

Frant National contribution to the Fundamental Rights Report 2023

Bulgaria

Contractor's name: Project One / Center for the Study of Democracy

Authors' name: Dimitar Markov, Tatyana Novosiolova, Maria
Doichinova, Leda Kuneva, Iliana Boycheva

Disclaimer: This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'FRA Fundamental Rights Report 2023'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

| | |
|--|----|
| Franet country study: policy and legal highlights 2022 | 4 |
| 1 Equality and non-discrimination | 6 |
| 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance | 6 |
| 1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance..... | 11 |
| 2 Racism, xenophobia and related intolerance..... | 13 |
| 2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime | 13 |
| 2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive..... | 17 |
| 3 Roma equality and inclusion | 20 |
| 3.1 Policy developments in regards to the implementation of national action plans | 20 |
| 3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion | 24 |
| 4 Asylum, borders, visas, migration and integration..... | 39 |
| 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions..... | 39 |
| 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control | 45 |
| 5 Information society, privacy and data protection..... | 47 |
| 5.1 Initiatives in the use of artificial intelligence in both private and public sectors..... | 47 |
| 5.2 Legal and policy initiatives on data protection and private life | 53 |
| 6 Rights of the child..... | 59 |
| 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee | 59 |

| | | |
|-----|---|-----|
| 6.2 | Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings. | 70 |
| 7 | Access to justice – Victims’ Rights and Judicial Independence | 81 |
| 7.1 | Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025 | 81 |
| 7.2 | Measures addressing violence against women | 84 |
| 8 | Developments in the implementation of the Convention on the Rights of Persons with Disabilities | 92 |
| 8.1 | CRPD policy and legal developments & implementation of the European Accessibility Act..... | 92 |
| 8.2 | CRPD monitoring at national level | 101 |
| | Annex 1 – Promising Practices | 105 |
| | Annex 2 – Case Law | 124 |

Policy and legal highlights 2022

| Franet country study: policy and legal highlights 2022 | |
|--|--|
| Issues in the fundamental rights institutional landscape | <p>Appointment of the first Council for Civil Society Development:</p> <p>In February 2022, the government appointed the first Council for Civil Society Development. As a consultative body to the government, the council's main purpose is to facilitate and participate in the development and implementation of laws and policies in support of civic space.</p> |
| EU Charter of Fundamental Rights | <p>Guidelines for the application of the Charter:</p> <p>On 19 July 2022, the Ministry of Finance adopted guidelines for the effective application of the EU Charter of Fundamental Rights in connection to national programmes supported by CPR funds.</p> |
| Equality and non-discrimination | <p>Bulgaria found guilty of failing to respond to homophobic murder:</p> <p>In June 2022, the ECtHR ruled that Bulgaria's failure to give a proper legal response to the homophobic motives underlying a murder case violated the ECHR and that this was chiefly due to Bulgarian criminal law not enabling the courts to attach legal consequences to such motives.</p> |
| Racism, xenophobia & Roma Equality and Inclusion | <p>New Roma integration strategy:</p> <p>In May 2022, the government adopted the new National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 and the first short-term action plan for its implementation. The strategy sets the guidelines for the implementation of policies for the socio-economic inclusion and participation of Roma.</p> |
| Asylum & migration | <p>New brochures on the use of large-scale IT systems:</p> <p>In 2022, the Commission for Personal Data Protection issued two brochures aimed to raise awareness on the use of large-scale IT systems, including the rights of individuals and the available remedies in case of their violation.</p> |
| Data protection and digital society | <p>Bulgaria's data retention laws not in compliance with the ECHR:</p> <p>In January 2022, the ECtHR ruled that the retention of communications data in Bulgaria does not comply with the ECHR as data retention laws do not meet the "quality of law" requirement and do not keep the "interference" to what is "necessary in a democratic society".</p> |
| Rights of the child | <p>Adoption of an action plan for the Child Guarantee:</p> <p>In November 2022, the government adopted an Action plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030. It identifies the most vulnerable groups</p> |

| | |
|---|---|
| | of children, sets the objectives to be achieved by 2030 and suggests a set of indicators for monitoring progress. |
| Access to justice, including victims of crime | <p>ECtHR judgement finding Bulgaria guilty of failing to protect the life of a woman murdered by her husband:</p> <p>On 22 March 2022, the ECtHR ruled that the Bulgarian authorities had failed to take timely action in response to the serious complaints of a victim of domestic violence, which ultimately led to her murder.</p> |
| Convention on the Rights of Persons with Disability | <p>New rules for social assistance allowances:</p> <p>Bulgaria introduced new rules for calculating the amounts of social assistance allowances linking them to the national poverty line. Previously, social assistance allowances were linked to the so-called “guaranteed minimum income”, which had not been updated since 2018.</p> |

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In June 2022, the European Court of Human Rights issued the final judgment on the case of *Stoyanova v. Bulgaria* concerning the alleged failure of the Bulgarian authorities to give a proper legal response to the homophobic motives underlying the murder of the applicant's son committed in Sofia in September 2008. The Court found that the response of the Bulgarian authorities, described by the applicant as "inadequate", had violated Article 14 taken together with Article 2 of the Convention. According to the Court, "although the Bulgarian courts clearly established that the attack on the applicant's son had been motivated by the attackers' hostility towards people whom they perceived to be homosexuals [...] they did not attach to that finding any tangible legal consequences". In the Court's view, this omission was chiefly due to the fact that Bulgarian criminal law had not properly equipped those courts to do so rather than to the manner in which they dealt with the case.¹

Also in June 2022, the Prosecution Office of the Republic of Bulgaria (*Прокуратура на Република България*) sent to the parliament a package of expert proposals for amendments to the Criminal Code (*Наказателен кодекс*).² The proposals were officially submitted as a "package of expert proposals", because the Prosecution Office is not authorised by the Constitution to submit draft laws to the parliament. The proposed amendments included, among other changes, adding homophobic and transphobic motives as factors leading to heavier penalties for murder, bodily injury, destruction and damage of property and arson. Since it was not possible to include all discriminatory grounds in all relevant criminal offences listed in the law, a recommendation was made for the introduction of an explicit provision in the General Part of the Criminal Code stipulating that the commission of a crime for discriminatory motives should always be considered an aggravating circumstance. Furthermore, the Prosecution Office proposed the inclusion of sexual orientation, gender, gender identity and gender expression as elements of

¹ European Court of Human Rights (ECtHR), [Stoyanova v. Bulgaria](#), No. 56070/18, 14 September 2022.

² Bulgaria, Prosecution Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2022), Expert proposal for amendments in the Criminal Code ([Експертно предложение за изменения в Наказателния кодекс](#)), 9 June 2022.

the definition of hate crimes. The Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) also reported it was working on a draft to amend the Criminal Code to provide for heavier penalties for murder and bodily injury committed for reasons related to the victim's sexual orientation.³

On 30 March 2022, the national equality body – the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация*, КЗД), submitted to the parliament its annual activity report for the year 2021. According to the report, in 2021, the commission processed a total of 452 complaints, 62 alerts and 233 additional submissions related to them. In 151 cases the commission acted upon its own initiative. The commission opened a total of 456 cases and issued a total of 822 decisions, 692 of which had come into force.⁴ In 2022, the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация*, КЗД) did not receive any complaints of discrimination on the grounds of gender identity or sexual orientation. As health status and physical appearance are not explicitly mentioned among the grounds for discrimination, the commission does not collect data on such complaints.⁵

In March 2022, the Ombudsman published its annual report for the previous year.⁶ According to the report, in 2021, the Ombudsman received a total of 17 complaints of discrimination. Based on these complaints, the Ombudsman concluded that “discrimination is widespread, having an adverse impact on the whole of society”. It is also notable that, for a second consecutive year, complaints based on personal status predominate. They concern a very wide range of problems, some of which were included in the report, such as, for example, the criteria for admission to kindergartens in Sofia. On the admission to kindergartens, the report notes that for years the Ombudsman has insisted that access to social services to support motherhood should be the same for all citizens. The Ombudsman has repeatedly addressed recommendations to the Mayor of Sofia Municipality and to the district mayors in the city of Sofia. According to the report, urgent measures are needed to solve the problem of the shortage of childcare facilities in Sofia in the long term, without discriminating against any child. The other complaints of discrimination submitted to the Ombudsman in 2021 were related to the COVID-19 measures, the machine voting in elections, the rights of people with disabilities (concerning the lack of accessible architectural environment and the problems with obtaining

³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Letter No 08-00-61/29.09.2022 (*Писмо № 08-00-61/29.09.2022*), 29 September 2022.

⁴ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2022), Annual Activity Report of the Commission for Protection against Discrimination for 2021 ([Годишен отчет за дейността на Комисията за защита от дискриминация през 2021 г.](#)), 30 March 2022.

⁵ Bulgaria, Commission for Protection against Discrimination (*Комисия за защита от дискриминация*) (2022), Letter No 12-20-45/27.09.2022 (*Писмо № 12-20-45/27.09.2022*), 27 September 2022.

⁶ Bulgaria, Ombudsman of Republic of Bulgaria (*Омбудсман на Република България*) (2022), Annual Report of the Ombudsman 2021 ([Годишен доклад на Омбудсмана 2021](#)), 31 March 2022.

disability status certificates), and the rights of Roma (in particular related to evictions and the difficulties in issuing identity documents in the absence of a lawful permanent address). In its section on hate crime, the report explicitly notes that Bulgaria is one of the few countries in Europe, in which crimes motivated by the victim's sexual orientation are not prosecuted as hate crimes while at the same time victims rarely report such crimes due to discrimination and fear.

In its report, the Ombudsman also highlighted the outstanding issue of fees in discrimination proceedings. In the end of 2021, the Ombudsman filed a request to the Supreme Administrative Court (SAC) (*Върховен административен съд, ВАС*) asking for an interpretative decision on the question whether a state fee is payable in cases of appeal against decisions of the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*). In its request, the Ombudsman noted the conflicting case law resulting from a recent amendment to the Administrative Procedure Code (*Административно-процесуален кодекс*), which introduced mandatory fees in all court proceedings for hearing appeals against decisions of public authorities. After the amendments, some courts continued to apply the special provision of the Protection against Discrimination Act (*Закон за защита от дискриминация*) stipulating that all discrimination proceedings are free of charge for the applicants, while other courts started collecting fees on the grounds that the provision of the Administrative Procedure Code (*Административно-процесуален кодекс*) was more recent and therefore took precedence over older rules on the same matter. In its request, the Ombudsman explicitly referred to Article 7(1) of Council Directive 2000/43/EC and Article 9(1) of Council Directive 2000/78/EC, both obliging Member States to ensure that judicial and/or administrative procedures are available to all persons who consider themselves discriminated. As of October 2022, the case was still pending before the Supreme Administrative Court (SAC) (*Върховен административен съд, ВАС*).⁷

In its report, the Ombudsman also reported on recommendations to address discrimination against groups of people on the grounds of their health status. The cases concerned persons with two doses of the Pfizer-BioNTech vaccine received in the United States who were denied an EU digital COVID-19 certificate based on their documents attesting to the vaccination. Based on their complaints, the Ombudsman sent recommendations to the Minister of Health (*Министър на здравеопазването*) to undertake measures to resolve the issue. The recommendations stressed that the rights of individuals related to the vaccination in a non-EU country should be fully guaranteed and that they should not be discriminated against. In response to the recommendations, in November 2021

⁷ Bulgaria, Supreme Administrative Court (*Върховен административен съд*), Interpretative case No 5/2021 ([Тълкувателно дело № 5 от 2021 г.](#)), 21 December 2021.

the Minister of Health amended the respective anti-epidemic regulation⁸ and made all COVID-19 certificates issued in non-EU states equally valid to those issued in the EU.

Regarding discrimination on the grounds of socio-economic status, on 29 April 2022, the Constitutional Court (CC) (*Конституционен съд, КС*) delivered a decision on the case instituted upon request of the Ombudsman who asked the court to declare unconstitutional a recently adopted provision related to the payment of pensions. In its request, submitted on 5 July 2021, the Ombudsman challenged the provision of Article 68a, Paragraph (1) of the Social Insurance Code (*Кодекс за социално осигуряване*) providing for the lifetime payment of a reduced pension to persons who had chosen to retire up to one year before reaching the required age. According to the Ombudsman, the provision was "discriminative, undoubtedly unfair and restricting the social rights of citizens".⁹ The court requested and examined opinions from different stakeholders. Some of them considered the provision discriminatory noting that the affected persons had paid their social security contributions for the same period as the persons who had chosen to work until reaching the age of retirement. Others, like the Minister of Labour and Social Policy, considered the provision not discriminatory, arguing that the existence of different types of pensions does not mean that different rules apply to identical situations or that the same rule applies to different situations.¹⁰ In its decision, the Constitutional Court concluded that the contested provision did not violate the Constitution. According to the court, "the contested provision does not treat insured persons differently in terms of their access to the right to a retirement pension, but rather grants all those who satisfy the conditions laid down in the law the same subjective right".¹¹

In October and November 2022, the National Institute for Justice (NIJ) (*Национален институт на правосъдието, НИП*), which is the public body responsible for the training of judges and prosecutors, will deliver a training course

⁸ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-890/03.11.2021 on introducing anti-epidemic measures ([Заповед № РД-01-890 от 03.11.2021 г. за въвеждане на противоепидемични мерки](#)), 3 November 2021.

⁹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*)(2021), Request by the Ombudsman of the Republic of Bulgaria to establish the unconstitutionality of Article 68a, Paragraph (1), Sentence 2 of the Social Insurance Code in the part "for life" ([Искане от Омбудсмана на Република България за установяване на противоконституционност на чл. 68а, ал. 1, изр. 2, в частта "пожизнено" от Кодекса за социалното осигуряване](#)), 5 July 2021.

¹⁰ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2021), Opinion of the Minister for Labour and Social Policy on constitutional case No 14/2021 ([Становище на министъра на труда и социалната политика по конституционно дело № 14/2021 г.](#)), 12 October 2021.

¹¹ Bulgaria, Constitutional Court of the Republic of Bulgaria (*Конституционен съд на Република България*), Decision No 4 of 19 April 2022 on constitutional case No 14/2021 ([Решение № 5 от 19 април 2022 г. по конституционно дело № 14/2021](#)), 29 April 2022.

on “Gender-based discrimination: basic provisions and legal remedies”.¹² The course will focus on the role of the courts as the main bodies granting access to justice to women (including women belonging to vulnerable groups or being in vulnerable situations). The target group of the course includes judges, judicial assistants, experts from the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП), the administration of the Ombudsman and the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация*, КЗД), and lawyers.

On 15 April 2022, the Sofia City Administrative Court (SCAC) (*Административен съд – София-град*, АССГ) issued its long-awaited decision on the case that became known as the “case of baby Sarah”.¹³ The case concerns the refusal of Bulgarian authorities to issue a birth certificate to a child, whose both parents are women. The child was born in Spain, in the family of a Bulgarian woman and a British woman born in Gibraltar. The case was referred to the Court of Justice of the EU for preliminary ruling. In its judgment, the CJEU ruled that the European Union law must be interpreted as meaning that, in the case of a child, being a minor, who is a Union citizen and whose birth certificate, issued by the competent authorities of the host Member State, designates as that child’s parents two persons of the same sex, the Member State of which that child is a national is obliged: (i) to issue to that child an identity card or a passport without requiring a birth certificate to be drawn up beforehand by its national authorities, and (ii) to recognise, as is any other Member State, the document from the host Member State that permits that child to exercise, with each of those two persons, the child’s right to move and reside freely within the territory of the Member States. After obtaining the decision of the CJEU, the Sofia City Administrative Court (SCAC) (*Административен съд – София град*, АССГ) delivered a decision obliging Sofia Municipality to issue the birth certificate to the child indicating both women as parents.¹⁴ At the beginning of June 2022, the parents applied to the Bulgarian consular office in Barcelona for the child's passport but their application was rejected. Meanwhile, on 10 June 2022, Sofia Municipality challenged the latest court decision and, as of October 2022, the case is pending before the Supreme Administrative Court (SAC) (*Върховен административен съд*, ВАС).¹⁵

¹² Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

¹³ For more information about previous developments on the case, see Markov, D., Doichinova, M. and Novosiolova, T. (2022) [Franet National Contribution to the Fundamental Rights Report 2022: Bulgaria](#), 8 June 2022, pp. 5-6.

¹⁴ Bulgaria, Sofia City Administrative Court (*Административен съд – София-град*), Decision No 3251 on administrative case No 3654/2020 (*Решение № 3251 по административно дело № 3654/2020 г.*), 13 May 2022. The full text of the decision is accessible through the searchable [online database](#) of the Sofia City Administrative Court.

¹⁵ Club Z (*Клуб Z*) (2022), ‘Baby Sarah will be stateless for at least 2 more years’ ([‘Бебето Сара ще е без гражданство поне още 2 години’](#)), 13 June 2022.

In 2022, several non-governmental organisations launched new projects addressing discrimination against LGBTIQ. Among them is the project “Vital strategies: improving the access to HRT and LGR for trans people in Bulgaria” implemented by Bilitis Foundation (Фондация „Билитис”).¹⁶ The project aims to contribute to solving the problem by conducting a comparative legal study of the different practices of civil gender reassignment in Europe and worldwide vis-à-vis the situation in Bulgaria, and cooperating with public institutions to facilitate existing procedures.

GLAS Foundation (Фондация GLAS) continued implementing the project “Open Doors” („Отворени врати”).¹⁷ In 2022, the organization organised training events for health professionals and medical students in five countries. The objectives of the training were to increase knowledge about the health needs of LGBTI people among health professionals and medical students, to improve their attitudes towards LGBTI people and to enhance their skills to provide competent and inclusive healthcare for LGBTI people in Europe.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

In April 2022, the Bulgarian Helsinki Committee (BHC) (Български хелзинкски комитет, БХК) published its annual human rights report for the year 2021.¹⁸ The report noted that in 2021 there was “an unprecedented number of anti-LGBTI incidents”. The report also noted that only seven decisions of the Commission for Protection against Discrimination (CPD) (Комисия за защита от дискриминация, КЗД) that entered into force in 2021 addressed complaints of discrimination on the grounds of sexual orientation. The report raised concerns that the LGBTIQ community was the target of a number of discriminatory messages during the election campaigns in 2021 that remained unsanctioned.

In April 2021, Bilitis Foundation (Фондация „Билитис”), a civil society organisation promoting the rights of LGBTI persons, published a report on the best practices of respecting the best interest of the child in the context of modern family structures

¹⁶ Bulgaria, Bilitis Foundation (Фондация „Билитис”) (2022), [‘Vital strategies: improving the access to HRT and LGR for Trans People in Bulgaria’](#), press release, 1 May 2022.

¹⁷ Bulgaria, GLAS Foundation (Фондация GLAS) (2022), ‘Over 600 health professionals and medical students were trained under the EU-funded Open Doors project’ ([‘Над 600 здравни специалисти и студенти по медицина бяха обучени в рамките на финансираня от ЕС проект „Отворени врати”](#)’), press release, 14 March 2022.

¹⁸ Bulgaria, Bulgarian Helsinki Committee (Български хелзинкски комитет) (2022), Human Rights in Bulgaria 2021 ([Правата на човека в България 2021 г.](#)), Sofia, Bulgarian Helsinki Committee, 18 April 2022.

and the foreign social practices of integrating non-traditional families. The main conclusion of the report is that the number and quality of out-of-court mechanisms for resolving parental conflicts in compliance with the best interest of the child are not sufficient in the context of an intolerant social environment. The report also offers promising practices from different countries related to the social integration of and combating discrimination against families from vulnerable groups.¹⁹ At the end of September 2022, Bilitis Foundation in cooperation with the Institute of Mediation and Dispute Management (IMEUS) (*Институт по медиация и управление на спорове, ИМЕУС*) and the Professional Association of Mediators in Bulgaria (PAMB) (*Професионална асоциация на медиаторите в България, ПАМБ*) organised a two-day round table on "Contemporary Bulgarian Families and Conflict Resolution".²⁰ Both the report and the round table were part of the project "Children in Focus in Diverse Families" (*„Децата на фокус в разнообразните семейства“*) funded by the European Economic Area (EEA) Financial Mechanism.

In October 2022, the European Commission against Racism and Intolerance (ECRI) published the country report on Bulgaria compiled in the framework of ECRI's sixth monitoring cycle.²¹ In the area of LGBTI equality, the report stresses that although NGOs identified more than 200 legal aspects in which LGBTI persons could be considered discriminated against, the Bulgarian authorities have not carried out any study or research into the situation of LGBTI persons and related problems of discrimination they might experience. The report recommends the development of legislation on gender reassignment and its recognition as well as the establishment of an LGBTI working group to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan on combatting discrimination against people from the community. ECRI also notes that according to NGOs, intersex issues are often pathologized by healthcare professionals and are frequently considered to necessitate a medical response. The report recommends that authorities support dialogue and awareness raising on the specific needs of intersex persons.

¹⁹ Bulgaria, Bilitis Foundation (*Фондация „Билитис“*) (2022), Analysis of the Best Interest of the Child in the Context of Contemporary Family Structures and Foreign Practices for the Social Integration of Non-Traditional Families ([Анализ на най-добрия детски интерес в контекста на съвременните семейни структури и чуждестранните практики за социална интеграция на нетрадиционни семейства](#)), Sofia, Bilitis Foundation, 13 January 2022.

²⁰ For more information about the event, see the news section on the [website](#) of Bilitis Foundation.

²¹ European Commission against Racism and Intolerance (2022), [ECRI Report on Bulgaria \(sixth monitoring cycle\)](#), 4 October 2022.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In March 2022, the Ombudsman published its annual report for the previous year.²² In its section on hate speech, the report notes that “for yet another year, the Ombudsman observes that hate speech is increasingly used in our society and over the years we have witnessed a lack of action to prevent its use and spread”. This finding is not based on a specific increase in the number of hate speech complaints received, as no such increase is explicitly noted in the report, but rather on the institution's general observations of political and social processes in the country. The Ombudsman concludes that the lack of adequate measures to address hate speech leads to a decrease in public sensitivity to this issue and hate speech becomes part of the everyday life of citizens. In addition to hate speech, the Ombudsman also notes that serious attention must be paid to hate crimes. According to the report, all hate crimes should be criminalised and effectively investigated and punished, and their victims must receive, in addition to moral satisfaction, justice and compensation for the harm they have suffered. The Ombudsman explicitly notes that “the lack of legislation and effective mechanisms to protect against these crimes leave a gap and prevent the imposition of punishment on the perpetrators, but they also undermine prevention, as well as overcoming the culture of impunity in society”. According to the report, victims of hate crime in Bulgaria often feel discouraged by the lack of understanding and by the fact that the institutions themselves do not recognise hate crimes and qualify them as acts of hooliganism.

In October 2022, the European Commission against Racism and Intolerance (ECRI) published the country report on Bulgaria compiled in the framework of ECRI's sixth monitoring cycle.²³ In the area of racism, xenophobia and hate crime, the report acknowledges some positive developments including, among others, the court decision to uphold the ban of Lukov March (an ultra-nationalist and neo-Nazi youth torch-bearing procession to glorify the legacy of a Bulgarian pro-Nazi politician) and the subsequent cancelling of the event, and the measures to prevent and combat antisemitism (including the appointment of national coordinator on combating antisemitism and the initiative to develop an action plan). At the same time, the report highlights some unsolved problems such as the continuing labelling of hate-motivated attacks as hooliganism (which is not only

²² Bulgaria, Ombudsman of Republic of Bulgaria (*Омбудсман на Република България*) (2022), Annual Report of the Ombudsman 2021 ([Годишен доклад на Омбудсмана 2021](#)), 31 March 2022.

²³ European Commission against Racism and Intolerance (2022), [ECRI Report on Bulgaria \(sixth monitoring cycle\)](#), 4 October 2022.

misleading but is also not reflecting the dehumanising and therefore particularly dangerous nature of such acts), the lack of separate data on xenophobic and racist crimes, the lack of a specific system to counter racist incidents in schools, etc. Based on these findings, ECRI addresses several recommendations to the Bulgarian government, including the setting up of a system to monitor and counter racist incidents in schools, the adoption of similar measures to those aimed to combat antisemitism covering other vulnerable groups exposed to hate speech, the establishment within the police of dedicated hate-crime units to work closely with the communities most affected by hate-motivated violence, etc.

In April 2022, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) published its annual human rights report for the year 2021.²⁴ The report notes the increasing use of hate speech by Bulgarian politicians, in particular against ethnic and religious minority groups, LGBTIQ, migrants and asylum seekers. The report also highlights several hate crime incidents that happened in 2021 but remained unsanctioned, including cases of desecration of mosques and the holding of the allegedly neo-Nazi annual torchlight procession in memory of the leader of the Union of the Bulgarian National Legions General Hristo Lukov despite the order of the mayor of the Sofia Municipality to terminate the event.

