в извода на ТРС, че от субективна страна деянието е извършено виновно, под формата на евентуален умисъл, като деецът е съзнавал общественотоопасния му характер, предвиждал е неговите общественотоопасни последици и е допускал настъпването на тези последици.</i></p> <p><i>The Targovishte Regional Court has correctly accepted that the case met the criteria in Art. 93, item 31 of the Criminal Code due to which it reasonably accepted that the minor bodily injury was inflicted in conditions of domestic violence, given that it was preceded by the systematic exercise of mostly mental violence... against a person with whom the defendant has a child and was in de facto marital cohabitation. The analysis of the evidence gathered in the case does not require a change in the conclusion of the Targovishte Regional Court that the act was committed culpably, in the form of possible intent, as the perpetrator was aware of its socially dangerous nature, foresaw its socially dangerous consequences and allowed these consequences to occur.</i></p> <p>Bulgaria, Targovishte District Court (<i>Търговишки окръжен съд</i>), Decision No 22 of 10 March 2020 on appellate criminal case of general nature No 235/2019 (Решение № 22 от 10 март 2020 г. по ВНОХД 235/2019), ECLI:BG:DC350:2020:20190600235.001, 10 March 2020</p>
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<p>Thematic area</p>	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
<p>Decision date</p>	<p>25 November 2020</p>
<p>Reference details</p>	<p>Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Interpretative Decision 2/2019 (Тълкувателно решение 2/2019), 25 November 2020</p>

<p>Key facts of the case (max. 500 chars)</p>	<p>The supreme court was seized with the question of whether a domestic violence victim can submit a new application for a protection measure under the Protection against Domestic Violence Act following another protection order against the same perpetrator whose term has not expired yet. The court mentioned there is contradictory case law on the matter.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The supreme court accepted a subsequent application for protection is admissible. It reasoned that the rights of parties to seize courts with a motion regarding their relations is not precluded with the court's ruling and the parties can seize the court again. The liability under the domestic violence protection legislation is separate from the civil, criminal and administrative one. The victim can choose which avenue to use, but the other avenues do not preclude the use of domestic violence proceedings.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The protection measure imposed cannot possibly cover future acts of violence. Otherwise, the victim would be left without protection. A new application would mean that the measure imposed did not yield a result and a ruling on inadmissibility would be in serious collision with the aims of the law. On the other hand, the crime of violating a protection order is a crime against justice, not against the person, and is not related to a subsequent act of domestic violence.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court decided that an application for protection against a new act of domestic violence within the term of an existing protection order in favour of the same victim is admissible.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Производството по ЗЗДН предоставя гаранции за защита и на двете страни в процеса. Ако се приеме, че за молителя липсва правен интерес да подаде пред съда искане за защита при нов, последващ акт на домашно насилие, то правото на защита на пострадалото лице ще е сериозно накърнено. Последващата молба не може да бъде квалифицирана като допустима или недопустима, преди съдът да е установил дали за съответния акт на домашно насилие вече не е наложена мярка за защита, както и дали молбата не се отнася за нов вид акт на домашно насилие, извършено от ответника, независимо, че той е изпълнил заповедта на съда, издадена по предходна молба.</i></p>

	<p><i>The proceedings under the Protection against Domestic Violence Act offer protection to both parties to the proceedings. If we accept that the claimant has no legal interest to seek protection in case of a new, subsequent domestic violence act, the right of defence of the victim would be seriously infringed. This subsequent application cannot be deemed admissible or inadmissible before the court establishes whether, for the respective act of domestic violence, a protection measure has already been imposed, and whether the application concerns a new type of act of domestic violence by the perpetrator regardless of whether he/she has obeyed the court orders under previous proceedings.</i></p> <p>Bulgaria, Supreme Court of Cassation (<i>Върховен касационен съд</i>), Interpretative Decision 2/2019 (Тълкувателно решение 2/2019), 25 November 2020</p>
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Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	21 January 2020
Reference details	Bulgaria, Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 896 on administrative case No 1934/2019 (Решение № 896 по административно дело № 1934/2019 г.), 21 January 2020
Key facts of the case (max. 500 chars)	The case concerns multiple discrimination in the form of harassment on the grounds of disability and religion. The defendant, manager of a state-owned company, was found guilty of discrimination against one of the company’s employees, whom he insulted, threatened and physically attacked at the workplace. The employee first approached the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>), which found the defendant guilty, but the decision was repealed by the Lovech Administrative Court (LAC) (<i>Административен съд – Ловеч, АСЛ</i>). The court decision was then appealed before the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>), which repealed it and confirmed the initial decision of the equality body.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The first instance court repealed the decision of the equality body arguing that the applicant was suffering from diabetes, which was an illness and not disability. The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) disagreed with this conclusion arguing that the term disability should be interpreted in a broader sense and that as long as the impairments of the applicant, caused by his illness, were hindering his full and effective participation in society on an equal basis with others, he should be considered a person with disability in line with Article 1(2) of the Convention on the Rights of Persons with Disabilities.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue clarified by the case was the interpretation of disability in the context of the Convention on the Rights of Persons with Disabilities. The first instance court argued that the CRPD was differentiating between the terms disability and illness and that applicant's condition (diabetes) was only an illness and not disability. The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>), however, gave a different interpretation, arguing that the emphasis of the CRPD was the interaction between the impairment and the existing barriers and the way this interaction does or may hinder the participation of the person in society.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) confirmed the initial decision of the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>), according to which the defendant was found guilty of multiple discrimination on the grounds of disability and religion and was sanctioned to pay a fine of BGN 500 (approximately €250).</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>В случая увреждането не съвпада с понятието „болест“, за която не се предоставя защита. Не болестта сама по себе си, а предизвикана от нея физическа недостатъчност на лицето/обусловена от силно намалено зрение, обща слабост и задължителното доживотно приемане на инсулин/, възпрепятства неговото пълноценно и ефективно участие в обществото, в сравнение с останалите негови членове. В този смисъл Конвенцията предвид израза „би могла“ не прави разлика между степен на недостатъчност. Достатъчно е затруднението да предизвика възпрепятстване в определен момент участието на лицето в която и да е сфера на обществения живот, вкл. професионалната или да е налице вероятност тази недостатъчност на предизвика такова възпрепятстване, което не би било налице в другите негови членове.</i></p>

In this case, the person's condition does not coincide with the concept of "illness" for which no protection is provided. It is not the illness itself, but the physical impairment of the person caused by it (determined by the severely reduced vision, general weakness and the obligatory lifelong intake of insulin), that prevents the person's full and effective participation in society, compared to its other members. In this sense, given the expression "may", the Convention does not distinguish between degrees of impairment. It is enough that the difficulty has caused an obstacle at a certain moment for the participation of the person in any sphere of public life, incl. professional, or that there is a likelihood that this impairment will cause such an obstacle that would not be there for the other members of society.

Bulgaria, Supreme Administrative Court (Върховен административен съд), Decision No 896 on administrative case No 1934/2019 ([Решение № 896 по административно дело № 1934/2019 г.](#)), 21 January 2020