In April 2022, the private social and market research agency Alpha Research (*Алфа Рисърч*) published the results of a study on the public attitudes towards antisemitism and hate speech. The survey was implemented as part of a project to support Bulgaria's international commitments to combat antisemitism coordinated by the Diplomatic Institute at the Ministry of Foreign Affairs (*Дипломатически институт към Министерство на външните работи*). The study included two modules: a national representative survey of 1,000 adult Bulgarians from all over the country aged 18-55 and a survey among the Jewish community in Bulgaria including 100 interviews. The fieldwork was carried out in the period 5-21 February 2022. The information was collected through direct standardised tablet interviews and online questionnaires. According to the study, the relationship between Jews and the rest of the population is assessed by both sides as good and very good (82 % of Jews and 73 % of the general public). The prevailing majority of the general public would feel comfortable living next door to Jews (83 %), having Jews in senior leadership positions (59 %), and having a family member married to a Jew (52 %). According to the study, there is a significant difference between the perceptions of hate speech in the Jewish community and the rest of the population. About 70 % of the representatives of the Jewish community and only 34 % of the general public shared the understanding that hate speech is a problem in Bulgaria. Furthermore, among the

²⁴ Bulgaria, Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2022), Human Rights in Bulgaria 2021 ([Правата на човека в България 2021 г.](#)), Sofia, Bulgarian Helsinki Committee, 18 April 2022.

general public, the perception is that hate speech primarily encompasses informal communication and therefore remains confined to the internet and social networks (48 %), displays at sporting events (37 %) and graffiti on public and residential buildings (29 %), while among the Jewish community 95 % pointed out the internet and social networks, 84 % mentioned graffiti on public and residential buildings, and 64 % referred to appearances of public figures, including on radio and television (43 %). For some of the questions, the study compares the results of this survey with the results of FRA's second survey on discrimination and hate crimes against Jews in the EU. Thus, for example, according to this study, about 11 % of Jews said that they at least occasionally avoided visiting Jewish events or sites because they would not feel safe compared to 34 % in the twelve countries covered by the FRA's survey.²⁵

The National Parliamentary Research Centre (NPRC) (*Национален център за парламентарни изследвания*, НЦПИ) published a study on the public attitudes towards the fight against crime and corruption in Bulgaria.²⁶ The study was based on a national representative survey conducted among 1,000 adult Bulgarian citizens across the country using semi-structured face-to-face interviews. The fieldwork was carried out in the period 16-28 September 2021. The survey recorded significant differences in the perceptions of representatives of different ethnic groups regarding the fight against crime. Thus, the share of respondents who were satisfied or completely satisfied with their personal protection from crime was 21.1 % among respondents self-identifying as Bulgarians, 12.5 % among respondents self-identifying as Turkish, and 13.9 % among respondents self-identifying as Roma. The proportion of respondents self-identifying as Roma, who had fallen victim to different crimes in the past 12 months, was also generally higher than the other ethnic groups. Thus, for example, 15.7 % of the respondents who self-identified as Roma said they had been physically assaulted at least once in the past 12 months compared to 0.3 % of the respondents who self-identified as Bulgarians.

After the outbreak of the war in Ukraine, several studies were published exploring, among other things, the public attitudes towards the persons displaced from Ukraine. Although none of them addressed specifically the issues of discrimination, hate speech or hate crime, they shed some light on the public perceptions of the people fleeing the war. According to one such study, conducted by the private survey company Gallup International Balkan (*Галъп интернешънъл болкан*)

²⁵ Bulgaria, Alpha Research (*Алфа рисърч*) (2022), Public Attitudes towards Antisemitism and Hate Speech – the Opinion of the General Public and the Jewish Community ([*Обществени нагласи към антисемитизма и езика на омразата – мнението на широката общественост и на еврейската общност*](#)), Sofia, Alpha Research, 5 April 2022.

²⁶ Bulgaria, National Parliamentary Research Centre (*Национален център за парламентарни изследвания*) (2022), Public Attitudes towards the Fight against Crime and Corruption in Bulgaria ([*Обществени нагласи към борбата с престъпността и корупцията в България*](#)), Sofia, National Assembly, 17 January 2022.

between 31 March and 8 April 2022, about 49.9 % of Bulgarians do not share the perception that refugees from Ukraine were any threat to national security, 25.2 % are of the opposite opinion, while the rest are undecided.²⁷ Based on a comparison with other indicators used over the years, including in other conflicts, the authors of the study conclude that refugees from Ukraine have been generally well received by Bulgarians, which is impressive, especially against the backdrop of concerns about high prices and the quality of life in the country. The survey was conducted among 809 adult Bulgarians through direct face-to-face computer-assisted personal interviews.

Another study, published by the private research and consultancy agency ESTAT (ECTAT), explored the change in public attitudes towards the war in Ukraine between April and October 2022.²⁸ The study found that the share of those sympathising with the persons displaced from Ukraine decreased by more than 12 percentage points (from 38 % to 25.8 %) at the expense of those with no attitude (whose share increased from 28 % to 38 %), while the proportion of those with indifferent attitude (increasing from 15.5 % to 17.2 %) or negative attitude (increasing from 18.4 % to 19 %) did not change significantly. Positive attitudes are prevailing mainly among women, university graduates, people with children and people living in the capital, while negative attitudes are more widespread among men, people without children, people between 30 and 40 years of age, and people living in big cities. Another finding of the study is that the share of those who helped people from Ukraine (7.2 % in April 2022 and 9.4 % in October 2022) or were willing to help (19.4 % and 19.2 % respectively) is significantly smaller than the share of those who did not and were not willing to help (73.5 % and 71.4 % respectively). The two surveys, on which the study is based, were conducted through face-to-face interviews with adult Bulgarian citizens between 16 April and 28 April 2022 (with a sample of 1,002 respondents) and between 8 October and 28 October 2022 (with a sample of 1,004 respondents).

In November 2022, UNHCR Bulgaria presented the results of an age, gender and diversity participatory assessment among displaced persons from Ukraine with granted temporary protection. The assessment was conducted through 15 focus group discussions with a total of 125 participants (83 persons living at external addresses and 42 persons living in accommodation facilities provided by the government). The participants included 95 women, 10 men, 12 girls and 8 boys, 20 persons aged 6-17 years, three persons aged 18-25 years, 27 persons aged 26-35 years, 18 persons aged 36-45 years, 20 persons aged 46-55 years and 25 persons aged above 55 years. According to the assessment report, the majority of respondents felt well received in Bulgaria. However, individual cases of

²⁷ Bulgaria, Gallup International Balkan (*Галъп интернешънъл болкан*) (2022), 'Reluctance for new elections – amid challenges such as prices, war, pandemic' (['Нежелание за нови избори – на фона на предизвикателства като цени, война, пандемия'](#)), press release, 20 April 2022.

²⁸ Bulgaria, ESTAT (ECTAT) (2022), 'Reluctance for new elections – amid challenges such as prices, war, pandemic' ([Общественото мнение за войната в Украйна](#)), Sofia, ESTAT, 10 November 2022.

discrimination and rude treatment were also reported, mainly by doctors and landlords.²⁹

With regard to the impact of COVID-19, a report published by Open Society Institute Sofia (*Институт Отворено общество – София*) revealed that the vaccination coverage in Roma communities was extremely low and “certainly too far from values that would have mattered in epidemiological terms”.³⁰ The report concludes that as of the time of the research fewer than 4 % of the respondents have received at least one vaccine dose, about 5 % declare their willingness to get vaccinated, while the majority claim that they would not get vaccinated under any circumstances. Another finding of the report is that belief in conspiracy theories pertaining to COVID-19 vaccines is quite widespread in the surveyed Roma neighbourhoods with about 83 % of respondents accepting as true at least one such theory. Based on these findings the study concludes that the institutions in Bulgaria have lost the informational battle for the attention and trust of Roma communities regarding the pandemic. The report is based on field research among five Roma communities in Bulgaria carried out in December 2021. The report includes a disclaimer that, although the sample used in the study is representative of the households in the selected neighbourhoods and to a great extent of the adult population of these neighbourhoods, it might not necessarily reflect the general situation in the Roma communities in Bulgaria regarding Covid-19 vaccination, more particularly regarding specific data about the share of the already vaccinated and the willingness to get vaccinated against Covid-19 in the future.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

Bulgaria has no unified national strategy or action plan against racism and racial discrimination. Although this situation has been criticised occasionally by civil society organisations,³¹ the adoption of such a policy document has so far been the subject of neither serious public debate nor concrete commitments by the government. The EU Anti-racism Action Plan 2020-2025 is also not referred to in any national strategic and policy documents with the exception of the recently

²⁹ Partsaleva, I. (2022), ‘Age, gender and diversity participatory assessment 2022’, presentation delivered at the UNHCR Bulgaria conference *What Refugees Tell Us (Какво ни казват бежанците)*, 3-4 November 2022 (unpublished).

³⁰ Zahariev, B. and Yordanov, I. (2022), [Attitudes to Covid-19 vaccines and vaccination in five Roma communities in Bulgaria](#), Sofia, Open Society Institute Sofia, 14 April 2022.

³¹ For example, see Nedeva, I. (2021), ‘BCLD: Parties to adopt strategy against racism, sexism, xenophobia’ ([‘БОЛД: Партиите да приемат стратегия срещу расизма, сексизма, ксенофобията’](#)), *Bulgarian National Radio*, 17 March 2021.

adopted national Roma integration strategy which sets as one of its objectives to contribute to its implementation at the national level.³²

In the area of hate crime, the main legal development in 2022 was the completion and presentation for public consultation of draft amendments to the Criminal Code (*Наказателен кодекс*) aimed to improve the criminal law provisions on hate speech and hate crime. The draft, published for public consultation by the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) in August 2022, was developed in response to an infringement procedure against Bulgaria initiated by the European Commission for incorrect implementation of Article 1(1)(c) and (d) and Article 4 of the Framework Decision on Racism and Xenophobia. The proposed amendments envisage the introduction of aggravated cases with heavier penalties for certain offences when committed with racist or xenophobic motives – kidnapping, unlawful deprivation of liberty, coercion, threatening, stalking, insulting, desecration of a religious shrine or tombstone, unlawful destruction or damage of another's property, incitement to commit a crime, and arson. The heavier penalties for the newly suggested aggravated cases vary depending on the penalty under the main offence. Thus, for example, for cases of coercion, for which the penalty under the main offence is imprisonment of up to six years, the suggested heavier penalty for racist or xenophobic motives is imprisonment for three up to ten years. Revisions are also suggested to the provisions incriminating the acts of publicly condoning, denying or grossly trivialising crimes against peace and humanity to align the national rules with the provisions of the Framework Decision.³³ The draft was submitted to the parliament on 25 October 2022 and was adopted on first reading in plenary session on 11 November 2022.³⁴

In October 2022, the government submitted to the parliament a draft amendment to the Criminal Procedure Code (*Наказателно-процесуален кодекс*), which also includes changes to the Victims of Crime Assistance and Financial Compensation Act (*Закон за подпомагане и финансова компенсация на пострадали от престъпления*). One of these changes envisages that certain categories of victims, including victims of racist and xenophobic crime, are presumed by law to have specific protection needs.³⁵

³² Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 ([Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030 г.](#)), 5 May 2022.

³³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Draft Act amending and supplementing the Criminal Code ([Проект на Закон за изменение и допълнение на Наказателния кодекс](#)), 23 August 2022.

³⁴ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Act amending and supplementing the Criminal Code ([Проект на Закон за изменение и допълнение на Наказателния кодекс](#)), 25 October 2022.

³⁵ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Criminal Procedure Code ([Проект на Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 24 October 2022.

The Prosecution Office of the Republic of Bulgaria (*Прокуратура на Република България*) also suggested a set of amendments to the Criminal Code (*Наказателен кодекс*), some of which were related to hate crime.³⁶ The proposed amendments were submitted to the parliament as a “package of expert proposals” because the Prosecution Office alone is not authorised by the Constitution to submit draft laws. The proposed amendments included, among other changes, (1) adding homophobic and transphobic motives as aggravating factors in certain criminal offences (murder, bodily injury, destruction and damage of property, and arson), (2) introducing a general provision obliging the courts always to consider discriminatory motives as an aggravating circumstance, and (3) expanding the definition of hate crime to encompass sexual orientation, gender, gender identity and gender expression.

³⁶ Bulgaria, Prosecution Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2022), Expert proposal for amendments in the Criminal Code ([*Експертно предложение за изменения в Наказателния кодекс*](#)), 9 June 2022.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

| Development regarding the implementation of the action plans | |
|--|--|
| Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink | <p><u>Yes/No/Other</u> (please specify)</p> <p>Bulgaria, Council of Ministers (<i>Министерски съвет</i>), National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 (Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030 г.), 5 May 2022</p> <p>Bulgaria, Council of Ministers (<i>Министерски съвет</i>), National Action Plan for 2022-2023 for Implementation of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 (Национален план за действие за периода 2022-2023 за изпълнение на Националната стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030 г.), 5 May 2022</p> |
| How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)? | The strategy and the action plan were prepared by the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (<i>Националният съвет за сътрудничество по етнически и интеграционни въпроси</i> , НССЕИВ). The draft plan, along with the revisited draft strategy, were published on the public consultation |

platform "strategy.bg" on 24 March 2022,³⁷ and opinions were received from several Roma civil society organisations such as the Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*), the Social Foundation Indi-Roma 97 (*Социална фондация „Инди-Рома 97“*), and the community centre Romano Drom-2002 (*Народно читалище „Романо дром-2002“*), as well as other non-Roma civil society organisations that work with Roma beneficiaries such as the National Network for Children (NNC) (*Национална мрежа за децата, НМД*) and "Teach for Bulgaria" Foundation (*Фондация „Заедно в час“*).³⁸ Further statements were also given by Integro Association (*Асоциация „Интегро“*) in cooperation with the organisations from the National Coalition Intelekt (*Национална коалиция „Интелект“*), co-signed by 21 representatives of local and national-level civil society organisations working towards Roma integration and Roma rights including Roma Health Foundation (*Фондация „Здравето на ромите“*), Roma Solidarity Foundation (*Фондация „Ромска солидарност“*), the Centre for Minority Issues Strategies (*Център за стратегии по проблемите на малцинствата*), the Roma Standing Conference (*Постоянна Ромска Конференция*), etc.³⁹ The Informal Forum for Learning and Innovation for Roma Inclusion in Bulgaria (*Неформален форум за учене и иновации за ромското включване*

³⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Draft National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 and Draft National Action Plan for 2022-2023 ([Проект на Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030 и Проект на Национален план за действие за периода 2022-2023 г.](#)), 24 March 2020.

³⁸ Bulgaria, NGOs, working towards Roma integration (*НПО, работещи за интеграция на ромската общност*) (2022), Statement of the NGOs, working towards Roma integration ([Становище на НПО, работещи за интеграция на ромската общност](#)), 7 April 2022.

³⁹ Bulgaria, Integro Association and the Organisations of the National Coalition Intelekt (*Асоциация „Интегро“ и организациите на Националната коалиция „Интелект“*) (2022), Statement of Integro Association and the Organisations of the National Coalition Intelekt ([Становище на Асоциация „Интегро“ и организациите на Националната коалиция „Интелект“](#)), 7 April 2022.

| | |
|--|---|
| | <p>в България),⁴⁰ Habitat for Humanity Foundation (Фондация „Подслон за човечеството“),⁴¹ the National Network of Health Mediators (Национална мрежа на здравните медиатори)⁴² and the Trust for Social Achievement (Тръст за социална алтернатива)⁴³ also issued a statement on the revised drafts of the two documents. The strategy and the 2022-2023 action plan were adopted by the government on 5 May 2022.⁴⁴</p> |
| <p>Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?</p> | <p>No. The lacking engagement of the Ombudsman in particular is a prominent critique in the statement by Integro Association (Асоциация „Интегро“) and the organisations from the National Coalition Intelekt (Национална коалиция „Интелект“).⁴⁵</p> |
| <p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p> | <p><u>Yes/No/Other</u> (please specify)</p> |

⁴⁰ Bulgaria, Informal Forum for Learning and Innovation for Roma Inclusion in Bulgaria (Неформален форум за учене и иновации за ромското включване в България) (2022), Statement of the Informal Forum for Learning and Innovation for Roma Inclusion in Bulgaria ([Становище на Неформалния форум за учене и иновации за ромското включване в България](#)), 7 April 2022.

⁴¹ Bulgaria, Habitat for Humanity Foundation (Фондация „Подслон за човечеството“) (2022), Statement of the Habitat for Humanity Foundation ([Становище на Фондация „Подслон за човечеството“](#)), 7 April 2022.

⁴² Bulgaria, National Network of Health Mediators (Национална мрежа на здравните медиатори) (2022), Statement of the National Network of Health Mediators ([Становище на Национална мрежа на здравните медиатори](#)), 4 April 2022.

⁴³ Bulgaria, Trust for Social Achievement (Тръст за социална алтернатива) (2022), Statement of the Trust for Social Achievement ([Становище на Тръста за социална алтернатива](#)), 7 April 2022.

⁴⁴ Bulgaria, Council of Ministers (Министерски съвет), Decision No 278 from 5 May 2022 on the adoption of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 and the National Action Plan for 2022-2023 ([Решение № 278 от 5 май 2022 година за приемане на Национална стратегия на Република България за равенство, приобщаване и участие на ромите \(2021-2030\) и Национален план за действие за периода 2022-2023 г.](#)), 5 May 2022.

⁴⁵ Bulgaria, Integro Association and the Organisations of the National Coalition Intelekt (Асоциация „Интегро“ и организациите на Националната коалиция „Интелект“) (2022), Statement of Integro Association and the Organisations of the National Coalition Intelekt ([Становище на Асоциация „Интегро“ и организациите на Националната коалиция „Интелект“](#)), 7 April 2022.

| | |
|--|--|
| | <p>The strategy includes a section on monitoring and evaluation (Chapter X) that envisions the creation of a system for monitoring, evaluation and control of the implementation of the strategy (<i>система за мониторинг, оценка и контрол за изпълнение на стратегията</i>). The system will be used to collect relevant data, enable the analysis of the collected information, and assist in the identification of lessons learned and the formulation of recommendations. The monitoring and evaluation process is based on concrete indicators, and culminates in annual progress reports. The National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (<i>Националният съвет за сътрудничество по етнически и интеграционни въпроси, НССЕИВ</i>) is responsible for the monitoring and evaluation activities.</p> |
| Implications of the war in Ukraine on the situation of Roma | |
| Have Roma from Ukraine entered your country? | Yes/ <u>No</u> ⁴⁶ |
| If Roma from Ukraine entered your country how was this communicated in the media? | <p>Yes/<u>No</u></p> <p>Since none of the stakeholders involved in activities related to the displaced persons from Ukraine collected any data on the number of Roma entering Bulgaria, the media did not receive any information on this issue, and hence, did not report anything in relation to Ukrainian Roma in Bulgaria.</p> |
| Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference | Yes/ <u>No</u> |

⁴⁶ Bulgaria, State Agency for Refugees (*Държавна агенция за бежанците*) (2022), Letter No СД-218/1/11.07.22 (*Писмо № СД-218/1/11.07.22*), 11 July 2022; Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*), Letter No 812100-11948/1/14.07.2022 (*Писмо № 812100-11948/1/14.07.2022*), 14 July 2022.

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

On 24 November 2022, the National Statistical Institute (NSI) (*Национален статистически институт, НСИ*) published the official results of the Census 2021 on the ethnic characteristics of the Bulgarian population. The data show that, as of 7 September 2021, the Bulgarian ethnic group comprised 5,118,494 persons or 84.6 % of the persons who answered the ethnicity question. Compared to 2011, the share of this group decreased by 0.2 percentage points. The Turkish ethnic group accounted for 508,378 persons, or 8.4 % of respondents. Their relative share decreased by 0.4 percentage points compared to 2011. A total of 266,720 persons, or 4.4 % of the respondents, identified themselves as Roma. The relative share of this ethnic group decreased by 0.5 percentage points compared to 2011. The results also show that over time, the population with a Bulgarian ethnic identity has become significantly more urbanised than the other two main ethnic groups. At the beginning of the last century, 18.2 % of ethnic Bulgarians, 16.1 % of ethnic Turks and 20.5 % of Roma lived in cities. As of 7 September 2021, these shares were 77.5 %, 38.4 % and 51.0 %, respectively. Persons belonging to the Roma ethnic group are territorially distributed in all regions of the country. The largest shares of the Roma ethnic group are registered in the districts of Sliven (15.3 %) and Montana (11.5 %), followed by Shumen (8.0 %), Dobrich (7.2 %), and Yambol (7.1 %). Among the three main ethnic communities, the highest share of the young population (0-14 years of age) is among the Roma (26.6 % of those who self-identified as belonging to this ethnic group). This share is much higher than the share of young people in the Turkish ethnic group (13.8 %) and in the Bulgarian community (12.0 %). The results show significant differences in the educational structure of the population by ethnicity. While 79.7 % of those who self-identified as Bulgarians aged seven years and older are highly educated (29.2 % with a university degree and 50.5 % with a high school diploma), this share goes down to 44.0 % among the population of the Turkish ethnic group (8.1 % with a university degree and 35.9 % with a high school diploma) and to only 15.2 % in the Roma ethnic group (0.8 % with a university degree and 14.4 % with a high school diploma). Significant

disparities are also observed in the labour market participation. The highest employment rate in the age group 15 to 64 years is observed among ethnic Bulgarians (66.8 %), while the lowest rate is registered among the Roma (21.6 %).⁴⁷

On 2 June 2022, the government updated the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*)⁴⁸ in line with enhanced national goals in the field of employment, poverty reduction and social inclusion. The updated strategy continues to view the Roma population as a highly vulnerable group in a plethora of areas such as healthcare (including sexual and reproductive health, access to healthcare, and health insurance), poverty, education, housing, homelessness, living conditions, unemployment and economic inactivity, etc. The strategy proposes “an integrated life-long approach” to improving the situation of vulnerable groups, inter alia, the Roma community – from fostering employment among parents, and family support, to ensuring equal access to quality education and healthcare and assisting in matters of housing and accommodation. The action plan for implementing the strategy for the period 2021-2022⁴⁹ was not updated from its 2021 version.

On the same day, the government also updated the Employment Strategy of the Republic of Bulgaria 2021-2030 (*Стратегия по заетостта на Република България 2021-2030 г.*)⁵⁰ The updated strategy envisions the creation of an online platform for life-long learning, including opportunities tailored for persons with low digital competencies such as the members of the Roma community; continued capacity-building activities among Roma mediators with the goal of fostering labour market inclusion of unemployed and inactive Roma, NEETs included; an integrated approach to socio-economic inclusion similar to that under the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030; and the development of social enterprises at

⁴⁷ Bulgaria, National Statistical Institute (*Национален статистически институт*), Census 2021: Ethno-cultural characteristics of the population as of 7 September 2021 National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Преброяване 2021: Етнокултурни характеристики на населението към 7 септември 2021 година](#)), 24 November 2022. For more 2021 Census data disaggregated by self-identified ethnicity, see the [website](#) of the Information System INFOSTAT.

⁴⁸ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 2 June 2020.

⁴⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021.

⁵⁰ Bulgaria, Council of Ministers (*Министерски съвет*), Employment Strategy of the Republic of Bulgaria 2021-2030 ([Стратегия по заетостта на Република България 2021-2030 г.](#)), 2 June 2022.

the local level for the creation of sustainable jobs for Roma, especially women, persons with disabilities, and long-term unemployed people.

On 7 April 2022, the government adopted the updated National Recovery and Resilience Plan (*Национален план за възстановяване и устойчивост*).⁵¹ The plan envisions the analysis of integration policies with respect to ethnic minority citizens, the guaranteeing of their rights, the construction of an effective support system for vulnerable groups, including the Roma minority, and the encouragement of equal participation and non-discrimination, inter alia, on the grounds of ethnicity. The plan further recognises the challenges and hindrances that Roma women face in relation to their access to the labour market, securing employment, and escaping poverty.

In August 2022, the European Commission approved the Education Programme (*Програма „Образование“*) of Bulgaria for support from the European Social Fund+ under the investment for jobs and growth goal in Bulgaria.⁵² The programme specifically speaks of the need to improve the inclusive character of the educational system in relation to 34 % of Roma students only completing the first segment of their primary education, and 44 % – pre-high school education. The programme further cites drop-out statistics (67 % of Roma leaving school early), kindergarten enrolment data (66 % attendance rate in 2016), segregation rates (60 % of Roma children being educated solely with other Roma children), etc. Discrimination and anti-Roma prejudice, as well as Roma women’s empowerment are also addressed by reference to the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma 2021-2030 and its Action Plan for 2022-2023.⁵³

In May 2022, the government adopted the National Programmes for Educational Development for 2022 to be implemented by the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН).⁵⁴ Of a total of 21 programmes in force in 2022, two are immediately relevant to the Roma population – National Programme No 12 “Supporting Municipalities

⁵¹ Bulgaria, Council of Ministers (*Министерски съвет*), Updated National Recovery and Resilience Plan ([Обновен Национален план за възстановяване и устойчивост](#)), 7 April 2022.

⁵² European Commission, [Commission Implementing Decision of 8.8.2022 approving the programme “Education” for support from the European Social Fund+ under the Investment for jobs and growth goal in Bulgaria](#), CCI2021BG05SFPR001, 8 August 2021.

⁵³ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Education Programme 2021-2027 ([Програма „Образование“ 2021-2027](#)), 12 August 2022.

⁵⁴ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 302 from 13 May 2022 for the adoption of the National Programmes for Educational Development ([Решение № 302 от 13 май 2022 година за одобряване на Национални програми за развитие на образованието](#)), 13 May 2022.

in Relation to Educational Desegregation” (*Подпомагане на общините за образователна десегрегация*) and National Programme No 20 “Supporting Educational Mediators and Social Workers” (*Подкрепа на образователните медиатори и социалните работници*).⁵⁵

National Programme No 12 was developed in line with Area 5 “Effective engagement, continuous inclusion, and educational integration” (*„Ефективно включване, трайно приобщаване и образователна интеграция“*) of the Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria 2021-2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030*),⁵⁶ and the Programme for the Activities of the Centre for Educational Integration of the Children and Students from the Ethnic Minorities 2019-2021 (*Програма за дейността на Центъра за образователна интеграция на децата и учениците от етническите малцинства 2019-2021 г.*).⁵⁷ It aims to assist in the educational integration of children and students from vulnerable groups, including the Roma ethnic minority, through implementing desegregation activities on the municipal level and ensuring a supportive educational environment. The programme’s budget is set at BGN 500,000 (around €250,000) and may be used for categories such as free transport to/from school; school supplies and materials; awareness-raising, motivational and preparation activities; psycho-pedagogical and socio-communicational inclusion for parents; etc. The programme’s implementation period covers the 2022/2023 school year, and will be monitored and evaluated through a set of quantitative criteria, enumerated under part 8 of the programme document.

National Programme No 20 was developed as a complementary action to the then-ongoing project “Support for Success” (*„Подкрепа за успех“*), financed through Operational Programme Science and Education for Smart Growth 2014-2020 (*Оперативна програма „Наука и образование за интелигентен растеж“ 2014-2020 г.*), and in line with Area 5 “Effective engagement, continuous inclusion, and educational integration” (*„Ефективно включване, трайно приобщаване и*

⁵⁵ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), National Programmes 2022 ([Национални програми 2022](#)), 17 May 2022.

⁵⁶ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria 2021-2030 ([Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030](#)), 24 February 2021.

⁵⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Programme for the Activities of the Centre for Educational Integration of the Children and Students from the Ethnic Minorities 2019-2021 ([Програма за дейността на Центъра за образователна интеграция на децата и учениците от етническите малцинства 2019-2021 г.](#)), 29 August 2019.

образователна интеграция") of the Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria 2021-2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030*)⁵⁸. It has the objectives of decreasing the risk of early school leaving among students from vulnerable groups; building positive attitudes towards education on part of students and parents from vulnerable groups; supporting full-bodied participation in education and motivation for active engagement; and optimising the cooperation among schools, parents, and students from vulnerable groups through the active participation of educational mediators and social workers. The overall budget of the Programme is BGN 10 million (around €5 million) and is focused on the employment of educational mediators and/or social workers in schools with concentration of pupils from vulnerable groups, and on the organisation and implementation of meetings between the mediators and parents of children in those schools. The programme's period is set as 1 July 2022 – 31 December 2022, and is to be monitored and evaluated in accordance with a set of quantitative indicators enumerated under part 8 of the programme document.

In August 2022, the Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) and the consultancy firm ICF concluded the project "Introducing a National Framework for Quality of Early Childhood Education and Care" (*„Въвеждане на Национална рамка за качество на образованието и грижите в ранна детска възраст"*).⁵⁹ The project was funded via the European Union's Structural Reform Support Programme and resulted in an analytical report that problematises the quality of education offered to Roma children, and the lower access to early childhood education and care experienced by the ethnic minority for a number of reasons (from access to healthcare and vaccinations to inability to afford mandatory kindergarten fees, and unemployment).⁶⁰

The Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) continued implementing the project "Equal Access to School Education in the Conditions of Crises" (*„Равен достъп до училищно образование в условията на кризи"*) funded under the European crisis response mechanism REACT.EU via Operational Programme Science and Education

⁵⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria 2021-2030 (*Стратегическа рамка за развитие на образованието, обучението и ученето в Република България 2021-2030*), 24 February 2021.

⁵⁹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Introducing a National Framework for Quality of Early Childhood Education and Care (*Въвеждане на Национална рамка за качество на образованието и грижите в ранна детска възраст*), 5 July 2022.

⁶⁰ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*) (2022), Analytical Report on the Quality of Early Childhood Education and Care in Bulgaria (*Аналитичен доклад за качеството на образованието и грижите в ранна детска възраст в България*), 5 July 2022.

for Smart Growth 2014-2020. The project intends to counter the risk of school leaving under distance learning conditions, as well as contribute to the development or improvement of digital skills among pedagogical specialists, parents and children. The project has a budget of over BGN 109 million (around €56 million) and will run over 35 months (contract signed on 12 February 2021).⁶¹ Reporting on the project's progress is not yet available.

In addition, the Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОН) extended the duration of the project "Support for Success" (*„Подкрепа за успех“*)⁶² until 30 June 2022, but limited its activities specifically to additional training in schools with high concentration of vulnerable groups. The project will also continue to support the work of education mediators.⁶³

In 2022, the Centre for Educational Integration of Children and Students from Ethnic Minorities (EICSEM) (*Център за образователна интеграция на децата и учениците от етническите малцинства*, ЦОИДУЕМ) under the Minister for Education and Science (*Министър на образованието и науката*) began implementing a two-year-long project "Capacity Building for Educational and Social Inclusion" (*„Изграждане на капацитет за образователно и социално включване“*), funded under EEA Grants and implemented in partnership with Sofia University St. Kliment Ohridski (*Софийски университет „Св. Климент Охридски“*).⁶⁴ The project intends to implement a system of individual support for each child and student, supply adequate conditions and resources for the support services, and institute measures for overcoming the impact of the COVID-19 pandemic on children from vulnerable groups.⁶⁵ Under this initiative, on 7-10 June 2022, the project partners implemented a four-day-

⁶¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), 'The Implementation of MES's Project BG05M2OP001-5.001-0001 "Equal Access to School Education in the Conditions of Crises" has Commenced' (['Стартира изпълнението на проект на МОН BG05M2OP001-5.001-0001 „Равен достъп до училишно образование в условията на кризи“](#)), press release, 18 March 2021.

⁶² Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Support for Success ([Подкрепа за успех](#)), 21 May 2019.

⁶³ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), 'Opportunity for additional training under the Project "Support for Success"' (['Възможност за още допълнителни обучения по проект „Подкрепа за успех“](#)), press release, 10 May 2022.

⁶⁴ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), Capacity Building for Educational and Social Inclusion ([Изграждане на капацитет за образователно и социално включване](#)), 4 February 2022.

⁶⁵ Bulgaria, Center for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'CEICSEM launches the implementation of the project "Capacity Building for Educational and Social

long training of youth workers and Roma mediators on some 16 topics such as discrimination, anti-gypsyism, disinformation and hate speech, youth policy, young workers and social integration, poverty, religion and culture, etc.⁶⁶ Further training for university staff was implemented by project experts in relation to equipping pedagogical faculty lecturers with skills to prepare pedagogical specialists for working with vulnerable groups in multi-ethnic and multi-cultural environments in June⁶⁷ and in October.⁶⁸ In October and November 2022, training activities under the project were implemented in Vratsa⁶⁹ and Plovdiv⁷⁰ specifically targeting youth workers and Roma educational mediators (45 participants in total).

In October 2022, the Centre for Educational Integration of Children and Students from Ethnic Minorities (EICSEM) (*Център за образователна интеграция на децата и учениците от етническите малцинства*, ЦОИДУЕМ) adopted its activity programme for the period 2022-2024.⁷¹ The programme offers a brief analysis of the challenges related to educational integration, as well as a short overview of the strengths and weaknesses of the Centre's programme of action and its implementation. Some

Inclusion" (['ЦОИДУЕМ стартира изпълнението на проект "Изграждане на капацитет за образователно и социално включване'](#)), press release, 7 February 2022.

⁶⁶ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'Training of youth workers and Roma educational mediators took place in the Vratsa Youth Center' (['В МЦ Враца се проведе обучение на младежи работници и ромски образователни медиатори'](#)), press release, 13 June 2022.

⁶⁷ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'CEICSEM and Sofia University carried out training of university lecturers' (['ЦОИДУЕМ и СУ проведоха обучение на университетски преподаватели'](#)), press release, 27 June 2022.

⁶⁸ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'CEICSEM and Sofia University carried out training of university lecturers' (['ЦОИДУЕМ и СУ проведоха обучение на университетски преподаватели'](#)), press release, 31 October 2022.

⁶⁹ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'Follow-up training for youth workers and Roma educational mediators took place in Youth centre Vratsa' (['В МЦ Враца се проведе надграждащо обучение на младежи работници и ромски образователни медиатори'](#)), press release, 31 October 2022.

⁷⁰ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'Follow-up training for youth workers and Roma educational mediators took place in Youth centre Plovdiv' (['В МЦ Пловдив се проведе надграждащо обучение на младежи работници и ромски образователни медиатори'](#)), press release, 7 November 2022.

⁷¹ Bulgaria, Council of Ministers (*Министерски съвет*), Programme for the Activities of the Centre for Educational Integration of Children and Students from Ethnic Minorities 2022-2024 (['Програма за дейността на Център за образователна интеграция на децата и учениците от етническите малцинства 2022-2024 година'](#)), 17 October 2022.

weaknesses noted are lack of synergies between funding bodies and the Centre's work programme, de-prioritisation of educational integration of children from ethnic minorities, insufficient financial resources, and exclusion of the Centre as a beneficiary under operative programmes. The new programme envisions diversification of funding sources, grant-making, monitoring and evaluation of educational integration policies, supporting access to education for children from ethnic minorities, development of intercultural perspectives in education, and fostering the sustainability of integration through work with parents. Before its adoption the programme was discussed at a national-level meeting, which was organised by the Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) on 21-23 October 2022 and brought together close to 130 educational mediators from across the country.⁷²

In line with its new activity programme, the Centre for Educational Integration of Children and Students from Ethnic Minorities (EICSEM) (*Център за образователна интеграция на децата и учениците от етническите малцинства, ЦОИДУЕМ*) published a call for project proposals in relation to 1) inter-ethnic cooperation among children; 2) development of intercultural competences in the educational sphere; 3) measures for early and equal access to pre-school and school education for children from ethnic minorities; and 4) measures for cooperation between educational institutions and parents, local communities, and local authorities for improved educational integration and intercultural education. The total budget for the four priorities stands at BGN 1.1 million (around €560,000).⁷³

The Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (*Национален съвет за сътрудничество по етнически и интеграционни въпроси, НСCEИВ*) continued implementing the project "T.E.A.M.3 – Together we Achieve More – National Roma Platform" (*„Т.Е.А.М.3 – Заедно постигаме повече – Национална Ромска Платформа“*), funded via the EU Rights, Equality, Citizenship Programme. The project intends to support the activities of Roma communities, institutions and civil society organisations that address inclusion policies. In 2022, several rounds of working meetings with

⁷² Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Upcoming – how will NP "Support for educational mediators" be continued and EICSEM calls' (['Предстоящо – как ще бъде продължена НП "Подкрепа на образователните медиатори" и конкурси на ЦОИДУЕМ'](#)), press release, 23 October 2022.

⁷³ Bulgaria, Centre for Educational Integration of Children and Students from Ethnic Minorities (*Център за образователна интеграция на децата и учениците от етническите малцинства*) (2022), 'Call for project proposals under EICSEM contest procedure – 33.21 - 2022' (['Покана за подаване на проектни предложения по конкурсна процедура на ЦОИДУЕМ – 33.21 – 2022'](#)), press release, 19 November 2022.

educational mediators, as well as a round table with educational, health, and labour mediators, were carried out.⁷⁴ In October and November 2022, within the framework of the T.E.A.M.3 project, the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (*Национален съвет за сътрудничество по етнически и интеграционни въпроси*, НССЕИВ) carried out thematic seminars on the rule of law and anti-discrimination,⁷⁵ and on the equality of women and men and empowerment and equal opportunities for Roma women.⁷⁶

The National Legal Aid Bureau (NLAB) (*Национално бюро за правна помощ*, НБПП) in cooperation with the Norwegian Judicial Administration continued implementing the project "Improving access to justice of people living below the poverty line with a special focus on women, children and Roma" (*„Подобряване на достъпа до правосъдие на лица, живеещи под прага на бедност със специален фокус върху жени, деца и ромската общност“*) funded by Norway Grants with a budget of BGN 1.4 million (around €747,000). The project envisions the analysis of access to justice barriers, the creation of mobile teams of lawyers and Roma mediators, and the improvement of the capacity of the lawyers registered in the National Register for Legal Aid (*Национален регистър за правна помощ*) in three regions – Stara Zagora, Veliko Tarnovo and Varna.⁷⁷

⁷⁴ Bulgaria, National Council for Cooperation on Ethnic and Integration Issues (*Национален съвет за сътрудничество по етнически и интеграционни въпроси*) (2022), National Roma Platform – T.E.A.M.3 ([Национална ромска платформа – Т.Е.А.М.3](#)), 1 July 2022.

⁷⁵ Bulgaria, National Council for Cooperation on Ethnic and Integration Issues (*Национален съвет за сътрудничество по етнически и интеграционни въпроси*) (2022), 'Thematic seminar – Implementation and monitoring of equality, inclusion and participation measures for Roma – "Rule of law and anti-discrimination" within the project "T.E.A.M.3 – Together we achieve more" No 101008352 – TEAM3 – REC-AG-2020/REC-RDIS-NRCP-AG-2020' ([Тематичен семинар- Изпълнение и наблюдение на мерки за равенство, приобщаване и участие на ромите - „Върховенство на закона и антидискриминация“ в рамките на проект „Т.Е.А.М.3 – Заедно постигаме повече“ No 101008352 – TEAM3 – REC-AG-2020/REC-RDIS-NRCP-AG-2020](#)), press release, 21 November 2022.

⁷⁶ Bulgaria, National Council for Cooperation on Ethnic and Integration Issues (*Национален съвет за сътрудничество по етнически и интеграционни въпроси*) (2022), 'Thematic seminar – Implementation and monitoring of equality, inclusion and participation measures for Roma – "Equality of women and men, empowerment and equal opportunities for Roma women" within the project "T.E.A.M.3 – Together we achieve more" No 101008352 – TEAM3 – REC-AG-2020/REC-RDIS-NRCP-AG-2020' ([Тематичен семинар- Изпълнение и наблюдение на мерки за равенство, приобщаване и участие на ромите - „ Равнопоставеност на жените и мъжете, овластяване и равни възможности за ромската жена " в рамките на проект „Т.Е.А.М.3 – Заедно постигаме повече“ No 101008352 – TEAM3 – REC-AG-2020/REC-RDIS-NRCP-AG-2020](#)), press release, 23 November 2022.

⁷⁷ Iceland, Liechtenstein, Norway Grants (2022), Justice: Active Projects ([Правосъдие: Активни проекти](#)), 7 October 2022.

Non-governmental organisations also implemented projects that have a bearing upon the equality and inclusion of the Roma community. In June and July 2022, the Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) implemented seven single-day and one multiple-day training events for pedagogical specialists in relation to working in multi-ethnic environments, including on issues such as intercultural education for prevention of early school leaving, building of tolerance, and maintenance of cultural identity of students from ethnic minority backgrounds.⁷⁸ The organisation also launched its programme “Equal Chance” (*„Равен шанс“*) for the 2022/2023 school year. The programme supports equal access to secondary education through the provision of public transport cards and school textbooks to students in grades 8 to 12 with proven financial need and motivation to continue their education.⁷⁹ In the 2021/2022 school year, the organisation reported that the 60 students supported under the “Equal Chance” programme graduated with an average grade of 4.63/6 (“very good” by the national grade classification).⁸⁰ Between January 2022 and December 2023, the organisation implements the EU-funded international project “The Youth Against Antigypsyism” (YAG), which aims to build capacities among Roma and other ethnic groups, as well as civil society organisations, to combat discrimination and intolerance towards the Roma community and to foster Roma youth’s participation in policies and strategies related to young people.⁸¹ The organisation also continued its work on the international project “RTransform” (2020-2023) on

⁷⁸ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), ‘Implementation of training activities under project BG05M2OP001-3.017-0037-C01 “Together for Each Student: Capacity-Building for Pedagogical Specialists for Working in Multicultural Environments”’ ([‘Провеждане на обучения по проект BG05M2OP001-3.017-0037-C01“Заедно за успеха на всеки ученик: повишаване на капацитета на педагогическите специалисти за работа в мултикултурна среда“](#)’), press release, 15 July 2022; Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), ‘Project BG05M2OP001-3.017-0037-C01 “Together for Each Student: Capacity-Building for Pedagogical Specialists for Working in Multicultural Environments”’ ([‘Проект BG05M2OP001-3.017-0037-C01“Заедно за успеха на всеки ученик: повишаване на капацитета на педагогическите специалисти за работа в мултикултурна среда“](#)’), press release, 2022.

⁷⁹ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), ‘Applications for the Equal Chance Programme – Access to Secondary Education 2022-2023, are open!’ ([‘Отворена е за кандидатстване програма Равен шанс – достъп до средно образование 2022-2023!’](#)), press release, 18 July 2022.

⁸⁰ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), ‘The Participants in the Equal Chance Programme in the Past Year Also Graduated with a “Very Good” Grade’ ([‘Участниците в програма “Равен шанс” и през изминалата годината завършиха с Много добър успех’](#)), press release, 8 September 2022.

⁸¹ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), [‘YAG – Youth Against Antigypsyism’](#), press release, 15 January 2022.

Roma women and girls' inclusion in social life and rights protection,⁸² and the EU-funded international project "Equality for Roma through expanded access to legal aid" (ERELA) (2021-2023) on Roma involvement in access to justice mechanisms, trust in legal remedies, and enhancing the implementation of non-discrimination legislation.⁸³ In July 2022, training for lawyers and jurists was carried out under the ERELA project in relation to discrimination against the Roma community.⁸⁴ Other ongoing projects carried out by the organisation include "Prevent and Combat Domestic Violence against Roma Women – PATTERN", "Danube Region for Better Access and Empowerment of Roma Development – DREAM ROAD", "Let's Turn the Page: Prevention of Domestic Violence and Harmful Traditional Practices in the Roma Community", "A Participatory Approach in the Education Environment to Overcome Discrimination of Young Roma on New Media – DREAM", and "Local Action against School Segregation of Roma – NOSEGREGATION".⁸⁵

In October 2022, the Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) organised a national meeting of Roma women, where the Vice-president of the Republic of Bulgaria was a special guest.⁸⁶ Furthermore, in early November 2022 the organisation implemented a training seminar for teachers that will lead optional school classes in relation to the folklore of ethnic groups in Bulgaria, in particular Roma folklore.⁸⁷ In continuation to the NOSEGREGATION project, the centre co-organised an international round table on educational

⁸² Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), '[RTransform](#)', press release, 15 January 2020.

⁸³ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), '[Equality for Roma through expanded access to legal aid – ERELA](#)', press release, 15 February 2021.

⁸⁴ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Training for lawyers and jurists on the topic of "Cases of discrimination against the Roma community" was carried out in Veliko Tarnovo' (['В град Велико Търново се проведе обучение на юристи и адвокати на тема: "Случаи на дискриминация в ромска общност"'](#)), press release, 22 July 2022.

⁸⁵ For more information about the projects of the Centre for Interethnic Dialogue and Tolerance Amalipe, see the [projects](#) section on the organisation's website.

⁸⁶ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Amalipe Centre organises a national meeting of Roma women with special guest Iliyana Yotova' (['Център Амалипе организира национална среща със специален гост Илияна Йотова'](#)), press release, 18 October 2020.

⁸⁷ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Upcoming training "Folklore of the ethnic groups in Bulgaria – Roma folklore" 02-04 November 2022' (['Предстоящо обучение "Фолклор на етносите – ромски фолклор" 02 – 04 ноември 2022 г.'](#)), press release, 18 October 2020.

desegregation. The event took place in Prague with participants from various NGOs, the European Commission, the European Union Agency for Fundamental Rights, school teachers and headmasters, and educational mediators.⁸⁸ The organisation continued implementing training seminars for Roma educational mediators in October 2022,⁸⁹ as well as meetings with parents, teachers and the Roma community under the ERELA project.⁹⁰ Finally, on 10-13 November 2022 and 17-20 November 2022, the centre trained around 170 teenagers within the framework of the Intercultural academy for civic participation and tolerance – Leadership academy (*Интеркултурна академия за гражданско участие и толерантност – Лидерска академия*).⁹¹

Integro Association (*Асоциация „Интегро“*) also continued implementing a local-level project in relation to the training of pedagogical staff to work in multicultural environments, and started a new project on vocational opportunities for Roma NEETs

⁸⁸ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'The current state of segregation in Bulgaria and Spain was discussed at a round table in Prague' (['На кръгла маса в Прага беше обсъдено състоянието на сегрегацията в България и Испания'](#)), press release, 2 November 2022.

⁸⁹ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Amalipe Center carried out in-person training with over 190 educational mediators from across the country' (['Център Амалипе проведе присъствено обучение с повече от 190 образователни медиатори от цялата страна'](#)), press release, 25 October 2022.

⁹⁰ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Parents' meeting under the ERELA project was carried out in Novi Pazar' (['В Нови Пазар се проведе среща с родители по проект ERELA'](#)), press release, 11 November 2022; Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Parents' meeting under the ERELA project was carried out in Pobeda village' (['В село Победа се проведе среща с родители по проект ERELA'](#)), press release, 11 November 2022; Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Parents' meeting under the ERELA project was carried out in Varbovka village' (['В село Върбовка се проведе среща с родители по проект ERELA'](#)), press release, 11 November 2022; Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Amalipe Center carried out meetings with the community in several places within the ERELA project' (['Център Амалипе проведе срещи с общността в няколко населени места по проект ERELA'](#)), press release, 21 November 2022.

⁹¹ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Upcoming: Amalipe Center organizes an Intercultural academy for civic participation and tolerance – Leadership academy, for schools in Northern Bulgaria' (['Предстоящо: Център „Амалипе“ организира „Интеркултурна академия за гражданско участие и толерантност“ \(Лидерска академия\) за училищата от Северна България'](#)), press release, 8 November 2022; Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Leadership academy – development for young people through new friendships, inspiration and emotions' (['Лидерска академия – реализацията на младите чрез нови приятелства, вдъхновения и емоции'](#)), press release, 22 November 2022.

in Razgrad region.⁹² The Trust for Social Achievement (*Тръст за социална алтернатива*) continued funding and carrying out projects in relation to education and learning, health, early childhood development and care, and employment, many of which are relevant to the social inclusion and equal rights promotion of Roma people.⁹³ The Open Society Institute in Sofia (*Институт Отворено общество – София*) proceeded with the implementation of the initiative “PUSH – Precarious Housing in Europe” (2019-2022), which addresses issues such as informal, illegal or unsafe housing, social inclusion, and mobility, in relation to a number of vulnerable groups, including Roma.⁹⁴ In 2022, the institute published a university textbook on homelessness and precarious housing, which will be adapted to an e-learning module.⁹⁵

In terms of research findings, the Open Society Institute in Sofia (*Институт Отворено общество – София*) published a report on perspectives on vaccination and disinformation among the Roma. The report was released in April 2022 and is based on the results of a study in five Roma neighbourhoods in Bulgaria implemented in December 2021.⁹⁶ The study engaged 251 respondents and uncovered that only 4 % of the participants took at least one dose of the COVID-19 vaccine, and further 5 % reported willingness to be vaccinated. Importantly, 83 % of those who took part in the survey claimed that at least one of the anti-vax conspiracy theories (chipping, harmful substances, dangerous side-effects, infertility, etc.) was true.⁹⁷

C.E.G.A. Foundation (*Фондация С.Е.Г.А.*) and the Center for the Study of Democracy (*Център за изследване на демокрацията*), in partnership with two other civil society organisations, published a book on fake news and anti-Roma disinformation with a view of challenging anti-gypsyism through Roma empowerment.⁹⁸ The book summarises the findings of

⁹² For more information about the projects of Integro Association, see the [ongoing projects](#) section on the organisation’s website.

⁹³ For more information about the projects of the Trust for Social Achievement, see the [funded projects](#) section on the organisation’s website.

⁹⁴ Bulgaria, Open Society Institute Sofia (*Институт Отворено общество – София*) (2019), [‘Precarious Housing in Europe – pushing for innovation in research and education’](#), press release, 18 November 2019.

⁹⁵ Bulgaria, Open Society Institute Sofia (*Институт Отворено общество – София*) (2022), [‘Homelessness and Informal settlements in Europe’](#), press release, 4 August 2022.

⁹⁶ Bulgaria, Open Society Institute Sofia (*Институт Отворено общество – София*) (2022), ‘Vaccination and disinformation. Perspectives among the Roma in Bulgaria’ ([‘Ваксинация и дезинформация. Нагласи сред ромите в България’](#)), press release, 14 April 2022.

⁹⁷ Zahariev, B. and Yordanov, I. (2022), Perspectives towards the Vaccines and Vaccination against COVID-19 in Five Roma Communities in Bulgaria ([‘Нагласи към ваксините и ваксинирането срещу Ковид-19 в пет ромски общности в България’](#)), Sofia, Open Society Institute Sofia, 14 April 2022.

⁹⁸ Todorova, R., Yakova, L., Sechkov, R., Batembergska, L., Georgiev, E. and Kirilov, N. (2022), [‘CARE for TRUTH – Against Fake News and Anti-Roma Disinformation’](#), Sofia, C.E.G.A. Foundation, 2022.

an observational study of online media, and a qualitative study (focus groups) among Roma community representatives. It explores narratives on topics ranging from integration and discrimination, to conspiracy theories and COVID-19.

In October 2022, a scholarship fund for Roma students in healthcare programmes was launched within the framework of the Active Citizens Fund Bulgaria (*Фонд Активни граждани България*) to the total value of €680,000.⁹⁹

Also in October 2022, the European Commission against Racism and Intolerance (ECRI) published the country report on Bulgaria compiled in the framework of ECRI's sixth monitoring cycle.¹⁰⁰ The report offers an overview of Roma integration and inclusion in categories such as data and policies, education, employment, housing, and healthcare. It emphasises that the lack of comprehensive data on Roma inclusion in the various aspects of life hinders efforts to accurately and effectively map any positive developments and challenges in this respect. The report praises the work of Roma educational mediators in terms of the encouragement of school attendance and completion, the engagement of Roma employment mediators in promoting vocational and competency training and support activities among the minority, and the support activities of Roma health mediators in providing information on health insurance and pandemic-related regulations. Nonetheless, in the area of housing, the report is critical of both current regulations on the legalisation of informal settlements, access to clean water and sanitation, forced evictions and homelessness, threat of violence, and unavailability of social housing. Importantly, ECRI calls for the collecting of gender(sex)-disaggregated Roma-specific data in all aforementioned spheres of life, coupled with increased municipal-level support.

In June 2022, the Roma Civil Monitor initiative published a monitoring report on the quality of the Bulgarian strategic framework for Roma equality, inclusion and participation. The report was prepared by five Bulgarian civil society organisations: Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*), Gender Alternatives Foundation (*Фондация „Джендър алтернативи“*), IndiRoma Foundation (*Фондация „Инди-Рома“*), Integro Association (*Асоциация „Интегро“*) and World Without Borders Association (*Сдружение „Свят без граници“*). According to the report, the new national Roma strategy, adopted in 2022, "is a modest step forward in several directions" when compared

⁹⁹ Bulgaria, Centre for Interethnic Dialogue and Tolerance Amalipe (*Център за междуетнически диалог и толерантност „Амалипе“*) (2022), 'Scholarship competition for the academic year 2022/2023 for Roma students specialising in healthcare' (['Конкурс за отпускане на стипендии за академичната 2022/2023 г. на студенти от ромски произход, изучаващи здравни специалности'](#)), press release, 19 October 2022.

¹⁰⁰ European Commission against Racism and Intolerance (2022), [ECRI Report on Bulgaria \(sixth monitoring cycle\)](#), 4 October 2022.

to the previous one, but at the same time “has significant weaknesses”. Among the positive aspects of the strategy the reports notes its strong analytical part, the inclusion, albeit partly, of the problems of Roma women, children and youth, the provision of some integrated measures and better cohesion between the objectives and planned interventions, and the continuity in some measures. The most significant weaknesses highlighted by the report are the preparation of the strategy through a controversial and less than optimal consultative and participative process, the too general nature of most of the included aims and measures, the lack of sufficient measures that contribute to mainstream policies enriching them with Roma related aspects, and the practical absence of the topics of combating antigypsyism and promoting Roma participation.¹⁰¹

In terms of awareness raising activities, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) launched a public campaign to raise awareness on human rights in cooperation with several popular media outlets in Bulgaria.¹⁰² The campaign aims to increase public understanding of key human rights, as well as improve the situation of vulnerable groups including ethnic minorities.

¹⁰¹ Roma Civic Monitor (2022), [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Bulgaria](#), Luxembourg, Publications Office of the European Union.

¹⁰² Bulgaria, Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2022), ‘The Effort for the Rights of One is the Key to Rights for Everyone: The Bulgarian Helsinki Committee Launches a Campaign for Raising Awareness on Human Rights’ ([Усилието за правата на един е ключът за правата на всички: Българският хелзинкски комитет стартира кампания за популяризиране на правата на човека](#)), press release, 22 August 2022.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

| | | |
|-------------|--|---|
| EUMS | Implementation of Article 3 of Directive 2002/90/EC | |
| | How has your EUMS implemented Article 3 of Directive 2002/90/EU | Hyperlinked legal provision in EN and national language Art. 280. (1) Whoever transports individuals or groups of people across the border of the country without the permission of the duly authorised authorities or although with permission, but not through the designated places, shall be punished by imprisonment from one to six years and a fine from BGN 5,000 to BGN 20,000. (2) The penalty shall be imprisonment from one to ten years, a fine from BGN 10,000 to BGN 30,000 and confiscation of part or all of the offender's property if: <ol style="list-style-type: none">1. a person under the age of 16 is brought across the border;2. the crossing took place without the person's knowledge;3. the person brought across the border is not a Bulgarian citizen;4. a motor vehicle, aircraft or other means of transport has been used;5. the transfer was organised by a group or an organisation;6. the transfer was carried out in a manner dangerous to the life of the transferred persons. (3) The penalty shall be imprisonment from three to twelve years, a fine from BGN 10,000 to BGN 30,000 and confiscation of part or all of the |

| | | |
|--|--|---|
| | | <p>offender's property, where the act was committed with the participation of an official who took advantage of their official position.</p> <p>(4) In the cases referred to in paragraph (2), item 4, the vehicle shall be forfeited to the state if it belonged to the offender or was voluntarily provided to them.</p> <p><i>Чл. 280. (1) Който преведе през границата на страната отделни лица или групи от хора без разрешение на надлежните органи на властта или макар с разрешение, но не през определените за това места, се наказва с лишаване от свобода от една до шест години и глоба от пет хиляди до двадесет хиляди лева.</i></p> <p><i>(2) Наказанието е лишаване от свобода от една до десет години, глоба от десет хиляди до тридесет хиляди лева и конфискация на част или на цялото имущество на дееца, ако:</i></p> <ol style="list-style-type: none"><i>1. през границата е преведено лице, ненавършило 16-годишна възраст;</i><i>2. превеждането е станало без знанието на лицето;</i><i>3. преведеният през границата не е български гражданин;</i><i>4. е използвано моторно, въздухоплавателно или друго транспортно средство;</i><i>5. превеждането е организирано от група или организация;</i><i>6. превеждането е извършено по начин, опасен за живота на преведените лица.</i><p><i>(3) Наказанието е лишаване от свобода от три до дванадесет години, глоба от десет хиляди до тридесет хиляди лева и конфискация на част или на цялото имущество на дееца, когато деянието е извършено с участието на длъжностно лице, което се е възползвало от служебното си положение.</i></p> |
|--|--|---|

| | | |
|--|--|---|
| | | <p><i>(4) В случаите на ал. 2, точка 4 превозното средство се отнема в полза на държавата, ако то е принадлежало на дееца или му е предоставено доброволно.</i></p> <p>Art. 281. (1) Whoever, in order to obtain for themselves or for another a pecuniary benefit, unlawfully assists a foreigner to reside or pass into the country in violation of the law, shall be punished by imprisonment for a term not exceeding five years and a fine from BGN 3,000 to BGN 10,000.</p> <p>(2) The penalty shall be imprisonment from one to six years and a fine from BGN 5,000 to BGN 20,000, where the act is:</p> <ol style="list-style-type: none"> 1. committed through the use of a motor vehicle, aircraft or other means of transport; 2. organised by a group or organisation; 3. committed in a manner dangerous to the life of the person; 4. committed in respect of a person under 16 years of age; 5. committed in respect of more than one person. <p>(3) In the cases referred to in paragraph (2), item 1, the vehicle shall be forfeited to the state if it belonged to the offender or was voluntarily provided to them.</p> <p><i>Чл. 281. (1) Който с цел да набави за себе си или за друго имотна облага противозаконно подпомага чужденец да пребивава или преминава в страната в нарушение на закона, се наказва с лишаване от свобода до пет години и с глоба от три хиляди до десет хиляди лева.</i></p> <p><i>(2) Наказанието е лишаване от свобода от една до шест години и глоба от пет хиляди до двадесет хиляди лева, когато деянието е:</i></p> <ol style="list-style-type: none"> <i>1. извършено чрез използване на моторно, въздухоплователно или друго транспортно средство;</i> |
|--|--|---|

| | | |
|--|---|--|
| | | <p>2. организирано от група или организация;</p> <p>3. извършено по начин, опасен за живота на лицето;</p> <p>4. извършено по отношение на лице, ненавършило 16-годишна възраст;</p> <p>5. извършено по отношение на повече от едно лице.</p> <p>(3) В случаите по ал. 2, т. 1 превозното средство се отнема в полза на държавата, ако то е принадлежало на дееца или му е предоставено доброволно.</p> <p>Source: Bulgaria, Criminal Code (Наказателен кодекс), 2 April 1968, last amended 8 July 2022.</p> <p>Note: In Article 280, Paragraph (4), and in Article 281, Paragraph (3), the words "or was voluntarily provided to them" were declared unconstitutional and as such do not apply.¹⁰³</p> |
| | Cases [incident numbers] of criminalisation of humanitarian assistance | |
| | Number of cases recorded by the police in 2022 | Number and details of cases (if available) |
| | | No information available. The Ministry of the Interior (MoI) (<i>Министерство на вътрешните работи</i> , МВР) summarises the data on cases recorded by the police on an annual basis. ¹⁰⁴ |

¹⁰³ Bulgaria, Constitutional Court (*Конституционен съд*), Decision No 12/2021 in constitutional case No 10/2021 ([Решение № 12/2021 по конституционно дело № 10/2021](#)), 30 September 2021.

¹⁰⁴ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 ([Писмо № 812100-17218/10.10.2022](#)), 10 October 2022.

| | | |
|--|---|---|
| | Number of investigations initiated in 2022 | Number and details of cases (if available) <p>In the period January – August 2022, the police opened a total of 498 pre-trial investigations for facilitation of illegal entry, transit and residence, including 74 proceedings for facilitation of illegal entry and 424 proceedings for facilitation of illegal transit or residence. Due to the confidentiality of pre-trial investigations, information about the details of cases is not available. There is no information that any of these investigations involved an act that can qualify as humanitarian assistance.¹⁰⁵</p> |
| | Number of court decisions taken in 2022 | <ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available) <p>No information available on the number of court decisions. The Supreme Judicial Council (SJC) (<i>Висш съдебен съвет</i>, ВСС) summarises the data on court cases on biannual basis. The data for the first half of 2022 is not publicly available yet.</p> <p>In 2022, all court decisions concerning facilitation of illegal entry were for assisting third country nationals cross the border with Turkey. All criminal</p> |

¹⁰⁵ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

| | | |
|--|--|---|
| | | <p>cases for facilitation of illegal transit or residence were for transporting third country nationals through the country. Some of these cases ended with a conviction, others, in which the defendant made a confession, were solved by a plea-bargaining agreement (an agreement signed by the defendant and the prosecutor and approved by the court). In both cases, the penalty imposed was usually imprisonment (often suspended) combined with a fine. However, in none of these cases was the question of whether the alleged offence could qualify as humanitarian assistance either examined or discussed. In all cases the court only determined whether the defendant had facilitated the entry, transit and/or residence of third country nationals in violation of the law. Thus, for example, in one such case, a Turkish national found guilty of transporting 25 persons by bus across the border (24 persons from Syria and one from Iraq, including two persons under the age of 16 years), was sentenced to two years of imprisonment (suspended sentence) and a fine of BGN 12,000.¹⁰⁶ In another case, a Bulgarian national found guilty of transporting ten persons (nine from Syria and one from Morocco, including one person under the age of 16 years) was sentenced to ten months of imprisonment (suspended sentence) and a fine of BGN 2,500.¹⁰⁷ In a similar case, a Bulgarian national found guilty of transporting 24 persons (all from Afghanistan, including one person under the age of 16 years) was sentenced to six months of imprisonment (suspended sentence) and a fine of BGN 2,500.¹⁰⁸ Rather as an exception, in another case a Bulgarian national accused of transporting five persons (three from Iran, one from Syria and one with no citizenship, including one person under the age of 16 years) was found not guilty and acquitted,</p> |
|--|--|---|

¹⁰⁶ Bulgaria, Regional Court – Elhovo (*Районен съд – Елхово*), Ruling No 137/2022 in criminal case No 122/2022 ([Определение № 137/2022 по наказателно дело от общ характер № 122/2022](#)), 30 March 2022, ECLI:BG:RC231:2022:20220200122.001.

¹⁰⁷ Bulgaria, Regional Court – Elhovo (*Районен съд – Елхово*), Ruling No 12/2022 in criminal case No 574/2021 ([Определение № 12/2022 по наказателно дело от общ характер № 574/2021](#)), 14 January 2022, ECLI:BG:RC231:2022:20210200574.001.

¹⁰⁸ Bulgaria, Regional Court – Ivaylovgrad (*Районен съд – Ивайловград*), Sentence No 8/2022 in criminal case No 87/2021 ([Присъда № 8/2022 по наказателно дело от общ характер № 87/2021](#)), 15 March 2022, ECLI:BG:RC565:2022:20210200087.001.

| | | |
|--|--|--|
| | | because the defendant was driving a taxi and the court concluded that (1) driving a taxi was the person’s professional occupation and the financial gain was part of the business, and (2) taxi drivers were not obliged by law to check the identity documents of their clients. ¹⁰⁹ |
|--|--|--|

4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

In 2022, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни, КЗЛД*) issued two brochures aimed to raise awareness on the use of large-scale IT systems. The brochure ‘Schengen Area and data protection’ provides information on the rights of individuals in the second generation Schengen Information System (SIS II) and the available remedies in case of violations of these rights.¹¹⁰ The brochure ‘Large-scale IT systems of the European Union’ aims to assist the practical understanding of the various large-scale IT systems in the EU and the exercising of individuals’ rights in relation to processing their data.¹¹¹ The brochures are available in Bulgarian, English and French.

In terms of the use of new technologies for asylum, border control and migration purposes, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) reported that in 2022, as a result of the inflow of displaced persons from Ukraine, the Automated Information System “Refugees” (*Автоматизирана информационна система „Бежанци“*) was upgraded and a new module “Temporary protection” was added. Access to the new module was granted to all officials from the Ministry’s Migration Directorate (*Дирекция „Миграция“*) authorised to register displaced persons from Ukraine as beneficiaries of temporary protection.¹¹² Further on, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) reported

¹⁰⁹ Bulgaria, Regional Court – Slivnitsa (*Районен съд – Сливница*), Sentence No 15/2022 in criminal case No 174/2022 ([Присъда № 15/2022 по наказателно дело от общ характер № 174/2022](#)), 30 June 2022, ECLI:BG:RC189:2022:20210200174.001.

¹¹⁰ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2022), [Schengen Area and data protection](#) (*Шенгенското пространство и защитата на личните данни*), Sofia, Commission for Personal Data Protection, 18 January 2022.

¹¹¹ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2022), [Large-scale IT systems of the European Union](#) (*Широкомашабни информационни системи на ЕС*), Sofia, Commission for Personal Data Protection, 9 March 2022.

¹¹² Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

that in 2022 all working station located at external border checkpoints were equipped with new fingerprinting scanners allowing for the taking of four fingerprints. The new devices allow for checking Bulgarian and Schengen visas through the verification of passengers' biometric data based on their fingerprints.¹¹³

¹¹³ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

| Actor | Type | Description | Are Human Rights issues mentioned? (yes/no) | Reference |
|------------|-------------------------|--|---|---|
| Government | Other (Draft programme) | On 26 August 2022, the Ministry of Innovation and Growth (MIG) (<i>Министерство на иновациите и растежа, МИР</i>) held a public consultative meeting to consider the Draft programme "Research, Innovation and Digitalisation for Smart Transformation 2021-2027" (<i>Проект на програма „Научни изследвания, иновации и дигитализация за интелигентна трансформация 2021-2027"</i>). Among the goals of this programme is to enhance the national | Human rights issues as related to the impact of AI-enabled products and tools are not mentioned. However, one of the principal objectives of the draft programme is to promote human resource development in the area of emerging technologies and thus result in enhanced digital literacy and awareness of cybersecurity. | Bulgaria, Ministry of Innovation and Growth (<i>Министерство на иновациите и растежа</i>) (2022), Invite to take part in public consultation concerning the Programme "Research, Innovation and Digitalisation for Smart Transformation 2021-2027" (Покана за участие в обществено обсъждане на програма „Научни изследвания, иновации и дигитализация за интелигентна трансформация 2021-2027"), 2 August 2022. Bulgaria, Council of Ministers (<i>Министерски съвет</i>), Draft programme "Research, |

| | | | | |
|------------|----------------------------|---|--|--|
| | | research and business capacity for AI development and accelerate the provision of digital services that benefit citizens, research and development enterprises, and public institutions. This includes the development and implementation of novel AI-driven capabilities for data processing in the public sector. | | Innovation, and Digitalisation for Smart Transformation 2021-2027" (Проект на програма, „Научни изследвания, иновации и дигитализация за интелигентна трансформация 2021-2027"), 27 July 2022. |
| Government | Other (self-study modules) | Since 2022, the Institute of Public Administration (IPA) (<i>Институт по публична администрация, ИПА</i>) has been offering a brand new training programme on "Sustainable development and innovation" which includes several self-study modules on the application of digital technologies for civil servants. Relevant modules cover the application of cloud | The self-study module on "New government technology: AI and machine learning" covers AI concepts, implementation of AI, and types of AI applications. To complement this module, on 29 November 2022 the Institute of Public Administration (IPA) (<i>Институт по публична администрация, ИПА</i>) held a conference on policy-making and the application of AI in public service. The event brought together 230 participants including lead experts in the field of AI, Big Data, and public administration at the national and local level. The event highlighted the benefits and risks of using AI and raised awareness of existing ethical standards and | Bulgaria, Institute of Public Administration (<i>Институт по публична администрация</i>) (2022), Catalogue of Training Programmes 2022: Promoting Good Governance (Каталог програми за обучение 2022: Насърчаване доброто управление), 2022. Bulgaria, Institute of Public Administration (<i>Институт по публична администрация</i>) |

| | | | | |
|---------------------------------|------------------------------------|---|---|---|
| | | technologies, Internet-of-things, Big Data, AI and machine learning, and block-chain in public service. | frameworks that address the impact of using AI-enabled technology. It also reviewed existing good practices related to the application of AI for improving the delivery of public services. | (2022), “Artificial Intelligence, Policies, and Public Administration Management” Conference (Конференция „Изкуствен интелект, политики и управление в публичната администрация”), 2 December 2022. |
| Data Protection Authority (DPA) | Other (awareness-raising brochure) | “Big Data and Their Potential for Profiling – Brochure for Personal Data Administrators” („Големи бази данни (Big Data) и свързаната с тях възможност за профилиране – Брошура за администраторите на лични данни”) and “Big Data and Their Potential for Profiling – Brochure for Natural Persons” („Големи бази данни (Big Data) и свързаната с тях възможност за профилиране – Брошура за физически лица”) are | Yes. The brochures address the range of risks related to the use of Big Data. In particular, they mention the risk of bias in profiling when AI and machine learning are used for Big Data analytics. Such bias could disadvantage certain groups or service users. Both documents also note the risk of eroding fundamental rights (e.g., the right to privacy) in cases where individuals might be subject to profiling without their knowledge. The brochure intended for personal data administrators provides an overview of their obligations to ensure that techniques, tools, and applications for Big Data analytics are used in ways that guarantee the protection of fundamental rights. | Bulgaria, Commission for Personal Data Protection (Комисия за защита на личните данни) (2022), Big Data and Their Potential for Profiling – Brochure for Personal Data Administrators (Големи бази данни (Big Data) и свързаната с тях възможност за профилиране – Брошура за администраторите на лични данни), 25 January 2022 Bulgaria, Commission for Personal Data Protection (Комисия за защита на личните данни) (2022), Big |

| | | | | |
|---------------------------------|------------------------------------|---|--|---|
| | | information resources that seek to support the implementation of Regulation (EU) 2016/679 (General Data Protection Regulation). The documents provide background information on the types and sources of Big Data and discuss data mining techniques. | The brochure intended for natural persons provides an overview of the rights of individuals as regards Big Data management and the use of Big Data analytics for profiling, and the mechanisms available to guarantee these rights. | Data and Their Potential for Profiling – Brochure for Natural Persons (Големи бази данни (Big Data) и свързаната с тях възможност за профилиране – Брошура за администраторите на лични данни), 25 January 2022 |
| Data Protection Authority (DPA) | Other (awareness-raising brochure) | “Contemporary Threats and Challenges to Personal Data Protection in the light of the Trends in the Development of Artificial Intelligence and Facial Recognition Technologies” („Съвременни заплахи и предизвикателства пред защитата на личните данни в контекста на тенденциите на развитието на изкуствения интелект и новите технологии за лицево разпознаване“) is | Yes. The brochure discusses the risk of discrimination related to the use of facial recognition technology, including the possibility of using personal data to target specific individuals. The brochure also discusses automated decision-making noting that artificial intelligence should not serve as substitute for human judgement. All AI technology and related applications, including software, and algorithms should be developed and deployed in compliance with fundamental rights and privacy requirements. The brochure underscores that the collection and use of biometric data for the purpose of identification from a distance through facial recognition or | Bulgaria, Commission for Personal Data Protection (Комисия за защита на личните данни) (2022), Contemporary Threats and Challenges to Personal Data Protection in the light of the Trends in the Development of Artificial Intelligence and Facial Recognition Technologies (Съвременни заплахи и предизвикателства пред защитата на личните данни в контекста на тенденциите на развитието на |

| | | | | |
|--|---------------------|---|--|--|
| | | <p>an information resource that discusses the application of facial recognition technologies. The document provides an overview of key issues related to the social ethical, and legal aspects of the development and use of artificial intelligence.</p> | <p>other types of biometric recognition poses risks to fundamental rights and that public authorities should limit the deployment of such technologies only to situations of significant public concern/interest.</p> | <p>ИЗКУСТВЕНИЯ ИНТЕЛЕКТ И НОВИТЕ ТЕХНОЛОГИИ ЗА ЛИЦЕВО РАЗПОЗНАВАНЕ), 25 January 2022</p> |
| <p>Civil society organisations (CSO)</p> | <p>Report/study</p> | <p>The AI Cluster Bulgaria, a not-for-profit organisation, and SeeNews, an independent business news provider, have developed "Annual AI Report 2022: Bulgaria". The report provides a comprehensive overview of the state of AI research, development, and innovation in Bulgaria. It covers relevant regulations and strategic frameworks, the ecosystem supporting AI, and major AI technologies that have been adopted in</p> | <p>The report contains a section titled 'Ethics and AI: a Bulgarian perspective' which examines key ethical and human rights issues regarding to the application of AI-enabled technologies. Potential risks include the deployment of AI for disseminating fake news and disinformation that altogether can harm communities; as well as risk of bias and discrimination, including in recruitment practices and <i>vis-à-vis</i> minorities and vulnerable groups.</p> | <p>Bulgaria, AI Cluster and SeeNews (2022), Annual AI Report 2022: Bulgaria (<i>Годишен доклад за състоянието на изкуствения интелект в България, 2022</i>), 2022.</p> |

| | | | | |
|----------|-------------------|--|---|---|
| | | the recent years in the country. | | |
| Academia | Other (institute) | <p>The Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) (<i>Институт за компютърни науки, изкуствен интелект и технологии</i>) founded on the premises of Sofia University "St. Kliment Ohridski" (<i>Софийски университет „Св. Климент Охридски“</i>) is conceived as a scientific centre of excellence. INSAIT is the result of an international partnership with two major Swiss universities and internationally-renowned science professionals. INSAIT is a knowledge and technology hub that offers specialised training to the next-generation of computer science</p> | <p>Besides technical disciplines such as machine learning, quantum computing, and automated reasoning, the research areas at the Institute include data management and cybersecurity, which also cover issues related to privacy and data protection.</p> | <p>Bulgaria, Sofia University "St. Kliment Ohridski" (<i>Софийски университет „Св. Климент Охридски“</i>) (2022), Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) (<u>Институт за компютърни науки, изкуствен интелект и технологии</u>).</p> <p>Bulgaria, Sofia University "St. Kliment Ohridski" (<i>Софийски университет „Св. Климент Охридски“</i>) (2022), 'Launching the Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) at Sofia University' (<u>Откриване на Института за компютърни науки, изкуствен интелект и технологии (INSAIT) към Софийския университет</u>), 11 April 2022.</p> |

| | | | | |
|----------|---------------------|---|--|---|
| | | practitioners and connects academia with industry to facilitate the development of innovative products and services. | | |
| Academia | Other (application) | NeuralSpeechLab synthesiser is a speaking programme that uses machine speech processing technologies. The development of this programme benefits from recent advances in deep machine self-learning and makes it possible to generate natural speech for people with visual disabilities. | No. Human rights issues are not specifically mentioned. However, the programme has been developed as part of a national initiative on eHealth and seeks to support visually impaired individuals as concerns access to information. As such, the programme contributes to the inclusion of people with visual disabilities in the digital space. | Bulgaria, Bulgarian Academy of Sciences (<i>Българска академия на науките</i>) (2022), ‘Innovations in Bulgarian Speech Synthesis and Recognition’ , press release, 7 July 2022 |

5.2 Legal and policy initiatives on data protection and private life

The transposition of the Law Enforcement Directive in Bulgaria led to a legal dispute concerning the police registration of accused persons, which was brought before the Court of Justice of the European Union. According to the Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), all persons accused of intentionally committing a crime are subject to mandatory police registration. For completing the registration, the police are authorised to collect data from the accused

person's identification documents, photograph and fingerprint them, and take samples for making a DNA profile. If the accused person does not consent voluntarily to be photographed, fingerprinted or DNA sampled, the police must take permission from the court to perform these actions compulsorily.¹¹⁴ The law also envisages that the police must collect and process all personal data in compliance with the GDPR.¹¹⁵ In one such case, an accused person refused to consent to be photographed, fingerprinted and DNA sampled, and the police filed a request to the court to obtain authorisation to perform the actions compulsorily. The court, however, was not convinced that the national legal framework was in compliance with the EU law and requested a preliminary ruling from the Court of Justice of the European Union. The request for a preliminary ruling included four questions: (1) is Article 10 of Directive (EU) 2016/680 effectively transposed by the inclusion of a reference only to GDPR; (2) is the requirement set in Article 10(a) of Directive (EU) 2016/680 in conjunction with Article 52 and with Articles 3 and 8 of the Charter of Fundamental Rights, that any limitation on integrity and protection of personal data must be provided for by law, fulfilled if contradictory national provisions exist in relation to the permissibility of processing of genetic and biometric data for the purpose of creating a police record; (3) is the national law, which obliges the court to order the compulsory collection of personal data (photographing, fingerprinting and DNA sampling), compatible with Article 6(a) of Directive (EU) 2016/680 in conjunction with Article 48 of the Charter of Fundamental Rights, if the accused person refuses to voluntarily cooperate in the collection of such data, without the court being able to assess whether there are serious grounds for believing that the person has committed the criminal offence with which they are charged; and (4) is the national law, which provides, as a general rule, photographing, fingerprinting and DNA sampling of all persons accused of intentionally committing a crime compatible with Article 10, Article 4(1)(a) and (c), and Article 8(1) and (2) of Directive (EU) 2016/680. The request for a preliminary ruling was submitted in 2021 and the case is still pending, but on 30 June 2022, the General Advocate presented his opinion, which concerned mostly the last two questions included in the request. According to the General Advocate, Article 6(a) of Directive (EU) 2016/680, read in the light of Articles 47 and 48 of the Charter of Fundamental Rights, must be interpreted as not precluding national legislation, such as the Bulgarian law, which provides that the judicial review preceding the authorisation of the police to compulsorily collect personal data is limited to ascertaining the decision to investigate and the refusal of the person concerned without being able to assess the sufficiency of the evidence that led to the decision to put the person under investigation, since the question of the sufficiency of the evidence on which the investigation is based can be usefully raised

¹¹⁴ Bulgaria, Ministry of the Interior Act ([Закон за Министерството на вътрешните работи](#)), 27 June 2014, last amended 5 August 2022, Article 68.

¹¹⁵ Bulgaria, Ministry of the Interior Act ([Закон за Министерството на вътрешните работи](#)), 27 June 2014, last amended 5 August 2022, Article 25 and Article 25a.

before the judge, if necessary at a later stage of the criminal proceedings. Further on, the General Advocate noted that Article 10 of Directive (EU) 2016/680, read together with Article 4(b) and (c) and Article 8 of that directive, and interpreted in the light of Articles 7, 8 and 52(1) of the Charter of Fundamental Rights, must be interpreted as meaning that the collection and processing of biometric and genetic data, such as photographs fingerprints and DNA profiling, in so far as they constitute a serious interference with the right to the protection of personal data, are permitted only where strictly necessary for the pursuit of objectives related to serious crime, which national law must clearly identify.¹¹⁶

In January 2022, the European Court of Human Rights delivered a judgment holding that the system of secret surveillance and the system of retention and subsequent accessing of communications data in Bulgaria do not meet the requirements of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to the Court, although the laws governing the retention of communications data and its subsequent accessing by the authorities were significantly improved after the Constitutional Court examined them in 2015 in the wake of the CJEU's judgment in *Digital Rights Ireland and Others*, those laws, as applied in practice, still fall short of the minimum safeguards against arbitrariness and abuse required under Article 8 of the ECHR in the following respects: (a) the authorisation procedure does not appear capable of ensuring that retained communications data is accessed by the authorities solely when that is "necessary in a democratic society"; (b) no clear time-limits have been laid down for destroying data accessed by the authorities in the course of criminal proceedings; (c) no publicly available rules exist on the storing, accessing, examining, using, communicating and destroying communications data accessed by the authorities; (d) the oversight system, as currently organised, does not appear capable of effectively checking abuse; (e) the notification arrangements, as currently operating, are too narrow; and (f) it does not appear that there is an effective remedy. The Court also notes that those laws do not fully meet the "quality of law" requirement and are incapable of keeping the "interference" entailed by the system of retention and accessing of communications data in Bulgaria to what is "necessary in a democratic society".¹¹⁷

In November 2022, the Court of Justice of the European Union (CJEU) issued a preliminary ruling in relation to the compatibility with EU law, in particular Article 15(1) of Directive 2002/58/EC, of the Bulgarian data retention legislation. The request for a preliminary ruling was referred to the CJEU by the Bulgarian Specialised Criminal Court (SCC) (*Специализиран наказателен*

¹¹⁶ Court of Justice of the European Union (CJEU), [C-205/21](#), *Ministry of the Interior, General Directorate for Combating Organised Crime*, 31 March 2021.

¹¹⁷ European Court of Human Rights (ECtHR), [Ekimdzhiev and Others v. Bulgaria](#), No. 70078/12, 11 January 2022.

съд, CHC) and concerned two particular provisions: Article 251b(1) of the Electronic Communications Act (*Закон за електронните съобщения*), which provides for the general and indiscriminate retention of all traffic data (traffic data and location data of users of electronic means of communication) for a period of six months in order to fight serious crime, and Article 159a of the Criminal Procedure Code (*Наказателно-процесуален кодекс*), which does not limit access to traffic data to what is strictly necessary and does not grant the persons whose traffic data are accessed by the law enforcement authorities the right to be notified thereof, provided that that does not impede criminal proceedings, or the right to a legal remedy against unlawful access. In its judgment, the CJEU ruled that Article 15(1) of Directive 2002/58/EC must be interpreted as precluding national legislation which (a) provides for the general and non-selective retention, for the purposes of combating serious crime and preventing serious threats to public security, of traffic and location data, even if that legislation limits that general and non-selective retention in time to a period of six months and provides for certain safeguards in the area of retention of and access to the data concerned, (b) does not provide clearly and precisely that access to the retained data is limited to what is strictly necessary to achieve the purpose pursued by that retention, and (c) provides for access by the national authorities competent for the investigation of criminal offences to lawfully retained traffic and location data without ensuring that the persons whose data have been accessed by those national authorities have been informed of that access to the extent provided for by EU law and without those persons having a legal remedy against unlawful access to that data.¹¹⁸

In the area of cybercrime, in May 2022, Bulgaria signed the Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence.¹¹⁹

¹¹⁸ Court of Justice of the European Union (CJEU), [C-350/21](#), *Request for a preliminary ruling from the Spetsializiran nakazatelen sad*, ECLI:EU:C:2022:89631 March 2021.

¹¹⁹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), 'Minister Yordanova signed a strategic document on the fight against cybercrime' (['Министърът Йорданова подписа стратегически документ за борба с киберпрестъпността'](#)), press release, 12 May 2022.

Also in 2022, the Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни*, КЗЛД) issued two brochures (one for individuals¹²⁰ and one for data controllers¹²¹) on big data and related profiling capability. Both versions offer information on the definition and types of big data, sources of data, data processing methods, benefits and risks associated with big data, and key aspects for future action. In addition to that, the brochure for individuals contains a section on the rights of individuals in the context of big data processing, while the brochure for data controllers provides information about the corresponding obligations of personal data controllers.

In February 2022, the Sofia City Prosecutor's Office (SCPO) (*Софийска градска прокуратура*, СГП) opened a preliminary inquiry for possible illegal use of Pegasus software by public authorities for the purpose of unauthorised collection of data of Bulgarian citizens. In the course of the inquiry, prosecutors requested information from all public authorities entitled to request, use and/or control the application of special intelligence means as to whether the Pegasus software had been used in Bulgaria.¹²² After the public disclosure of the information about the inquiry, the Prime Minister made a statement that according to the State Agency for National Security (SANS) (*Държавна агенция „Национална сигурност“*, ДАНС) the Pegasus software was not used by any public authority Bulgaria.¹²³ Nevertheless, on 23 February 2022, a pre-trial investigation was formally launched to collect evidence on whether the Pegasus software was actually used in Bulgaria and for what purposes.¹²⁴ Although

¹²⁰ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2022), Big data and related profiling capability (brochure for natural persons) ([Големи бази данни \(Big Data\) и свързаната с тях възможност за профилиране \(брошура за физическите лица\)](#)), Sofia, Commission for Personal Data Protection, 25 January 2022.

¹²¹ Bulgaria, Commission for Personal Data Protection (*Комисия за защита на личните данни*) (2022), Big data and related profiling capability (brochure for data controllers) ([Големи бази данни \(Big Data\) и свързаната с тях възможност за профилиране \(брошура за администраторите на лични данни\)](#)), Sofia, Commission for Personal Data Protection, 25 January 2022.

¹²² Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2022), 'The Sofia City Prosecutor's Office is conducting an inquiry into possible misuse of "Pegasus" software' (['СГП извършва проверка за евентуално неправомерно използване на софтуер „Pegasus“](#)), press release, 11 February 2022.

¹²³ Bulgarian National Television (*Българска национална телевизия*) (2022), 'SANS has no evidence of the Pegasus programme being used by a Bulgarian institution, said Kiril Petkov' (['В ДАНС няма данни програмата „Пегас“ да се използва от българска институция, заяви Кирил Петков'](#)), 11 February 2022.

¹²⁴ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2022), 'Sofia City Prosecutor's Office initiates pre-trial proceedings in connection with "Pegasus" software' (['Софийска градска прокуратура образува досъдебно производство във връзка със софтуер „Pegasus“](#)), press release, 10 March 2022.

the investigation is still ongoing and there is no officially released information about its results, in November 2022, one of the Deputy Ministers of the Interior publicly stated that “so far the spyware Pegasus has not been found to have been used in Bulgaria, but this does not mean that it has not happened”.¹²⁵

¹²⁵ Drumeva, I. (2022), ‘The Ministry of the Interior and the Prosecutor’s Office still do not know if the Pegasus spyware was used in Bulgaria’ ([‘МВР и прокуратурата още не знаят дали в България е използван шпионският софтуер "Пегас"’](#)), *Dnevnik.bg*, 28 November 2022.

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

| | |
|----------------------------|--|
| Legislative changes | <p><i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i></p> <p>In 2022, several legislative changes that had an impact on children’s access to public services were adopted. As of April 2022, enrolment in municipal and state-owned creches and kindergartens became free of charge after the monthly fees of BGN 60 (approximately €30) for full month attendance were abolished. Parents still have to pay fees for additional optional activities, such as art, music, dance classes, etc.¹²⁶</p> <p>In August 2022, the government adopted new rules for compensating expenses for children who had applied for attending municipal or state-owned creches or kindergartens but were not admitted due to lack of places.¹²⁷ As of 2021, such children have the right to a monthly compensation worth</p> |
|----------------------------|--|

¹²⁶ Bulgaria, Act amending the Corporate Income Tax Act ([Закон за изменение на Закона за корпоративното подоходно облагане](#)), 24 February 2022.

¹²⁷ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Decree No 231 of 1 August 2022 on determining the procedure and conditions for allocating funds from the state budget to compensate in 2022 for the costs of raising, educating and training children who are not admitted due to lack of places in municipal crèches and nursery groups in municipal and state kindergartens ([Постановление № 231 от 1 август 2022 г. за определяне на реда и условията за предоставяне на средствата от държавния бюджет за компенсиране през 2022 г. на разходите за отглеждане, възпитание и обучение на деца, които не са приети поради липса на места в общински детски ясли и яслени групи в общински и държавни детски градини](#)), 5 August 2022.

the average monthly amount for raising a child of up to 1st grade set in the national budget, which, as of August 2022, stood at BGN 372 (approximately €186).¹²⁸

In addition, the government amended the rules governing the operation creches and children's kitchens.¹²⁹ The amendments aimed to respond to the low interest of health professionals to work in creches. Before the changes, only people with qualifications of nurses and midwives were eligible to work in creches. With the amendments, paramedics and doctors' assistants were added to the categories of medical specialists eligible to work in such facilities. The new rules also refined the requirements to the quality of creches regulating everyday outdoor activities, set rules for using electronic devices for educational purposes, and added opportunities for implementing different educational activities corresponding to the child's age. The new rules also explicitly spelled out that all activities in the creches should be carried out respecting children's rights and in cooperation with parents, general practitioners and other specialists.

Amendments to the rules on the provision of obstetric care to uninsured women and the performance of examinations outside the scope of compulsory health insurance for children and pregnant women were adopted in August 2022.¹³⁰ They envisage increasing the number of free examinations during pregnancy from one to four and expanding the package of screening tests.

¹²⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Ordinance on the Conditions and Procedures for Provision and Disbursement of Funds from the State Budget to Compensate the Costs Incurred by Parents for the Upbringing and Education of Children not Enrolled in State or Municipal Kindergartens or Schools Due to Lack of Available Places ([Наредба за условията и реда за предоставяне и изплащане на средства от държавния бюджет за компенсиране на разходите, извършени от родителите за отглеждането и обучението на децата, които не са приети в държавни или общински детски градини или училища поради липса на свободни места](#)), 5 March 2021.

¹²⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Regulation No 26 of 18 November 2008 on the structure and operation of creches and children's kitchens and the health requirements for them ([Наредба № 26 от 18 ноември 2008 г. за устройството и дейността на детските ясли и детските кухни и здравните изисквания към тях](#)), 8 July 2022.

¹³⁰ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Regulation No 26 of 14 June 2007 on the provision of obstetric care to uninsured women and the performance of examinations outside the scope of compulsory health insurance for children and pregnant women ([Наредба № 26 от 14 юни 2007 г. за предоставяне на акушерска помощ на здравно неосигурени жени и за извършване на изследвания извън обхвата на задължителното здравно осигуряване на деца и бременни жени](#)), 14 June 2007, last amended 16 August 2022.

| | |
|--|--|
| | <p>Non-insured pregnant women at increased risk are entitled to inpatient care for a period of twice the pregnancy term, including two hospitalisations. During the consultations process, the draft was supported by civil society organisations. However, UNICEF Bulgaria noted that despite the proposed efforts, uninsured pregnant women still do not receive the same amount of medical care as the insured ones in terms of pregnancy screening.¹³¹ Another opinion suggested that the Hepatitis C screening should also be covered by the new rules as it is for insured women.¹³²</p> <p>In August 2022, the parliament adopted amendments to the Labour Code (<i>Кодекс на труда</i>)¹³³ implementing the requirements of Directive (EU) 2019/1158 of 20 June 2019 on work-life balance for parents and carers.¹³⁴ The amendments grant the child's father (or adoptive parent) the right to use a two-month leave for raising a child at the age of up to eight years. This leave can be used only by fathers who have not benefitted from the option of using a maternity leave for growing a child up to two years instead of the mother. During the period of the leave, the father receives a compensation, which was BGN 650 (approximately €325) in the period January – March 2022 increased to BGN 710 (approximately €355) in the period 1 April – 31 December 2022.¹³⁵</p> |
|--|--|

¹³¹ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Draft regulation amending and supplementing Regulation No 26 of 14 June 2007 on the provision of obstetric care to uninsured women and the performance of examinations outside the scope of compulsory health insurance for children and pregnant women ([Проект на Наредба за изменение и допълнение на Наредба № 26 от 14 юни 2007 г. за предоставяне на акушерска помощ на здравно неосигурени жени и за извършване на изследвания извън обхвата на задължителното здравно осигуряване на деца и бременни жени](#)), 7 July 2022.

¹³² Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Report on the opinions received during the public consultation on the draft regulation amending and supplementing Regulation No 26 of 14 June 2007 on the provision of obstetric care to uninsured women and on the performance of examinations outside the scope of compulsory health insurance for children and pregnant women ([Справка за отразяване на становищата, получени по време на обществено обсъждане на проект на Наредба за изменение и допълнение на Наредба № 26 от 14 юни 2007 г. за предоставяне на акушерска помощ на здравно неосигурени жени и за извършване на изследвания извън обхвата на задължителното здравно осигуряване на деца и бременни жени](#)), 6 August 2022.

¹³³ Bulgaria, Act amending and supplementing the Labour Code (*Закон за изменение и допълнение на Кодекса на труда*), 28 July 2022.

¹³⁴ [Directive \(EU\) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU](#), OJ 2019 L 188/79.

¹³⁵ Bulgaria, State Social Security Budget Act 2022 ([Закон за бюджета на държавното обществено осигуряване за 2022 г.](#)), 4 March 2022.

| | |
|------------------------------|--|
| <p>Policy changes</p> | <p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i></p> <p>The Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика, МТСП</i>) convened an inter-institutional working group to develop the national Child Guarantee action plan.¹³⁶ The Minister of Labour and Social Policy appointed one of their deputy ministers as a Child Guarantee National Coordinator.¹³⁷ The national coordinator is re-appointed every time there is a personal change in this position. Since September 2021, three persons have been appointed as national coordinators. As of 5 August 2022, the national coordinator is a deputy minister of labour and social policy from an interim government.¹³⁸</p> <p>In November 2022, the government adopted the national Child Guarantee action plan, officially called Action plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030 (<i>План за действие в изпълнение на Препоръка (ЕС) 2021/1004 на Съвета за създаване на Европейска гаранция за детето 2030</i>).¹³⁹ It steps upon the recommendations developed under the Child Guarantee pilot in Bulgaria and identifies the following main target groups: homeless children or children living in extremely poor housing conditions; children with disabilities and children with mental health problems; refugee and migrant children, with a focus on unaccompanied children or those with a minority ethnic background; children in alternative care outside the family, especially those in residential care, including children and young people leaving</p> |
|------------------------------|--|

¹³⁶ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2022), Letter No 39-337/28.09.2022 (*Писмо № 39-337/28.09.2022*), 28 September 2022.

¹³⁷ Bulgaria, National Council on Social Inclusion (*Национален съвет по въпросите на социалното включване*) (2022), Minutes 1/2022 of the meeting of the National Council for Social Inclusion at the Council of Ministers held on 28.02.2022 ([Протокол 1/2022 от заседание на Националния съвет по въпросите на социалното включване към Министерския съвет, проведено на 28.02.2022](#)), 28 February 2022, p. 4.

¹³⁸ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2022), Letter No 39-337/28.09.2022 (*Писмо № 39-337/28.09.2022*), 28 September 2022.

¹³⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030 ([План за действие в изпълнение на Препоръка \(ЕС\) 2021/1004 на Съвета за създаване на Европейска гаранция за детето 2030](#)), 9 November 2022.

| | |
|--|---|
| | <p>alternative care; children from low-income families; and children in precarious family environments (victims of violence, children raised by single parents, underage mothers and their children, children of migrant parents, etc.). The plan has 14 specific objectives, including reducing the share of children at risk of poverty and social exclusion, reducing the share of school drop-outs, reducing the number of children in institutional households, etc. Each of the objectives is linked to indicators with base values as of 2021, intermediate value for 2025 and target value to be achieved in 2030.</p> <p>The national policies relevant to the objectives, measures and activities for reducing child poverty are laid down in the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (<i>Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030</i>)¹⁴⁰ and the plan for its implementation for 2021-2022.¹⁴¹ In 2022, the strategy was amended and two of its indicators for measuring progress were changed. For the indicator measuring the share of people at risk of poverty and social exclusion the baseline was increased from 32.5 % to 33.2 % and the target was decreased from 25.0 % to 23.6 % (expected reduction by 787,000 people by 2030).¹⁴² A new indicator was added under the specific objective of limiting the intergenerational transmission of poverty and social exclusion. This indicator, defined as the proportion of children between 0 and 17 years at risk of poverty or social exclusion, has a baseline for 2019 of 36.1 % and a target to be achieved by 2030 of 21.0 % (reduction by 196,750 children</p> |
|--|---|

¹⁴⁰ Bulgaria, Council of Ministers (*Министерски съвет*), National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 31 December 2020 (amended with Council of Ministers Decision 368 of 2 June 2022).

¹⁴¹ Bulgaria, Council of Ministers (*Министерски съвет*), Action Plan for the period 2021-2022 for the implementation of the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 ([План за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 28 July 2021.

¹⁴² Bulgaria, National Council on Social Inclusion (*Национален съвет по въпросите на социалното включване*) (2022), Minutes 1/2022 of the meeting of the National Council for Social Inclusion at the Council of Ministers held on 28.02.2022 ([Протокол 1/2022 от заседание на Националния съвет по въпросите на социалното включване към Министерския съвет, проведено на 28.02.2022](#)), 28 February 2022, p. 3.

| | |
|--|---|
| | <p>by 2030).¹⁴³ The government adopted a similar amendment to the Employment Strategy of the Republic of Bulgaria 2021-2030 (<i>Стратегия по заетостта на Република България 2021-2030 г.</i>)¹⁴⁴, which is the document that sets out the employment encouragement measures for parents, particularly from vulnerable families. The amendment increased the target for the employment rates of people aged between 20 and 64 years to be achieved by 2030 to 79.0 % from the initially set 78.2 %.¹⁴⁵</p> <p>In 2022, Eurochild¹⁴⁶ and UNICEF¹⁴⁷ published reports based on the piloting of the Child Guarantee in Bulgaria. Both reports aimed to inform the process of developing the Bulgarian national Child Guarantee action plan by identifying the children in need and the barriers they face in accessing different services. The reports outline the main policy and practical barriers for children in different areas, such as early childhood development, education and school-based activities, access to healthcare and healthy nutrition, and adequate housing. Both reports highlight the need of strengthening the cross-sectoral approach in data exchange and problem handling as well as the need to improve the efficiency of social assistance and social security. Besides identifying the areas</p> |
|--|---|

¹⁴³ Bulgaria, National Council on Social Inclusion (*Национален съвет по въпросите на социалното включване*) (2022), Minutes 1/2022 of the meeting of the National Council for Social Inclusion at the Council of Ministers held on 28.02.2022 ([Протокол 1/2022 от заседание на Националния съвет по въпросите на социалното включване към Министерския съвет, проведено на 28.02.2022](#)), 28 February 2022, p. 3.

¹⁴⁴ Bulgaria, Council of Ministers (*Министерски съвет*), Employment Strategy of the Republic of Bulgaria 2021-2030 ([Стратегия по заетостта на Република България 2021-2030 г.](#)), 15 July 2021.

¹⁴⁵ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 368 of 2 June 2022 amending the Employment Strategy of the Republic of Bulgaria 2021-2030, adopted by decision No 515 of the Council of Ministers of 2021, and amending and supplementing the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030, adopted by decision No 976 of the Council of Ministers of 2020 (*Решение № 368 от 2 юни 2022 година за изменение на Стратегията по заетостта на Република България 2021-2030 г., приета с решение № 515 на Министерския съвет от 2021 г. и за изменение и допълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030, приета с Решение № 976 на Министерския съвет от 2020 г.*), 2 June 2022.

¹⁴⁶ Eurochild (2022), [Eurochild Child Guarantee Taskforce Country Report – Bulgaria: Recommendations for the Child Guarantee National Action Plan in Bulgaria](#), 27 January 2022.

¹⁴⁷ Shalapova, I. et al. (2022), [Un/Equal Childhood: Deep Dive in Child Poverty and Social Exclusion in Bulgaria](#) (Resume), UNICEF Europe and Central Asia Regional Office (ECARO) and UNICEF Bulgaria.

| | |
|---|--|
| | <p>in need of special attention, the two reports propose possible approaches and concrete steps by which the national Child Guarantee action plan could successfully achieve its goals. The Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика, МТСП</i>) referred to the UNICEF report as a setting stone for the national Child Guarantee action plan and “an essential preparatory stage” in its development.¹⁴⁸</p> |
| <p>Other measures or initiatives</p> | <p><i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p>EU Child Guarantee measures in Bulgaria will be funded by the European Social Fund + and by the national budget.¹⁴⁹ In June 2022, Monitoring Committee (<i>Комитет за наблюдение</i>) of the Programme Human Resources Development (<i>Програма „Развитие на човешките ресурси“</i>) approved the application criteria for 14 operations, among which are the operation “Parents in Employment” (<i>„Родители в заетост“</i>) worth BGN 24 million (approximately €12 million). It will support some 1,900 parents of children not attending kindergartens or creches to return to employment. The operation “Future for the children” (<i>„Бъдеще за децата“</i>) worth BGN 81.2 million (approximately €40.6 million) will fund measures for preventive health care, child care for children up to three years, early childhood development services and health and social services for children and young people, including children with disabilities, labour market counselling, and training and</p> |

¹⁴⁸ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2022), Letter No 39-337/28.09.2022 (*Писмо № 39-337/28.09.2022*), 28 September 2022.

¹⁴⁹ Bulgaria, Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2022), Letter No 39-337/28.09.2022 (*Писмо № 39-337/28.09.2022*), 28 September 2022; Stoyanova, T. (2022), ‘The first operation under the European Child Guarantee will cover 40,000 children’ ([‘Първата операция по Европейската детска гаранция ще обхване 40 000 деца’](#)), *Bulgarian National Radio*, 17 September 2022.

mediation of staff. It is expected to target some 40,000 children.¹⁵⁰ The two operations will be activated as soon as the European Commission approves the programme.

In addition to the European funds, the national government implements programmes funded by the national budget to support education development. In 2022, the government approved 21 programmes,¹⁵¹ some of which are relevant to the priorities of the European Child Guarantee. These are, for example, the National Programme "Together for Every Child" (*Национална програма „Заедно за всяко дете“*)¹⁵² worth BGN 3.1 million (approximately €1.55 million) that aims at supporting the intradepartmental efforts in retaining school age children in school by strengthening the communication with their parents; the National Programme "Support for educational mediators and social workers" (*Национална програма „Подкрепа на образователните медиатори и социалните работници“*)¹⁵³ worth BGN 10 million (approximately €5 million), which aims at reducing the risk of students from vulnerable groups dropping out of school and encouraging full participation in the educational process and motivation for active inclusion of children in the school education system; the National Programme "It's nice in kindergarten" (*Национална програма „Хубаво е в детската градина“*)¹⁵⁴ worth BGN 400.000 (approximately €200,000) that aims at building a supportive, accepting, safe, multicultural, interactive environment in kindergarten, etc.

In April 2022, the European Commission sealed the Recovery and Resilience Plan for Bulgaria.¹⁵⁵ In the plan, the country commits to implement reforms, some of which are related to children. One

¹⁵⁰ Bulgaria, Programme Human Resources Development (*Програма „Развитие на човешките ресурси“*) (2022), 'The Monitoring Committee approved 14 new operations for over BGN 1.144 billion to be implemented under the PHRD (2021-2027)' (*‘Комитетът за наблюдение одобри 14 нови операции за над 1,144 млрд. лв., които ще бъдат реализирани по ПРЧР (2021-2027)’*), press release, 22 June 2022.

¹⁵¹ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 302 of 13 May 2022 (*Решение № 302 от 13 май 2022 г.*), 17 May 2022.

¹⁵² For more information about the National Programme "Together for Every Child", see the [website](#) of the Ministry of Education and Science.

¹⁵³ For more information about the National Programme "Support for educational mediators and social workers", see the [website](#) of the Ministry of Education and Science.

¹⁵⁴ For more information about the National Programme "It's nice in kindergarten", see the [website](#) of the Ministry of Education and Science.

¹⁵⁵ For more information, see the [Recovery and resilience plan for Bulgaria section](#) of the EC website.

such reform is the development of a National Strategy for Child and Adolescent Health and Paediatric Care in the Republic of Bulgaria 2021-2030,¹⁵⁶ which will seek to neutralise the geographical disbalance in the availability of general practitioners and paediatric specialists. Concrete projects include completing the modernisation of paediatric care focusing on supplying high-technology cancer diagnostic and treatment equipment. Another reform is the creation of joint health and social advisory service aimed at improving the health of the population and promoting healthy lifestyle, preventing socially significant diseases and supporting the access to specialised medical care. It will focus on supporting vulnerable groups of people such as minorities, uninsured citizens, youth, young mothers and couples before and during pregnancy, families with children with disabilities, etc. In addition, Bulgaria will establish a Single National Interdisciplinary Screening Centre (for prenatal and neonatal screening and screening of socially significant diseases) with a regional network. The plan also envisages investments in modernising the educational institutions for a more attractive and quality environment for learning. Priority will be given to financing complete renovations and construction of new kindergartens, schools and campuses to provide suitable living conditions for the education, training, upbringing, socialisation and development of students. In the social sphere, the plan envisages modernisation of facilities and introduction of information technologies in the Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) to increase the efficiency and quality of administrative services related to social assistance and child protection.

In May 2022, the government amended the rules on the provision of free use of reference books, textbooks and teaching kits,¹⁵⁷ allowing funding to be allocated for the provision of free knowledge

¹⁵⁶ Bulgaria, Recovery and Resilience Plan for Bulgaria ([Национален план за възстановяване и устойчивост на Република България](#)), 6 April 2022, pp. 241-249.

¹⁵⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 90 of 20 May 2022 amending and supplementing Decree No 79 of 2016 on the provision of free use of knowledge books, textbooks and teaching kits ([Постановление № 90 от 20 май 2022 г. за изменение и допълнение на Постановление № 79 на Министерския съвет от 2016 г. за осигуряване за безвъзмездно ползване на познавателни книжки, учебници и учебни комплекти](#)), 20 May 2022.

books to children from the first year in kindergarten. Previously, such books were delivered for free only to children in the second, third and fourth group in the kindergartens.

In December 2022, the parliament adopted amendments to the Family Allowances for Children Act (*Закон за семейните помощи за деца*)¹⁵⁸ which aim to make more precise the rules for allocating monthly allowances for raising a child up to the age of one year and monthly allowance for raising a child until completion of secondary education granted to children whose one or two parents have passed away. So far, the unclear wording of some provisions allowed for different and contradictory interpretation of the rules.¹⁵⁹ The amendments also extended the scope of the one-off assistance of BGN 300 (approximately €150) granted to the families of children enrolled in certain grades. Before the changes, only the families of children enrolled in first and eighth grade of public (state and municipal) schools were eligible to receive this type of assistance. After the changes, the scope of eligible families includes families of children in first, second, third, fourth and eighth grade in both public and private schools. Another novelty, introduced by the same amendments, is that single adoptive parents can receive allowances for children irrespective of their income. In an opinion to the draft, presented before its adoption, the Ombudsman suggested adding a mechanism for updating the amount of social benefits for all groups of children and unified criteria for all types of child benefits, based on the poverty line.¹⁶⁰ One of the proposed changes, which was not adopted, was to increase the one-time benefit for the birth of a second and a third child up to the amount of at least ten minimum salaries for the respective year. The suggested approach to increase of the benefit for a second and a third child by linking it to the amount of the minimum salary was criticised by representatives of the trade unions, according to whom the minimum salary

¹⁵⁸ Bulgaria, Act amending and supplementing the Family Allowances for Children Act ([Закон за изменение и допълнение на Закона за семейни помощи за деца](#)), 15 December 2022.

¹⁵⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Draft Act amending and supplementing the Family Allowances for Children Act ([Проект на Закон за изменение и допълнение на Закона за семейните помощи за деца](#)), 27 July 2022.

¹⁶⁰ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), Statement to the National Assembly on the Family Allowances for Children Draft No 48-202-01-1 of 24 November 2022 ([Становище на Омбудсмана по внесения от Министерски съвет Законопроект за изменение и допълнение на Закона за семейните помощи за деца No 48-202-01-1 от 24.11.2022](#)), 24 November 2022.

was outdated. As of now, the income criterion for allocating monthly allowances for children is set every year at the state budget.

Another measure aimed to address the situation of people living in poverty, including families with children, is the linking of the amount of social benefits provided under the Social Assistance Act (*Закон за социалното подпомагане*) to the national poverty line. The respective amendment to the Social Assistance Act (*Закон за социалното подпомагане*)¹⁶¹ was adopted in December 2022, but the new rules will enter in force on 1 June 2023. Currently, social assistance allowances are linked to the so-called “guaranteed minimum income” (*гарантиран минимален доход*). Both the national poverty line and the guaranteed minimum income are defined by the government. However, the guaranteed minimum income stands at BGN 75 (approximately €37.50) and has not been changed since 2018,¹⁶² while the national poverty line is updated every year and for 2022 is BGN 413 (approximately €207).¹⁶³ These changes concern the social support to vulnerable families in general and do not affect the social support for raising children, which is regulated by a different legal act – the Family Allowances for Children Act (*Закон за семейни помощи за деца*).¹⁶⁴

¹⁶¹ Bulgaria, Act amending and supplementing the Social Assistance Act ([Закон за изменение и допълнение на Закона за социалното подпомагане](#)), 15 December 2022.

¹⁶² Bulgaria, Council of Ministers (*Министерския съвет*), Decree No 305 of 19 December 2017 on fixing the new monthly amount of the guaranteed minimum income ([Постановление № 305 от 19 декември 2017 г. за определяне на нов месечен размер на гарантирания минимален доход](#)), 19 December 2017.

¹⁶³ Bulgaria, Council of Ministers (*Министерския съвет*) (2021), Decree No 286 of the Council of Ministers of 19.08.2021 on determining the poverty line for 2022 ([Постановление № 286 на Министерския съвет от 19.08.2021 за определяне размера на линията на бедност за 2022 г.](#)), 19 August 2021.

¹⁶⁴ Bulgaria, Family Allowances for Children Act ([Закон за семейни помощи за деца](#)), 29 March 2002.

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

| | |
|----------------------------|--|
| Legislative changes | <p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>In 2022, there were several legal developments in relation to the protection of children in criminal proceedings.</p> <p>In July 2022, the government submitted to the parliament a draft amendments to the Criminal Procedure Code (<i>Закон за изменение и допълнение на Наказателно-процесуалния кодекс</i>)¹⁶⁵ aimed at implementing Directive (EU) 2016/800¹⁶⁶ and fully implementing Directive 2012/29/EU.¹⁶⁷ In terms of procedural safeguards, the draft suggests the following changes:</p> <ul style="list-style-type: none">• Determination of age. A proposed new provision states that where there are irremovable doubts as to the age of a child witness, the child should be considered to be of the youngest possible age. Another new provision deals with the same situation concerning suspected/accused children – where doubts as to their age have not been removed, they shall be presumed to be under 18 years of age. The same provision stipulates that the age of the person shall be determined on the basis of their own explanations, by checking civil status records, examining documents and other evidence and, if no such evidence is found or if there is still doubt, a medical examination shall be carried out. |
|----------------------------|--|

¹⁶⁵ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Criminal Procedure Code ([Проект на Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 8 July 2022.

¹⁶⁶ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, OJ 2016 L132/1.

¹⁶⁷ Directive 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, OJ 2012 L315/57.

- **Individual assessment.** The suggested amendments to Article 387 foresee that after presenting the decree for bringing charges against a child, the pre-trial authority shall request an assessment from an inspector from the children's pedagogical room at the person's place of residence (police units responsible for working with children who have committed a crime or another antisocial act). The assessment must describe the personal characteristics of the accused child and must be delivered within 14 days. Thus, the decision for imposing detention or another remand measure, the performance of further procedural actions, and the determination of the type and amount of the punishment and the educational measures to be imposed on the child will all be based on a personal profile drawn up in advance. The current provisions on the collection of data on the personality of the child will be extended and upgraded. The profiling will be based on data about the child's personality, the degree of their emotional and social maturity, their economic situation, their social and family environment, potential vulnerability factors, previous offences and the measures taken in respect of them, and any other risk factors relating to the case. The assessment shall be drawn up with the participation of the child and, where appropriate, with the participation of a holder of parental responsibility, as well as other persons who have information about the child's personality, including persons designated by the child. Where the circumstances of the case so require, the pre-trial authority shall request require a social report on the family and social environment of the child from the relevant Social Assistance Directorate (*Дирекция „Социално подпомагане“*). The social report must be delivered within 14 days and must be regarded as an integral part of the personality assessment.
- **Right to information and right to a holder of parental responsibility to be informed.** New Articles 385a – 385r are proposed to grant the accused child a number of additional rights alongside those provided for in Article 55, namely: a holder of parental responsibility to be fully informed of the child's rights in the criminal proceedings; children to be accompanied by holders of parental responsibility during court hearings and, where this is in their best interests and will not impede criminal proceedings, in pre-trial investigation activities; to have a medical examination in detention; to have their personality assessed; and to have their right to privacy and family life protected. In addition, amendments to Article 219 suggest that when the accused person is a child, the ruling for bringing charges and the protocol for the first investigative action should include the additional rights under

| | |
|--|---|
| | <p>Article 385a in addition to the general rights of accused persons under Article 55. The investigating authority shall also be obliged to inform the accused child of their rights in criminal proceedings orally, in a language accessible to them. In view of introducing the requirements of Article 5 of Directive (EU) 2016/800, the amendments suggest a new Article 3856 providing guarantees in relation to the information of the holder of parental responsibility, provided that this will not impede the normal course of criminal proceedings.</p> <ul style="list-style-type: none">• Medical examination. The requirement of Article 8 of Directive (EU) 2016/800 is introduced by proposing a new Article 385r, according to which a medical examination to assess the general physical and mental state of the accused child shall be carried out without any delay after their detention, and in cases where there are specific health reasons, the examination shall be carried out at the initiative of the competent authority or at the request of the child, their lawyer or the holder of parental responsibility. The results of the examination shall be taken into account in all proceedings, including detention and other remand measures, except in cases of urgency, where this is the only possibility of preserving and collecting the evidence.• Audio-visual recording. A new Article 388a is proposed, according to which, in pre-trial proceedings, an audio and video-recording will be made during the questioning of accused children who are detained or charged with an offence punishable by not less than ten years of imprisonment or another more serious penalty. Exceptions to this rule will be permissible only if the holders of parental responsibility, an educator, a psychologist, a doctor or another specialist are present during the questioning.• Limitation of deprivation of liberty. The amendments propose reduced duration of detention of accused children. A revised version of Article 386, Paragraph (2) suggests the appearance of the accused child before the court shall be ensured without delay by the public prosecutor, who may, if necessary, order detention for up to 48 hours in order to bring the child before the court, and the pre-trial detention measure may not last longer than five months, if the child is charged with a serious intentional offense, and more than one year if the child is charged with an offence punishable by not less than fifteen years of imprisonment. In all other cases, pre-trial detention may not exceed two months. |
|--|---|

- **Timely and diligent treatment of cases.** The requirements of Article 13 of Directive (EU) 2016/800 are introduced by suggesting a revision of Paragraph (3) of Article 22 and adding the cases, in which the accused is a child, to the list of cases that must be investigated, tried and decided with priority over other cases.
- **Protection of privacy.** The suggested new wording of Article 391 explicitly states that the hearing of cases against children shall generally be held behind closed doors, unless the child requests that the entire case is heard in public or that individual hearings are conducted in public. The court may refuse the request for publicity where this is necessary to preserve a state secret, morals, the secret identity of a witness, and where the court considers that this is necessary to prevent the disclosure of facts of the personal lives of citizens.
- The requirements of Article 17 of Directive (EU) 2016/800 are introduced by proposing an amendment to the Extradition and European Arrest Warrant Act (*Закон за екстрадицията и Европейската заповед за арест*).
- In relation to Article 20 of Directive (EU) 2016/800, amendments are proposed to Articles 385, 390 and 394, providing that judges and prosecutors in cases against children must have received special training in the field of children's rights or must have effective access to specialised training.

The same draft amendments to the Criminal Procedure Code (*Закон за изменение и допълнение на Наказателно-процесуалния кодекс*) also aim to implement some of the requirements of Directive 2012/29/EU:¹⁶⁸

- A new Article 139a is proposed to regulate the questioning of witnesses with identified specific protection needs. Depending on the specific needs of the witness, the questioning may take place in premises suitable for that purpose, in the presence of a teacher or psychologist, and by the same investigating authority if repeated questionings are necessary. In cases of domestic violence or offences against sexual integrity, upon request of the victim the questioning may be carried out by a person of the same sex as the victim.

¹⁶⁸ Directive 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, OJ 2012 L315/57

| | |
|--|---|
| | <p>These measures may be applied as long as they will not seriously impede the course of criminal proceedings.</p> <ul style="list-style-type: none"> • A distinction is made between the scope of Article 139a Paragraphs (1) and (3) and Article 140 Paragraphs (1), (2) and (5). The provisions of Article 139a Paragraphs (1) and (3) governing the questioning of child witnesses with special protection needs will apply whenever the child is a victim as well as when it is evident that the child witness, despite not being a victim, has special protection needs. In all other cases, where the child witness does not have special protection needs, the general rules of Art. 140 para. 1, 2 and 5 Article 140 Paragraphs (1), (2) and (5) will apply. <p>The draft suggests a delayed entry into force of the rules (by three months after its adoption), because measures such as training justice practitioners and organising the performance of individual assessments would require more time.¹⁶⁹ However, due to the dismissal of the parliament on 1 August 2022, the draft was not adopted. The interim government that took over after the parliament was dismissed held another round of inter-ministerial consultations on the draft, after which it was resubmitted to and adopted by the government on 21 September 2022.¹⁷⁰ The draft was submitted again to the newly elected parliament on 24 October 2022 and is currently being discussed in parliamentary committees before its submission for first reading in plenary session.¹⁷¹</p> <p>Parallel to the work on amending the criminal procedure legislation, in June 2022, the Ministry of the Interior (MoI) (<i>Министерство на вътрешните работи</i>, МВР) published for public consultation proposed amendments to the internal instruction governing police detention.¹⁷²</p> |
|--|---|

¹⁶⁹ Bulgaria, National Assembly (*Народно събрание*), Explanatory report to the Draft Act amending and supplementing the Criminal Procedure Code ([Мотиви към Проект за Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 8 July 2022. p. 28.

¹⁷⁰ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Letter No 08-00-61/29.09.2022 (*Писмо № 08-00-61/29.09.2022*), 29 September 2022.

¹⁷¹ For the progress of the legislative procedure and the statements submitted on the draft, see the [website](#) of the parliament.

¹⁷² Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Draft Instruction amending and supplementing the Instruction on the procedure for carrying out detention, the equipment of premises for hosting detainees and the order in them within the Ministry of the Interior ([Проект на](#)

The draft was prepared in response to the number of ECtHR judgements against Bulgaria for violating Articles 2, 3 and 8 of the ECHR and the recently launched infringement procedure INFR(2021)2098 of the European Commission for incorrect transposition into Bulgarian law of provisions of Directive 2012/13/EU of 22 May 2012 on the right to information in criminal proceedings. The proposed amendments transpose the Directive 2012/13/EU¹⁷³ by revising Article 15 and the content of the declaration on the information provided to detainees about their rights (Annex 1). The declaration is divided into two parts: the first part contains information on the rights of detainees and the second part includes the statements of the detained person indicating their intention to exercise or not to exercise each of these rights. The right to translation and the right to remain silent are explicitly spelled, as well as the possibility for the detainee to obtain information on the grounds for detention and the maximum duration of detention. The suggested amendments also foresee an obligation for the police to explain to detainees the content of their rights. The suggested amendments to Article 15, Paragraphs (1) and (2) provide that immediately after the arrest, the detainee shall be provided with the declaration of rights and given the opportunity to read it and to retain a copy during the entire period of their detention. The draft also seeks to strengthen safeguards for the protection of children in detention by providing for mandatory notification of a holder of parental responsibility, as well as the mandatory involvement of a lawyer. The public consultation process officially ended on 22 July 2022 but the document has not been adopted yet.

After a series of reports to the Ombudsman and numerous media publications about the use of dinitrogen oxide (laughing gas) by children in Bulgaria, the parliament adopted amendments to the Health Act (*Закон за здравето*).¹⁷⁴ The amendments forbid the sale of dinitrogen oxide to children as well as on the territory of kindergartens, schools, student hostels, medical

[Инструкция за изменение и допълнение на Инструкция № 8121з-78 от 24 януари 2015 г. за реда за осъществяване на задържане, оборудването на помещенията за настаняване на задържани лица и реда в тях в Министерството на вътрешните работи](#)), 22 June 2022.

¹⁷³ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ 2012 L142/1

¹⁷⁴ Bulgaria, Act amending and supplementing the Health Act ([Закон за изменение и допълнение на Закона за здравето](#)), 1 August 2022.

institutions, at sports and public events for children and students, and in indoor places, except for sales for medical purposes and for the food industry. Individuals who violate the new rules shall be fined by between BGN 800 and BGN 1,500 (approximately between €400 and €750) for a first violation and between BGN 1,500 and BGN 3,000 (approximately between €750 and €1,500) for each subsequent violation. Legal entities will be fined by between BGN 3,000 and BGN 6,000 (approximately between €1,500 and €3,000) for a first violation and by between BGN 5,000 and BGN 12,000 (approximately between €2,500 and €6,000) for each subsequent violation.

In July 2022, the parliament adopted amendments to the Criminal Code (*Наказателен кодекс*)¹⁷⁵ related to cybercrime, which also revised the provisions online sexual exploitation of children laid down in Articles 155б, 155в and 159, Paragraph (3). The amendments increased the penalties for sexual crimes against children up to the age of 14 years (including crimes committed online). According to the explanatory report to the draft, the increase achieves better consistency between the public danger of these offenses and the penalties provided for them.¹⁷⁶

The Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) has also taken steps to fully implement the requirements of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children and child pornography. Draft amendments to the Criminal Code (*Наказателен кодекс*) were developed to explicitly incriminate cases of women using coercion to commit coitus with male children. The draft also suggests increased maximum penalties for sexual abuse of children below the age of consent by the use of coercion from eight years to ten years of imprisonment. The draft is expected to be published for public consultation and sent for inter-ministerial

¹⁷⁵ Bulgaria, Act amending and supplementing the Criminal Code ([Закон за изменение и допълнение на Наказателния кодекс](#)), 8 July 2022.

¹⁷⁶ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Explanatory report to the Draft Act amending and supplementing the Criminal Code ([Мотиви към проекта на Закон за изменение и допълнение на Наказателния кодекс](#)), 18 March 2022, p. 3.

| | |
|-----------------------------------|---|
| | <p>consultation before it is official submitted to the government for approval and submission to parliament.¹⁷⁷</p> <p>In July 2022, the government changed the rules governing the operation of the national child protection hotline, operated so far by the State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>).¹⁷⁸ After the changes, the hotline is operated jointly by the SACP and the Ministry of Labour and Social Policy (MLSP) (<i>Министерство на труда и социалната политика, МТСП</i>). Experts from the ministry offer 24/7 consultations to children and accept reports whereas experts from the SACP control and monitor the operation of the hotline. In 2021, the hotline received 31,751 calls of which 1,003 were reports for violations of the national child protection legislation.¹⁷⁹</p> |
| <p>Policy developments</p> | <p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p> <p>On 29 June 2022, the Ministry of the Interior (MoI) (<i>Министерство на вътрешните работи, МВР</i>) published for public consultation a draft Crime Prevention Strategy 2021-2030 (<i>Проект на Стратегия за превенция на престъпността 2021 – 2030 г.</i>).¹⁸⁰ The document aims to serve</p> |

¹⁷⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Letter No 08-00-61/29.09.2022 (*Писмо № 08-00-61/29.09.2022*), 29 September 2022.

¹⁷⁸ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 219 of 29 July 2022 amending and supplementing the Rules of Procedure of the State Agency for Child Protection adopted by Decree No 38 of the Council of Ministers of 2001 ([Постановление № 219 от 29 юли 2022 г. за изменение и допълнение на Устройствения правилник на Държавната агенция за закрила на детето, приет с Постановление № 38 на Министерския съвет от 2001 г.](#)), 29 July 2022.

¹⁷⁹ Bulgaria, State Agency for Child Protection (*Държавна агенция за закрила на детето*) (2022) Report on user satisfaction with administrative services at the State Agency for Child Protection for 2021 ([Доклад за удовлетвореността на потребителите от административното обслужване в Държавната агенция за закрила на детето за 2021 година](#)), 1 April 2022.

¹⁸⁰ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Draft Crime Prevention Strategy 2021-2030 ([Проект на Стратегия за превенция на престъпността 2021 – 2030 г.](#)), 29 June 2022.

| | |
|--|---|
| | <p>as a strategic instrument for centralised planning, coordination and control of crime prevention policy. In its preliminary analysis the draft states that despite the decrease in registered crime in the recent years, there is a constant number of child delinquents and child offenders.¹⁸¹ The needs analysis has two sections specifically focused on children: one on the role of the family for crime prevention and one on the prevention of crime among children and young people. Furthermore, the draft notes that some 6 % of crime victims in Bulgaria are children.¹⁸² The draft suggests a number of measures targeting children, such as development and implementation of programmes targeting child aggression; support measures for families in financially vulnerable situation; support to families with members with mental and dependency issues; etc.¹⁸³ The document was adopted on 5 October 2022.¹⁸⁴</p> <p>In 2022, the Academy of the Ministry of the Interior (<i>Академия на Министерството на вътрешните работи</i>) did not introduce any new guidance or training for law enforcement officers on the treatment of child suspects or victims.¹⁸⁵</p> <p>The National Institute of Justice (NIJ) (<i>Национален институт на правосъдието, НИП</i>) organised two training events related to child-friendly criminal proceedings:</p> <ul style="list-style-type: none"> • On 29 March 2022, the institute organised a two-hour webinar on "Individual Assessment and Individual Treatment of Children in Conflict with the Law" (<i>"Индивидуална оценка и индивидуално третиране на деца в конфликт със закона"</i>).¹⁸⁶ At the event, a university |
|--|---|

¹⁸¹ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Draft Crime Prevention Strategy 2021-2030 ([Проект на Стратегия за превенция на престъпността 2021 – 2030 г.](#)), 29 June 2022, p. 8.

¹⁸² Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Draft Crime Prevention Strategy 2021-2030 ([Проект на Стратегия за превенция на престъпността 2021 – 2030 г.](#)), 29 June 2022, p. 10.

¹⁸³ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Draft Crime Prevention Strategy 2021-2030 ([Проект на Стратегия за превенция на престъпността 2021 – 2030 г.](#)), 29 June 2022, p. 24.

¹⁸⁴ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Crime Prevention Strategy 2021-2030 ([Стратегия за превенция на престъпността 2021 – 2030 г.](#)), 5 October 2022.

¹⁸⁵ For more information about the other training courses for police officers, see the [website](#) of the Academy of the Ministry of the Interior.

¹⁸⁶ For more information about the training, see the [website](#) of the National Institute of Justice.

| | |
|---|--|
| | <p>professor presented the main concepts and issues related to the individual assessment. The trainees included judges, prosecutors, investigators, and judicial and prosecutorial assistants. The webinar aimed at provoking a professional discussion on the requirements of Directive (EU) 2016/800 concerning the individual assessment of children who are suspects or accused persons in criminal proceedings.</p> <ul style="list-style-type: none"> • Between 10 May and 20 June 2022, the institute delivered e-training for judges, prosecutors, police officers, social workers, judicial and prosecutorial assistants entitled "Protection of the rights of child witnesses and victims of domestic violence" („Защита правата на децата – свидетели и жертви на домашно насилие“).¹⁸⁷ |
| <p>Other measures or initiatives</p> | <p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>The Academy of the Ministry of the Interior (AMoI) (<i>Академия на Министерството на вътрешните работи, АМВР</i>) delivered two training courses on the hearing of children at risk and child victims of violence and two courses on investigating crimes involving children. The courses were developed on the basis of modern programmes and curricula with updated simulation games and case studies.¹⁸⁸ For the 2022/2023 school year, the Academy of the Ministry of the Interior (AMoI) (<i>Академия на Министерството на вътрешните работи, АМВР</i>) introduced a specialised course “Child Abuse in Cyberspace” as part of the academy’s Master’s Programme in Cybercrime. The course has a duration of 30 hours and is divided into 12 topics.¹⁸⁹</p> |

¹⁸⁷ For more information about the training, see the [website](#) of the National Institute of Justice.

¹⁸⁸ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

¹⁸⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

| | |
|--|--|
| | <p>In 2022, Bulgaria's National Safer Internet Centre (<i>Национален център за безопасен интернет</i>) was temporarily closed for financial reasons.¹⁹⁰ Since 2005, the centre operated the hotline for processing reports of online sexual exploitation of children and a consultation line for online safety. The situation led to civil society organisations and the Ombudsman¹⁹¹ calling to the government to allocate funds from the national budget and cover the 50 % co-funding necessary to resume the centre's operation. The amount needed was BGN 200,000 (approximately €100,000).¹⁹² As of October 2022, no such funding was provided. Nevertheless, on 3 October 2022, the both the hotline for reporting online sexual exploitation of children and the consultation line for online safety reopened with the support of UNICEF. This support, however, is secured only until the end of 2022.¹⁹³</p> |
|--|--|

¹⁹⁰ National Network for Children (*Национална мрежа за децата*) (2022), '15,000 children now have nowhere to go for help with online abuse!' (['15 хиляди деца вече няма къде да потърсят помощ при онлайн насилие!'](#)), press release, 2 August 2022.

¹⁹¹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), 'The Ombudsman urges the state to support the hotline for protecting children from online abuse' (['Омбудсманът призова държавата да подкрепи горещата линия за закрила на деца от посегателства в нета'](#)), press release, 4 August 2022.

¹⁹² National Network for Children (*Национална мрежа за децата*) (2022), 'The problem with the closure of the National Safer Internet Centre will be solved...someday' (['Проблемът със закриването на Националния център за безопасен интернет ще бъде решен... някога'](#)), press release, 2 September 2022.

¹⁹³ Safenet.bg (2022), 'Good news: the Safer Internet Centre continues its work' (['Добра новина: Центърът за безопасен интернет продължава работата си'](#)), press release, 2 October 2022.

7 Access to justice – Victims’ Rights and Judicial Independence

7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

Bulgaria has not yet fully transposed the Victims’ Rights Directive. As of October 2022, no new legislation was adopted to implement the Directive. This was partly due to the political crisis in Bulgaria resulting in the resignation of the government and dismissal of the parliament in August 2022 followed by new parliamentary elections in October 2022.

In 2022, the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*), as the main responsible authority for transposing the Directive, prepared a draft amendment of the Criminal Procedure Code (*Наказателно-процесуален кодекс*).¹⁹⁴ The main objectives of the draft were to ensure that appropriate measures are in place to reduce the risk of secondary and repeat victimisation, intimidation and retaliation by the perpetrator and to provide adequate support tailored to the needs of victims and their relatives. After the approval of the draft by the government, it was submitted to the parliament in July 2022. After the parliament’s dismissal, the draft was re-submitted to the government, adopted again on 21 September 2022, submitted to the newly elected parliament on 24 October 2022 and is currently being discussed in parliamentary committees before its submission for first reading in plenary session.¹⁹⁵

Some of the main changes suggested by the draft are: granting victims the right to be accompanied in the criminal procedure by a person of their choice (provided that the presence of that person does not contradict the interests of the victim and does not hinder the criminal proceedings); limiting the possibility of repeated or additional questioning of witnesses with the purpose to reduce the unnecessary stress for victims caused as a result of repeatedly experiencing the consequences of the incident; and introducing rules for witnesses with special protection needs. The draft provides for the questioning of witnesses with special protection needs to be conducted after taking measures to avoid contact with the accused, including by videoconference or telephone conference. Unless it will seriously impede the criminal proceedings, the questioning of witnesses with special protection needs

¹⁹⁴ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Act amending and supplementing the Criminal Procedure Code ([Проект за Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 8 July 2022.

¹⁹⁵ For the progress of the legislative procedure and the statements submitted on the draft, see the [website](#) of the parliament.

must be carried out: in an appropriate room designed for that purpose; in the presence of an educator or psychologist; and by the same investigating authority if a second questioning is necessary. In cases of domestic violence or sexual offences, the draft entitles the victim to request the questioning to be conducted by a person of the same sex.

Furthermore, the draft suggested amendments to the Victims of Crime Assistance and Financial Compensation Act (*Закон за подпомагане и финансова компенсация на пострадали от престъпления*).¹⁹⁶ An entirely new chapter is proposed to regulate the procedure for the individual assessment of victims. The individual assessment should be carried out immediately after the crime has been reported. Its aim is to establish the existence of specific protection needs and to determine the measures to be taken with regard to the victim. The procedure must be based on objective criteria, taking into account facts like the type and nature of the offence and the circumstances surrounding it, the type and extent of the harm suffered, the victim's age, intellectual development, emotional and social maturity, education and other personal characteristics. The suggested amendment enables also the family members of victims (husband, wife, the person with whom the victim is in *de facto* cohabitation, ascendants, descendants, brothers, sisters and dependants), who have suffered pecuniary and non-pecuniary damage as a result of a crime of general nature, to also receive assistance under the law.

On 30 December 2022, the government submitted another draft amendment to the Criminal Procedure Code (*Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс*).¹⁹⁷ The draft suggests changes in different areas, some of which concern victims' rights and more specifically their rights to effective participation in the criminal procedure. The draft is yet to be discussed in the designated parliamentary committees before its submission for first reading in plenary sessions.

The national authority responsible for ensuring that all victims have access to appropriate services is the National Council for Assistance and Compensation to Victims of Crime (NCACVC) (*Национален съвет за подпомагане и компенсация на пострадалите от престъпления, НСПКПП*).¹⁹⁸ The council is a structure under the authority of the Minister of Justice (*Министър на правосъдието*). Its responsibilities are listed in the Victims of Crime Assistance and Financial Compensation Act (*Закон за подпомагане и финансова компенсация на*

¹⁹⁶ Bulgaria, Victims of Crime Assistance and Financial Compensation Act ([Закон за подпомагане и финансова компенсация на пострадали от престъпления](#)), 1 January 2007, last amended 4 August 2017.

¹⁹⁷ Bulgaria, Draft Act amending and supplementing the Criminal Procedure Code ([Законопроект за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 31 December 2022.

¹⁹⁸ For more information on the activities of the National Council for Assistance and Compensation to Victims of Crime, see the council's [website](#).

пострадали от престъпления). The council is in charge of paying financial compensations, developing the policy, planning and presenting legislative and practical initiatives in the sphere of rendering assistance to crime victims, coordinating the activities of authorities and the organisations which provide information to victims about their rights, assigning the conduct of victimological studies and coordinating other research activities in the sphere of rendering assistance to crime victims, etc.¹⁹⁹ In practice, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*), the investigators in the criminal procedure and the support organisations for victims also ensure that the victims have access to appropriate support services as part of their responsibilities to inform the victims about their rights. During the criminal procedure, the supervising prosecutor shall, in the course of the pre-trial proceedings, supervise the fulfilment of the obligations of investigating authorities to provide information to victims regarding their rights.²⁰⁰ According to the law,²⁰¹ the main types of support services to victims of crime are medical care for emergency conditions under the Health Act (*Закон за здравето*), psychological consultation and assistance, free legal aid under the Legal Aid Act (*Закон за правната помощ*), and practical assistance.

In 2022, the National Institute of Justice (NIJ) (*Национален институт на правосъдието, НИП*) continued to provide training to judges and prosecutors addressing victims' rights. The mandatory training curricula for junior judges and prosecutors for the 2021/2022 school year included the following courses on victims' rights: "Proceedings under Article 270 and Article 68, Paragraph (7) of the Criminal Procedure Code. Measures to protect the victim during the trial stage" (for junior judges); "The victim. Status and rights in pre-trial proceedings" and "Status of the witness. Means of defence" (for junior prosecutors); and "Witness. Status of the witness. Witness protection under Article 123 of the Criminal Procedure Code. Protection under the Protection of Persons at Risk in Connection with Criminal Proceedings Act. Protection of legal entities" (for junior investigators).²⁰²

¹⁹⁹ For more information on the activities of the National Council for Assistance and Compensation to Victims of Crime, see the council's [website](#).

²⁰⁰ Bulgaria, Victims of Crime Assistance and Financial Compensation Act ([Закон за подпомагане и финансова компенсация на пострадали от престъпления](#)), 1 January 2007, last amended 4 August 2017, Article 6.

²⁰¹ Bulgaria, Victims of Crime Assistance and Financial Compensation Act ([Закон за подпомагане и финансова компенсация на пострадали от престъпления](#)), 1 January 2007, last amended 4 August 2017, Article 8.

²⁰² Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

7.2 Measures addressing violence against women

On 20 May 2022, the government adopted the National Programme for the Prevention and Protection from Domestic Violence²⁰³ (*Национална програма за превенция и защита от домашно насилие*) for the year 2022. Such a programme is adopted on an annual basis according to the Protection from Domestic Violence Act (*Закон за защита от домашното насилие*).²⁰⁴ The programme foresees various measures at the national level to effectively prevent domestic violence and protect victims. The measures are grouped into several categories as follows: institutional and organisational measures, prevention measures, training and qualification measures, measures on protection, recovery and reintegration of victims and work with perpetrators, legislative measures, and evaluation measures. The main objective of the measures on protection, recovery and reintegration of victims and work with perpetrators is to provide quality protection of victims and appropriate services for victims and perpetrators of domestic violence. The measures are expected to result in the prevention of recurrences of domestic violence and the availability of quality services for victims (and perpetrators) of domestic violence. One of the main activities foreseen in the programme for achieving this objective is the introduction of innovative programmes for the prevention, recovery and empowerment of victims, and upgrading the existing programmes to meet the newest standards. Other envisaged activities include the development of contact services for families in conflict or with a history of domestic violence, and strengthening and disseminating across all big cities specialised programmes for perpetrators of domestic violence. The programme foresees specialised services for perpetrators of domestic violence (e.g., consultations and counselling), which are to be provided by non-governmental organisations, without providing more details on the nature of these services. Overall, the programme focuses primarily on measures for victims and much less on measures for perpetrators.

On 5 October 2022, the government adopted a Crime Prevention Strategy 2021-2030 (*Стратегия за превенция на престъпността 2021-2030*).²⁰⁵ The strategy provides for measures targeting both perpetrators and victims of crime. The document points out that victimisation may often be caused by citizens not being aware of the activities of institutions and NGOs, from which they could seek help, or feeling distrustful or frustrated with them due to formalism and lack of coordination between them. The strategy also notes that a significant proportion of these victims are victims of domestic violence. According to the strategy, some

²⁰³ Bulgaria, Council of Ministers (*Министерски съвет*) 92022), National Programme for the Prevention and Protection from Domestic Violence 2022 ([Национална програма за превенция и защита от домашно насилие 2022 г.](#)), 20 May 2022.

²⁰⁴ Bulgaria, Protection of Domestic Violence Act ([Закон за защита от домашното насилие](#)), 29 March 2005, last amended 27 December 2019, Art 6 Para (5)

²⁰⁵ Bulgaria, Council of Ministers (*Министерски съвет*), Crime Prevention Strategy ([Стратегия за превенция на престъпността](#)), 5 October 2022.

of the main findings in the area of domestic violence are the need of active advocacy, support and protection aimed at victims and systematic control aimed at perpetrators. One of the strategic objectives of the document is the development and implementation of programmes for the prevention of domestic violence and human trafficking.

The main legislative measure undertaken in 2022 addressing violence against women was the submission to the parliament of the draft amendments to the Protection of Domestic Violence Act (*Закон за защита от домашното насилие*).²⁰⁶

Some of the main changes suggested by the draft concern the creation of a system of bodies and mechanisms for implementing the state policy on the prevention of and protection from domestic violence and streamlining the coordination between these bodies. The changes also aim to improve the procedure for imposing protection measures, in particular by speeding up proceedings and making them more effective. For the first time, the purpose of the law is explicitly formulated, which is important in view of the assessment of the legal reasoning of the issued decisions that currently raises problems in practice. The suggested amendments also envisage changing the definition of domestic violence to synchronise it with the forms of domestic violence according to European acts. As an additional protection mechanism, the draft explicitly states that domestic violence can be committed by either action or omission. To facilitate access to justice, the draft suggests a provision stating that, within 24 hours, state and municipal authorities, medical institutions, and legal entities carrying out activities for the prevention and protection from domestic violence may, at the request of the victim, refer an application for the initiation of proceedings for the issuance of a protection order to the relevant court. Also, the circle of victims of domestic violence who may seek protection is suggested to be expanded by adding to the list of potential perpetrators the persons who are entrusted with the care of the child or to whom the child is entrusted; relatives by consanguinity or affinity up to the fourth degree; the person who is or has been in a *de facto* conjugal relationship with the victim; and the spouse or former spouse of the parent. The protection measures that can be imposed by the competent authorities are also increased. The mandatory imposition of financial fines as administrative penalties accompanying the imposition of protection measures is suggested to be abolished, because the imposition of such an administrative penalty prevents the criminal prosecution of the perpetrator for the same act. The range of persons entitled to initiate proceedings before the court for issuing protection orders is broadened to facilitate access to justice. The suggested new rule enables any victim, no matter their age or disability, to seek protection from domestic violence. In addition to broadening the range of victims who may seek protection, the draft envisages that

²⁰⁶ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Protection of Domestic Violence Act ([Проект за Закон за изменение и допълнение на Закона за защита от домашното насилие](#)), 22 July 2022.

proceedings may also be initiated at the request of the public prosecutor as an additional guarantee for the protection of victims' rights. More detailed rules regarding free legal aid in domestic violence proceedings are added and the safeguards in cases of abuse and violation of protection orders are also strengthened. The draft envisages the establishment a National Council for Prevention and Protection from Domestic Violence (*Национален съвет за превенция и защита от домашното насилие*) as a permanent specialised collective body for the implementation of the state policy on prevention and protection from domestic violence. The council will have consultative functions and will be responsible for the coordination, monitoring and evaluation of the policies and measures to prevent and combat domestic violence. The draft also proposes the establishment of a national information system and a national register of cases of domestic violence on the territory of the country or involving Bulgarian citizens abroad who have sought help and support.

After the resignation of the government and dismissal of the parliament in August 2022, the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) initiated a new procedure for interinstitutional consultation on the draft in view of its re-submission to the next parliament.²⁰⁷ On 24 November 2011, the draft was submitted again to the newly elected parliament.²⁰⁸ Currently, the draft is being discussed in the designated parliamentary committees.

In 2022, the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) prepared a draft amendment of the Criminal Procedure Code (*Наказателно-процесуален кодекс*) aimed to fully transpose the Victims' Rights Directive.²⁰⁹ The draft suggests, among other provisions, the entitlement of victims in cases of domestic violence or sexual offences to request their questioning to be conducted by a person of the same sex.

On 25 October 2022, the government submitted to the parliament draft amendments to the Criminal Code (*Наказателен кодекс*) suggesting heavier penalties for certain aggravated offences committed in the context of domestic violence.²¹⁰ After the draft was adopted at first reading in plenary session, it was merged with other suggested and adopted amendments into the so-called

²⁰⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Letter No 08-00-61/29.09.2022 (*Писмо № 08-00-61/29.09.2022*), 29 September 2022.

²⁰⁸ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Protection of Domestic Violence Act ([Проект за Закон за изменение и допълнение на Закона за защита от домашното насилие](#)), 24 November 2022.

²⁰⁹ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Act amending and supplementing the Criminal Procedure Code ([Проект за Закон за изменение и допълнение на Наказателно-процесуалния кодекс](#)), 8 July 2022.

²¹⁰ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Act amending and supplementing the Criminal Code ([Проект за Закон за изменение и допълнение на Наказателния кодекс](#)), 25 October 2022.

“combined draft law”.²¹¹ The combined draft is currently being discussed in parliamentary committees before its submission for second reading in plenary session.²¹²

On 22 December 2022, a group of Members of Parliament submitted a draft amendment to the Criminal Code (*Наказателен кодекс*)²¹³ for removing the requirement of “systematic” violence (interpreted by the courts as more than three incidents) from the definition of domestic violence offences. The draft is yet to be discussed.

In August 2022, Animus Association (*Фондация „Асоциация Анимус“*) with the financial support of Sofia Municipality opened the first legal clinic for domestic violence in Bulgaria. The legal clinic provides free of charge legal advice and representation, psychological counselling and information on social issues to victims of domestic violence.²¹⁴

The National Institute of Justice (NIJ) (*Национален институт на правосъдието, НИП*), which is the public body responsible for training judges and prosecutors, continued to deliver training on topics related to domestic violence. In the period 5-21 January 2022, the institute delivered a training course on "Criminal aspects of domestic violence" under the project "Prevention and Counteraction of Violence against Women and Domestic Violence" funded by the Norwegian Financial Mechanism (2014-2021).²¹⁵ The training had a follow-up orientation and aimed to meet the training needs of Bulgarian judges and prosecutors related to the recognition, proving, qualification and individualisation of penalties in criminal acts of domestic violence in view of the recent amendments to the criminal and criminal procedure legislation as well as the protection of victims' rights.

In the period 9 May – 11 July 2022, the National Institute of Justice (NIJ) (*Национален институт на правосъдието, НИП*) organised another training course for judges, prosecutors and other legal professionals on "Violence against Women and Domestic Violence".²¹⁶ The course was based on materials from the Council of Europe's HELP programme, adapted to the national framework and practice, and

²¹¹ Bulgaria, National Assembly (*Народно събрание*) (2022), Combined Draft Act Amending and Supplementing the Criminal Code ([Общ проект за Закон за изменение и допълнение на Наказателния кодекс](#)), 9 November 2022.

²¹² For the progress of the legislative procedure and the statements submitted on the draft, see the [website](#) of the parliament.

²¹³ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Act on amending and supplementing the Criminal Code ([Законопроект за изменение и допълнение на Наказателния кодекс](#)), 21 December 2021.

²¹⁴ For more information about the services provided by the clinic, see the [website](#) of Sofia municipality.

²¹⁵ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

²¹⁶ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

was organised under the project "Prevention and Counteraction of Violence against Women and Domestic Violence" funded by the Norwegian Financial Mechanism (2014-2021). The training incorporated good practices and problems related to the implementation of the main European legal instruments in the field of domestic violence with a focus on the Council of Europe standards and the ECtHR practice presented in the context of the national legal framework. The course also focused on developing the understanding and skills of trainees to apply a gender-sensitive and victim-rights-oriented approach.

For the period 18 October – 17 November 2022, the National Institute of Justice (NIJ) (*Национален институт на правосъдието, НИП*) is planning to organise a training on "Sexual exploitation. Criminal Law Regime".²¹⁷ The training is aimed at improving the knowledge of trainees in terms of recognising the phenomenon of sexual exploitation and understanding the profile of the victim and their needs in order to ensure effective access to justice (including prevention of re-victimisation).²¹⁸

On 8 March 2022, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) signed a partnership memorandum with six of the biggest hospitals in Sofia and the civil society organization Demetra Association (*Асоциация „Деметра“*). The document aims to streamline the cooperation between the police, healthcare practitioners and civil society organisations to effectively respond to cases of domestic violence, provide better services to victims and encourage the reporting of cases.²¹⁹ In the framework of a project funded by the Home Affairs Programme of the Norwegian Financial Mechanism 2014-2021, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) developed a risk assessment algorithm in cases of domestic and gender-based violence. The algorithm enables the police to assess to what extent the violence could escalate and endanger the life and health of the victim. A feedback questionnaire for victims was also developed to help police officers in assessing the risk. Both instruments are in the final stages of alignment before being adopted and put into practice.²²⁰

In December 2022, the National Statistical Institute (NSI) (*Национален статистически институт, НСИ*) published the results of a national survey on gender-based violence. The survey is part of a project initiated by the European Commission aimed to provide reliable, comparable, representative data on the prevalence, frequency, intensity and severity of violence against women at a national level and in the EU Member States, using a common and harmonised

²¹⁷ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

²¹⁸ Bulgaria, National Institute of Justice (*Национален институт на правосъдието*) (2022), Letter No ДА-03-624-1/28.09.2022 (*Писмо № ДА-03-624-1/28.09.2022*), 28 September 2022.

²¹⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

²²⁰ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2022), Letter No 812100-17218/10.10.2022 (*Писмо № 812100-17218/10.10.2022*), 10 October 2022.

methodology. The survey was conducted between November 2021 and February 2022 among women aged 17 – 84 years. The main method of data collection was a face-to-face interview using an electronic device (CAPI). Due to the sensitive nature of the topic for the convenience of the respondents and considering the epidemic situation in the country at the time of the fieldwork, for the first time, a web-based application for respondents' self-interviewing (CAWI) was also applied. A nationally representative sample of 8,240 private households with at least one woman aged 18 – 74 was drawn. In accordance with the methodology, institutionalised households, such as boarding houses, residencies for students or workers, social service institutions, prisons, etc. were excluded from the target population. The survey was conducted on the principle of voluntary participation and consent. Only one woman per household in the respective age group was interviewed. A total of 5,580 women were successfully interviewed and the response rate was 77.4 %. Data from the survey show that among women aged 18 – 74 about 11.9 % have experienced at least one act of physical or sexual violence at some point in their adult lives, no matter who the perpetrator is or what the relationship is between them, about 20.5 % have experienced one or more acts of intimate partner violence including psychological, sexual and physical violence (including threats), young women (aged 18 – 29) are at the highest risk of intimate partner violence as one in three women from this age group has been abused by a current or former partner (36.3 %), almost one out of ten women (9.5 %) has experienced physical (including threats) or sexual violence by persons in the household, 12.2 % of women have experienced sexual harassment at work by a man with whom they are in a professional relationship; 28 % have experienced physical or emotional violence from one of their parents in childhood; and two out of three women consider that violence against women by their intimate partners is very or fairly common in Bulgaria.²²¹

Non-governmental organisations also launched projects on preventing domestic violence and supporting victims. One such initiative, funded by the European Commission, is the project SHE (Supporting victims of domestic violence via a programme for capacity-building and awareness-raising among human resources specialists)²²² of the Center for the Study of Democracy (*Център за изследване на демокрацията*), Demetra Association (*Асоциация „Деметра“*) and the Institute for Public Administration (IPA) (*Институт по публична администрация, ИПА*), which is the main public body responsible for training public administration officials. The project tackles domestic violence against women, by developing and implementing a prevention and support training programme for human resources specialists in public administration. The project aims to train HR officers to recognise and support victims within the public administration staff, although the

²²¹ Bulgaria, National Statistical Institute (*Национален статистически институт*) (2022), '[Survey on gender-based violence EU-GBV 2021](#)', press release, 8 December 2022.

²²² Bulgaria, Demetra Association (*Асоциация Деметра*) (2022), 'The SHE project' ([Проект SHE](#)), press release, 22 July 2022.

obtained knowledge and skills may also be applied outside this group. The choice of HR officers as the target group of the training is justified by their specific function that requires them to regularly communicate with all employees within their administrative unit. Another project of a non-governmental organisation is the establishment of a local centre for consultation and prevention of domestic violence in the town of Silistra. The project is implemented by the Women's Association "Ekaterina Karavelova" (Женско сдружение „Екатерина Каравелова“) with the financial support of the Ministry of Justice (MoJ) (Министерство на правосъдието, МП).²²³

The civil society organisation Bilitis Foundation (Фондация „Билитис“) published a handbook for trainers on preventing and countering gender-based violence in sports. The handbook describes the rules for sports organisations to improve the prevention and combating of gender-based violence and is the first of its kind for Bulgaria. It is intended for coaches and managers of professional and amateur sports clubs who want to improve their policies and management practices. The handbook is entirely practice-oriented and includes a questionnaire for self-assessment of the extent of implementation of the proposed policies and practices.²²⁴ The handbook was published as part of the project "Fair Play" („Честна игра“) funded by the European Economic Area (EEA) Financial Mechanism.

On the eve of the International Day for the Elimination of Violence against Women (25 November 2022) the non-governmental organisation Bulgarian Fund for Women (BFW) (Български фонд за жените, БФЖ) announced the winners of the Call for Proposals to Eliminate Violence against Women.²²⁵ The total budget of the call was BGN 160,000 (around €80,000) with a maximum budget of individual proposals set to BGN 20,000 (around €10,000). Funding was granted to nine organisations that must implement their activities in the next 18 months (from November 2022 to April 2024). All of the awarded projects are fully or partly dedicated to the prevention and support of victims of domestic violence. Some of the funded activities include awareness campaigns (podcasts with experts and survivors, publication of a book with stories of survivors of violence, theatrical performances, etc.) and recovery and protection programmes (including self-defence courses).

²²³ Bulgaria, Women's Association "Ekaterina Karavelova" (Женско сдружение „Екатерина Каравелова“) (2022), 'Centre for Consultation and Prevention of Domestic Violence' (['Център за консултиране и превенция от домашно насилие'](#)), press release, 15 August 2022.

²²⁴ Naydenov, P. (2022), Preventing and Countering Gender-Based Violence in Sports: A Handbook for Trainers ([Превенция и борба с насилието, основано на пола в спорта: наръчник за треньори](#)), Sofia, Bilitis Foundation, 1 September 2022.

²²⁵ Bulgaria, Bulgarian Fund for Women (Български фонд за жените) (2022), 'BFW supports nine initiatives on the International Day for the Elimination of Violence against Women' (['БФЖ подкрепя девет инициативи по повод Международния ден за елиминиране на насилието срещу жените'](#)), press release, 10 November 2022.

On 12 December 2022, the Bulgarian Fund for Women (BFW) (*Български фонд за жените, БФЖ*) and the Bulgarian Platform of the European Women's Lobby (*Българска платформа на Европейското женско лоби*) held a high-profile event entitled "Forum on Policies and Actions to Combat Violence against Women". The event was held with the support of the Council of Europe and brought together representatives of many non-governmental organisations, political parties, and national and EU institutions. During the event, Members of Parliament from four different parliamentary groups commented that one month is more than enough for the parliament to adopt the pending amendments to the Protection of Domestic Violence Act (*Закон за защита от домашното насилие*).²²⁶

In 2022, the Bulgarian authorities did not take any steps to ratify the Council of Europe Convention on Preventing and Combating Violence Against Women (the Istanbul Convention). As noted by the ECRI Report on Bulgaria, published in October 2022, this lack of action is partly due to the binding decision of the Constitutional Court (CC) (*Конституционен съд, КС*), issued in 2018, which states that such ratification would be a violation of the Constitution.²²⁷ Thus, the ratification of the Convention was not the focus of any major public or political debate throughout 2022.

²²⁶ Bulgarian Fund for Women (Български фонд за жените) (2022), 'Changes to the Protection from Domestic Violence Act could be adopted within a month, deputies agree' ([*До месец могат да бъдат приети промените в Закона за защита от домашно насилие, единодушни са народни представители*](#)), press release, 13 December 2022.

²²⁷ European Commission against Racism and Intolerance (2022), [ECRI Report on Bulgaria \(sixth monitoring cycle\)](#), 4 October 2022.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

The implementation and application of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in accordance with Council Decision 2010/48/EC is a horizontal enabling condition for managing the EU funds in the 2021-2027 period according to Article 15(1) of the Common Provisions Regulation.²²⁸ Annex III of the Common Provisions Regulation defines the criteria for the implementation of the CRPD as having in place a national framework to ensure implementation of the UNCRPD that includes: 1) objectives with measurable goals, data collection and monitoring mechanisms; 2) arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes; and 3) reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the CRPD and complaints regarding the CRPD. In April 2022, Bulgaria reported that it had fulfilled the first two requirements.²²⁹ The relevant policy document, the National Disability Strategy 2021 - 2030 (*Национална стратегия за хората с увреждания 2021 – 2030 г.*)²³⁰ was reported to contain objectives with measurable goals

²²⁸ [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#), OJ 2021 L 231/159.

²²⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 272 of 28.04.2022 (*Решение № 272 от 28.04.2022*) amending Decision No. 368 of 25.06.2019 (*Решение № 368 от 25.06.2019 г.*), 28 April 2022. Both decisions are available online on the government's [legal information system](#).

²³⁰ For more information, see the CRPD section of the [ESIF Information Portal](#).

as well as data collection and monitoring mechanisms.²³¹ In response to the second requirement, the government coordinated the preparation of guidelines on the implementation of the CRPD by the management, control and audit bodies of the programmes co-financed by EU funds.²³² The purpose of these guidelines is to assist the managing and audit authorities of EU funds in the practical implementation and compliance with the rights and principles enshrined in the CRPD. They also provide a tool (a checklist of fundamental rights in line with the requirements of the Convention) to be incorporated into the management and control systems of these bodies.

In response to one of the thematic enabling conditions, in July 2022, Bulgaria adopted an Action Plan for the period 2022-2027 for the implementation of the National Strategy for Long-term Care (*План за действие за периода 2022-2027 г. за изпълнение на Националната стратегия за дългосрочна грижа*).²³³ The National Strategy for Long-term Care is the main policy document in relation to the process of deinstitutionalisation. The analysis accompanying the plan admits the challenges both in terms of variety of community-based support services and of home-based services, and in terms of the capacity and functioning of the long-term care system, including the interaction between its health and social components. As of mid-2022, about 9,000 persons with disabilities and older persons live in 159 specialised institutions. Another 1,796 persons are on the institutions' waiting lists, of whom 923 are persons with mental or intellectual disabilities or dementia. There are about 1,580 persons waiting for first-time accommodation in 271 residential social services (family-type accommodation centres and

²³¹ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 272 of 28.04.2022 (*Решение № 272 от 28.04.2022*) amending Decision No. 368 of 25.06.2019 (*Решение № 368 от 25.06.2019 г.*), 28 April 2022. Both decisions are available online on the government's [legal information system](#).

²³² Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Guidelines for the implementation of the UN Convention on the Rights of Persons with Disabilities by the management, control and audit bodies of programmes co-financed by the European Regional Development Fund (ERDF), the European Social Fund+ (ESF+), the Cohesion Fund (CF), the Fair Transition Fund (TFTF), the European Maritime, Fisheries and Aquaculture Fund (EMFFA), the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the Instrument for Financial Support for Border Management and Visa Policy (IFRMP) for the programming period 2021-2027 ([Насоки за прилагане на Конвенцията на ООН за правата на хората с увреждания от органите по управление, контрол и одит на програмите, съфинансирани със средства от Европейския фонд за регионално развитие \(ЕФРР\), Европейския социален фонд+ \(ЕСФ+\), Кохезионния фонд \(КФ\), Фонда за справедлив преход \(ФСП\), Европейския фонд за морско дело, рибарство и аквакултури \(ЕФМДРА\), фонд „Убежище и миграция“ \(ФУМ\), фонд „Вътрешна сигурност“ \(ФВС\) и Инструмента за финансова подкрепа за управлението на границите и визовата политика \(ИФПУГВП\) за програмен период 2021-2027 г.](#)), 1 September 2022.

²³³ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Action Plan for the period 2022-2027 for the implementation of the National Strategy for Long-term Care, adopted by Decision No 509 of the Council of Ministers of 21 July 2022 ([План за действие за периода 2022-2027 г. за изпълнение на Националната стратегия за дългосрочна грижа, приет с Решение № 509 на Министерския съвет от 21 юли 2022 г.](#)), 21 July 2022.

sheltered housing), almost all of whom are with mental or intellectual disabilities and dementia.²³⁴ Since 2017, the capacity of specialised institutions for people with disabilities and for older people was reduced by 297 places from 10,965 to 10,668, and the capacity of community social services was increased by 1,127 places (from 9,309 to 10,436).²³⁵ The plan envisages actions in four areas: 1) measures for providing home-based support to dependent people with disabilities and older people; 2) measures for closing specialised institutions for people with disabilities, opening quality and accessible social and integrated health and social services based in the community, and reforming institutions for older people in line with the quality standards for social services; 3) measures for increasing the efficiency of the long-term care system; and 4) measures for building the necessary social and integrated health and social services infrastructure for persons with disabilities and persons who are over working age and/or are unable to care for themselves. The plan's activities will be funded by the national budget, the ESF+ and the Recovery and Resilience Facility.

In April 2022, the European Commission sealed the Recovery and Resilience Plan for Bulgaria (*Национален план за възстановяване и устойчивост*).²³⁶ One of its investments envisages the modernisation of the national system for long-term care. It comprises of construction and equipment of new social and integrated health and social services for residential care and the subsequent specialised and consultative social services for persons with disabilities. It will also invest in reforming existing institutions for older people. By 2026, the project worth BGN 753 million (approximately €376.5 million) will support 332 institutions and services involved in the deinstitutionalisation process and 840 community-based social services. The other investments in the social area concern the system for providing technical aids and appliances for people with disabilities,

²³⁴ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Action Plan for the period 2022-2027 for the implementation of the National Strategy for Long-term Care, adopted by Decision No 509 of the Council of Ministers of 21 July 2022 ([План за действие за периода 2022-2027 г. за изпълнение на Националната стратегия за дългосрочна грижа, приет с Решение № 509 на Министерския съвет от 21 юли 2022 г.](#)), 21 July 2022, p. 12.

²³⁵ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Action Plan for the period 2022-2027 for the implementation of the National Strategy for Long-term Care, adopted by Decision No 509 of the Council of Ministers of 21 July 2022 ([План за действие за периода 2022-2027 г. за изпълнение на Националната стратегия за дългосрочна грижа, приет с Решение № 509 на Министерския съвет от 21 юли 2022 г.](#)), 21 July 2022. p.18.

²³⁶ For more information, please see the [Recovery and resilience plan for Bulgaria section](#) of the EC website or the [national Next Generation portal](#).

development of the social economy, modernisation of the Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) and the Employment Agency (EA) (*Агенция по заетостта*, АЗ).²³⁷

In May 2022, the government submitted to the parliament draft amendments to the Social Assistance Act (*Закон за социалното подпомагане*).²³⁸ The draft suggested linking the amounts of social assistance allowances to the national poverty line. Currently, social assistance allowances are linked to the so-called "guaranteed minimum income" (*гарантиран минимален доход*). Both the poverty line and the guaranteed minimum income are defined by the government, however, the guaranteed minimum income is BGN 75 (approximately € 37.50) and has not been changed since 2018²³⁹ while the poverty line is updated every year and for 2022 was set to BGN 413 (approximately €207).²⁴⁰ The suggested amendments, however, were not adopted before the parliament was dismissed in August 2022. On 24 October 2022, they were resubmitted to the newly elected parliament²⁴¹ and were finally adopted on 15 December 2022.²⁴² The new rules will enter in force on 1 June 2023.

On 22 June 2022, the government adopted a Regulation on the Quality of Social Services (*Наредба за качеството на социалните услуги*)²⁴³ setting the quality standards for social services and the criteria for their fulfilment. The regulation envisages a control and monitoring system on three levels: internal level, local level carried out by municipal authorities, and

²³⁷ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), National Recovery and Resilience Plan of the Republic of Bulgaria ([Национален план за възстановяване и устойчивост на Република България](#)), 6 April 2022. pp. 216-219.

²³⁸ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Social Assistance Act ([Проект за Закона за изменение и допълнение на Закона за социалното подпомагане](#)), 23 May 2022.

²³⁹ Bulgaria, Council of Ministers (*Министерския съвет*), Decree No 305 of 19 December 2017 on fixing the new monthly amount of the guaranteed minimum income ([Постановление № 305 от 19 декември 2017 г. за определяне на нов месечен размер на гарантирания минимален доход](#)), 19 December 2017.

²⁴⁰ Bulgaria, Council of Ministers (*Министерския съвет*) (2021), Decree No 286 of the Council of Ministers of 19.08.2021 on determining the poverty line for 2022 ([Постановление № 286 на Министерския съвет от 19.08.2021 за определяне размера на линията на бедност за 2022 г.](#)), 19 August 2021.

²⁴¹ Bulgaria, National Assembly (*Народно събрание*), Draft Act amending and supplementing the Social Assistance Act ([Законопроект за изменение и допълнение на Закона за социалното подпомагане](#)), 24 October 2022.

²⁴² Bulgaria, Act amending and supplementing the Social Assistance Act ([Закон за изменение и допълнение на Закона за социалното подпомагане](#)), 15 December 2022.

²⁴³ Bulgaria, Regulation on the quality of social services adopted by Decree of the Council of Ministers No 135 of 22.06.2022 ([Наредба за качеството на социалните услуги приета с Постановление на Министерски съвет № 135 от 22.06.2022 г.](#)), 22 June 2022.

national level carried out by the Quality of Social Services Agency (QSSA) (*Агенцията за качеството на социалните услуги, АКСУ*). The quality criteria, listed in an annex, cover both the newly introduced community services and the old institutions. The standards include, among other things, guarantees for exercising certain rights such as the right to private space; privacy and data protection; participation of the beneficiaries of the services in the selection of accommodation and other activities; guaranteeing access to justice and legal aid, etc.

On 1 July 2022, new rules governing the provision of aids, appliances, equipment and medical devices to people with disabilities entered into force.²⁴⁴ Previously, the people with disabilities eligible to receive aids, appliances, equipment and/or medical devices (based on an assessment of their needs carried out by a medical commission) received targeted support through the Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*) for the manufacture, purchase and/or repair of such aids, appliances, equipment and devices, with the exception of medical devices fully or partially paid by the National Health Insurance Fund (NHIF) (*Национална здравноосигурителна каса, НЗОК*). According to the new rules, the National Health Insurance Fund (NHIF) (*Национална здравноосигурителна каса, НЗОК*) will take over the provision all types of aids. The medical commissions responsible for granting disability status to persons with disabilities will also assess their need for aids, appliances, equipment or devices. The commissions will be able to select the aid from a list of licensed items approved by the National Health Insurance Fund (NHIF) (*Национална здравноосигурителна каса, НЗОК*). According to the Deputy Chairperson of the National Council for Persons with Disabilities (NCPD) (*Национален съвет за хората с увреждания, НСХУ*), the reform is expected to facilitate access to aids and devices by reducing the administrative burden on the beneficiaries.²⁴⁵ It was implemented through amendments to several laws and regulations.²⁴⁶ In November 2022, after the new parliament was

²⁴⁴ Bulgaria, People with Disabilities Act ([Закон за хората с увреждания](#)), 18 December 2018, last amended 4 March 2022.

²⁴⁵ Bulgaria, National Council for Persons with Disabilities (*Национален съвет за хората с увреждания*) (2022), Protocol 1 from 21.06-23.06.2022 ([Протокол 1 от 21.06-23.06.2022](#)), 12 July 2022.

²⁴⁶ For example, see Rules on the Implementation of the People with Disabilities Act ([Правилник за прилагане на Закона за хората с увреждания](#)), 2 April 2019, last amended 1 July 2022, Regulation No 7 of on the conditions and procedure for drawing up a list of medical devices referred to in Art. 30a of the Medical Devices Act and for determining the value up to which they are paid ([Наредба № 7 от 31 март 2021 г. за условията и реда за съставяне на списък на медицинските изделия по чл. 30а от Закона за медицинските изделия и за определяне на стойността, до която те се заплащат](#)), 31 March 2021, last amended 30 June 2022; Regulation No 10 of 2009 on the conditions, procedure, mechanism and criteria for payment by the National Health Insurance Fund of medical products, medical devices and dietary foods for special medical purposes and of auxiliary aids, devices, equipment and medical devices for people with disabilities, negotiation of discounts and reimbursement of excess funds in application of a mechanism ensuring

elected, the government submitted draft amendments to the Medical Appliances Act (*Закон за медицинските изделия*) aimed to align the national legislation to Regulation (EU) 2017/745 and Regulation (EU) 2017/746.²⁴⁷ As of the end November 2022, the draft is pending first reading in plenary session.

A risk to the rights of some people with disabilities occurred in April 2022 after the government announced the end of the emergency epidemic situation introduced in response to the COVID-19 outbreak. During the emergency epidemic situation, the validity of all expiring disability status decisions was automatically extended pursuant to an explicit provision in the Measures and Actions during the State of Emergency Act (*Закон за мерките и действията по време на извънредното положение*).²⁴⁸ However, with the end of the emergency epidemic situation on 31 March 2022 the automatic extension ceased to apply and all persons with disabilities whose certificates expired after that date and who had not applied for and obtained new ones found themselves with no valid documents certifying their disability and enabling them to continue to receive the support they were entitled to.²⁴⁹ Although the Ombudsman immediately raised the issue before the competent authorities,²⁵⁰ the parliament voted the necessary amendments only in July 2022, three months after the end of the emergency epidemic situation and just one day before the expiration of all extended certificates. With the amendments, the validity of expiring certificates was further extended to 31 December 2022, but in order to benefit from the extension persons with disabilities had to submit their renewal applications by 15 July 2022.

predictability and sustainability of the budget of the National Health Insurance Fund ([*Наредба № 10 от 2009 г. за условията, реда, механизма и критериите за заплащане от Националната здравноосигурителна каса на лекарствени продукти, медицински изделия и на диетични храни за специални медицински цели и на помощни средства, приспособления, съоръжения и медицински изделия за хората с увреждания, договаряне на отстъпки и възстановяване на превишените средства при прилагане на механизъм, гарантиращ предвидимост и устойчивост на бюджета на НЗОК*](#)), 31 March 2009, last amended 30 June 2022; and others.

²⁴⁷ Bulgaria, National Assembly (*Народно събрание*), Draft act amending and supplementing the Medical Appliances Act ([*Проект на Закон за изменение и допълнение на Закона за медицинските изделия*](#)), 2 November 2022.

²⁴⁸ Bulgaria, Measures and Actions during the State of Emergency Act ([*Закон за мерките и действията по време на извънредното положение*](#)), 24 March 2020, last amended 8 July 2022.

²⁴⁹ The disability status certificates are not issued immediately, because the medical commission are not permanent bodies and hold their meetings at certain intervals.

²⁵⁰ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), Letter to the Minister of Health and Minister of Labour and Social Policy ([*Писмо до министъра на здравеопазването и министъра на труда и социалната политика*](#)), 19 April 2022.

In July 2022, the Ombudsman challenged before the Constitutional Court (CC) (*Конституционен съд*, KC) the provision of the Health Act (*Закон за здравето*) allowing people whose involuntary placement in mental health facilities is decided by the court to participate in the procedure by videoconference.²⁵¹ According to this provision, in court proceedings for involuntary placement of a person in a mental health facility, if the person's health does not allow it as well as in cases of a declared state of emergency, martial law, disaster, epidemic, emergency epidemic situation or other force majeure circumstances, the person whose accommodation is sought as well as the expert appointed to give an expert opinion may participate in the proceedings by videoconference provided that their identity is certified by the director of the respective medical establishment or by another person authorised by the director. The Ombudsman argued that in practice, many compulsory treatment cases were heard via Skype without seeking anyone's consent, the person whose accommodation was sought was usually connected from the mental health centre where they were admitted as an emergency, and their lawyer was present in the courtroom with no direct contact with their client. This, according to the Ombudsman, was unacceptable given the persons' vulnerability. Moreover, compulsory treatment proceedings were similar in nature to the pre-trial detention proceedings and in pre-trial detention proceedings the rules allowing the participation of the defendant via videoconferencing were already declared unconstitutional in October 2021.²⁵² As of October 2022, 13 stakeholders (public authorities, civil society organisations and individual experts) had filed their statements in relation to the case, which is still pending before the court. On 17 November 2022, the Court issued a decision declaring the provision unconstitutional and stating that the broad scope of the used concept introduce unlimited possibilities for restricting the fundamental rights of citizens.²⁵³

On 12 July 2022, the government filed a request to the Constitutional Court (CC) (*Конституционен съд*, KC) asking for a mandatory interpretation of the provision of Article 42, Paragraph (1) of the Constitution, which deprives of voting rights people who are partially deprived of legal capacity (as well as those who serve a prison sentence).²⁵⁴ The request was in response to a number of ECtHR decisions stating that the challenged provision violated Article 3 of Protocol No 1 to the ECHR because it was prohibiting people from voting in elections without taking into account their individual capacities. The government asked

²⁵¹ Bulgaria, Constitutional Court (*Конституционен съд*) (2022), Constitutional case No 14/2022 ([Конституционно дело № 14/2022 г.](#)), 11 July 2022.

²⁵² Bulgaria, Constitutional Court (*Конституционен съд*) (2021), Decision No 13 on constitutional case No 12/2021 ([Решение № 13 по конституционно дело № 12/2021](#)), 12 October 2021.

²⁵³ Bulgaria, Constitutional Court (*Конституционен съд*) (2022), Decision No 14 on constitutional case No 14/2022 ([Решение № 14 по конституционно дело № 14/2024](#)), 17 November 2024.

²⁵⁴ Bulgaria, Constitutional Court (*Конституционен съд*) (2022), Constitutional case No 15/2022 ([Конституционно дело № 15/ 2022 г.](#)), 12 July 2022.

the court to interpret the Constitution in the context of these decisions as the state was obliged to implement them. On 18 October 2022, the Court issued a ruling refusing to provide the requested interpretation. In the Court's view, the provision was unambiguous and did not need to be interpreted, while its compliance with the ECHR could be achieved by adopting changes to the Constitution, which, in turn, was outside the Court's mandate.²⁵⁵ Meanwhile, in May 2022, the ECtHR delivered another decision against Bulgaria on the same issue.²⁵⁶

In terms of mental health policy, in 2022, the government set up a National Mental Health Council (*Национален съвет по психично здраве*)²⁵⁷ to serve as a consultative body to the government. The council is chaired by the Minister of Health and will discuss and propose mental health policies and legislation to achieve the strategic objectives set out in the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 (*Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.*).²⁵⁸

After the introduction of Directive (EU) 2019/882, the Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика*, МТСП) was nominated as the authority responsible for implementing the European Accessibility Act's provisions in the national legislation. The ministry's experts carried out a legal analysis, which found significant discrepancies with a number of national laws and regulations. Based on this analysis, the ministry recommended to the government the approach of developing a separate legal act to harmonise the national legislation. In July 2022, the European Commission sent to the government a Letter of formal notice on decision INFR(2022)0290²⁵⁹ for the lack of transposition of Directive (EU) 2019/882 by Bulgaria. In August 2022, the government decided to set up a working group to develop the transposing legislation. As of October 2022, the group was not yet formed.²⁶⁰

²⁵⁵ Bulgaria, Constitutional Court (*Конституционен съд*) (2022), Ruling No 8/2022 ([Определение № 8/ 2022 г.](#)), 18 October 2022.

²⁵⁶ European Court of Human Rights (ECtHR), [Anatoliy Marinov v. Bulgaria](#), No. 26081/17, 15 May 2022.

²⁵⁷ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 158 of the Council of Ministers of 7.07.2022 on the establishment of the National Mental Health Council ([Постановление № 158 на МС от 7.07.2022 г. за създаване на Национален съвет по психично здраве](#)), 7 July 2022.

²⁵⁸ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2021), National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 – 2030 ([Национална стратегия за психично здраве на гражданите на Република България 2021 – 2030 г.](#)), 23 April 2021.

²⁵⁹ For more information, see the EC [website](#).

²⁶⁰ Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2022), Letter No 39-337/28.09.2022 ([Писмо № 39-337/28.09.2022 г.](#)), 28 September 2022.

In this regard, in 2022, the Ministry of Regional Development and Public Works (MRDPW) (*Министерство на регионалното развитие и благоустройството*, МРРБ) amended the rules governing the requirements for accessibility and universal design of the elements of the accessible environment.²⁶¹ According to the explanatory report accompanying the amendments, the changes aimed to refine the provisions which, in the course of their application, were found to be inaccurate or incomplete and leading to ambiguities in their technical application. In practice, the amendments reduced some accessibility requirements. For example, the requirement for a minimum width (150 cm) and length (150 cm) of balconies, instead of applying to all balconies in the dwelling, was made applicable to at least one balcony in the dwelling (Article 93).

In December 2022, the parliament amended the Legal Aid Act (*Закон за правната помощ*)²⁶² granting the right to free legal aid to people who have been or are to be deprived of legal capacity. People with disabilities who are entitled to monthly disability allowances and whose income is insufficient to pay for a lawyer are also included in the scope of people eligible to receive free legal aid. This new provision also links the income criterion to the national poverty line.

In May 2022, the parliament amended the law ratifying the European Social Charter (Revised).²⁶³ With the amendment, Bulgaria ratified, among other provisions, Articles 9 and 10 of the Charter committing to ensure the effective exercise of the right to vocational guidance and vocational training of all people. According to the explanatory report accompanying the submission of the bill, these commitments were already fulfilled.²⁶⁴

²⁶¹ Bulgaria, Ministry of Regional Development and Public Works (*Министерство на регионалното развитие и благоустройството*), Regulation No RD-02-20-2 of 26 January 2021 on determining the requirements for accessibility and universal design of the elements of the accessible environment in the urban area and of the buildings and facilities ([*Наредба № РД-02-20-2 от 26 януари 2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията*](#)), 11 March 2022.

²⁶² Bulgaria, Act amending and supplementing the Legal Aid Act ([*Закон за изменение и допълнение на Закона за правната помощ*](#)), 16 December 2022.

²⁶³ Bulgaria, Act amending the Ratification of the European Social Charter (Revised) Act ([*Закон за изменение на Закона за ратифициране на Европейската социална харта \(Ревизирана\)*](#)), 13 May 2022.

²⁶⁴ Bulgaria, Explanatory report to the Draft Act amending the Ratification of the European Social Charter (Revised) Act ([*Мотиви към Проект за Закон за изменение на Закона за ратифициране на Европейската социална харта \(Ревизирана\)*](#)), 24 June 2022, p. 6.

In 2022, UNICEF Bulgaria published the results of a national survey on the public attitudes towards children with disabilities and developmental difficulties.²⁶⁵ The study aimed to measure the prevailing attitudes towards children with disabilities aged 0-6 years; how and in what ways did attitudes and social norms contribute to the exclusion and violation of the rights of children with disabilities and developmental difficulties; and how could greater awareness of attitudes and social norms lead to the strengthening of tools and data collection systems. Some of the results suggested that children with no disabilities or difficulties often behaved "badly", bullied and insulted, and made fun of children with disabilities. According to the report, children with disabilities were present in the classrooms but were not really included. They felt alone and rejected by their peers, communicated with a limited number of people, and did not have the courage and comfort to freely build relationships with their classmates.

8.2 CRPD monitoring at national level

In Bulgaria, the authorities 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 a platform for participation of civil society and persons with disabilities and their representative organisations under Article 33(3).

On 1 July 2022, through an amendment to the People with Disabilities Act (*Закон за хората с увреждания*),²⁶⁶ the Agency for Persons with Disabilities (APD) (*Агенция за хората с увреждания, АХУ*) was transformed into a state agency. As such, it will be responsible for organising the carrying out of individual needs assessment for people with disabilities and for coordinating the implementation of policies on the rights of people with disabilities (Article 33(1) of the CRPD). This institutional change aims at setting a unified disability policy coordination system by transferring the social assessment function previously carried out by the Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*) to the specialised body for people with disabilities. The amendments also specified the personnel of the Social Assistance Agency (SAA) (*Агенция за социално*

²⁶⁵ UNICEF (2022), National survey of attitudes and social norms towards children with disabilities and developmental difficulties in Bulgaria: summary of data ([Национално изследване на нагласите и социалните норми към деца с увреждания и затруднения в развитието в България: обобщение на данните](#)), Sofia, UNICEF Bulgaria, 29 September 2022.

²⁶⁶ Bulgaria, People with Disabilities Act ([Закон за хората с увреждания](#)), 18 December 2018, last amended 4 March 2022, § 12.

подпомагане, АСП) that had to be relocated to the Agency for Persons with Disabilities (APD) (*Агенция за хората с увреждания, АХУ*).²⁶⁷ During the consultations with stakeholders, however, concerns were raised that the difficulties in building the capacity the Agency for Persons with Disabilities (APD) (*Агенция за хората с увреждания, АХУ*) to take over additional activities, in particular the carrying out of social assessments, could affect the rights of the people with disabilities and even deprive them of the social services or benefits they need.²⁶⁸ To avoid this risk, the Deputy Chairperson of the National Council for Persons with Disabilities (NCPD) (*Национален съвет за хората с увреждания, НСХУ*) proposed to postpone the entry into force of the new rules to 1 January 2023. Representatives of civil society organisations within the council suggested an even greater postponement until 1 January 2024.²⁶⁹ None of these proposals was officially submitted to the parliament before its dismissal on 1 August 2022. Meanwhile, the government amended the rules of procedure of the Agency for Persons with Disabilities (APD) (*Агенция за хората с увреждания, АХУ*),²⁷⁰ but the amendments neither changed the agency's status nor provided rules for most of the new activities assigned to it by the amended People with Disabilities Act (*Закон за хората с увреждания*). Instead, the amendments aligned the agency's internal rules with the new rules for providing aids and devices and with the newly adopted Bulgarian Sign Language Act (*Закон за българския жестов език*).

As part of fulfilling the horizontal enabling condition of complying with the CRPD when managing the EU funds in the 2021-2027 period (laid down in Article 15(1) of the Common Provisions Regulation),²⁷¹ the parliament adopted amendments to the European Structural and Investment Funds Management Act (*Закон за управление на средствата от европейските*

²⁶⁷ Bulgaria, People with Disabilities Act (*Закон за хората с увреждания*), 18 December 2018, last amended 4 March 2022, § 13.

²⁶⁸ Bulgaria, National Council for Persons with Disabilities (*Национален съвет за хората с увреждания*) (2022), Protocol 3 from 06.07-08.07.2022 ([Протокол 3 от 06.07-08.07.2022](#)), 20 July 2022.

²⁶⁹ Bulgaria, National Council for Persons with Disabilities (*Национален съвет за хората с увреждания*) (2022), Protocol 3 from 06.07-08.07.2022 ([Протокол 3 от 06.07-08.07.2022](#)), 20 July 2022.

²⁷⁰ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 227 of 29 July 2022 amending and supplementing the Rules of Procedure of the Agency for Persons with Disabilities adopted by Decree No 337 of the Council of Ministers of 2004 ([Постановление № 227 от 29 юли 2022 г. за изменение и допълнение на Устройствения правилник на Агенцията за хората с увреждания, приет с Постановление № 337 на Министерския съвет от 2004 г.](#)), 29 July 2022.

²⁷¹ [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#), OJ 2021 L 231/159.

структурни и инвестиционни фондове), which regulates, among other things, the operation of programmes' monitoring committees. Although the amendments changed the rules related to the functioning of the monitoring committees, they did not fulfil the compliance criterion of reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the UNCRPD and complaints regarding the UNCRPD (Annex III to the Common Provisions Regulation).²⁷² On 29 September 2022, the government adopted a decree setting up the monitoring committees for the Partnership Agreement and the individual programmes and regulating their operation.²⁷³ It stipulates that the monitoring committees should monitor the implementation and enforcement of the enabling conditions and examine information submitted by the managing authority both on cases of non-compliance of operations supported by the programmes with the EU Charter of Fundamental Rights or with the CRPD and on complaints concerning non-compliance with the Charter or the Convention, submitted according to national legislation.²⁷⁴

The Council for Oversight (*Съвет за наблюдение*), which serves as the monitoring mechanism under Article 33(2) of the CRPD, continued its work in 2022 chaired by the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията*, КЗД). According to its activity plan for 2022,²⁷⁵ the council should focus on monitoring the implementation of Article 27 of the CRPD on the equal access to the labour market, the assessment of accessibility of public spaces/areas, the implementation of deinstitutionalisation and the process of transforming the Agency for Persons with Disabilities (APD)

²⁷² Bulgaria, Act amending and supplementing to the European Structural and Investment Funds Management Act ([Закон за изменение и допълнение на закона за управление на средствата от европейските структурни и инвестиционни фондове](#)), 1 July 2022. The amendments also changed the act's title to Management of European Funds under Shared Management Act ([Закон за управление на средствата от европейските фондове при споделено управление](#)).

²⁷³ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 302 of 29.09.2022 on the establishment of Monitoring Committees for the Partnership Agreement of the Republic of Bulgaria and the programmes co-financed by the ESF for the programming period 2021-2027 ([Постановление № 302 от 29.09.2022 за създаване на комитети за наблюдение на Споразумението за партньорство на Република България и на програмите, съфинансирани от ЕФСУ, за програмен период 2021 – 2027 г.](#)), 4 October 2022.

²⁷⁴ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 302 of 29.09.2022 on the establishment of Monitoring Committees for the Partnership Agreement of the Republic of Bulgaria and the programmes co-financed by the ESF for the programming period 2021-2027 ([Постановление № 302 от 29.09.2022 за създаване на комитети за наблюдение на Споразумението за партньорство на Република България и на програмите, съфинансирани от ЕФСУ, за програмен период 2021 – 2027 г.](#)), 4 October 2022, Article 12 and Article 13.

²⁷⁵ Bulgaria, Council for Oversight (*Съвет за наблюдение*) (2022), Programme of activities of the Council for Oversight for the period January 2022 – December 2022 ([Програма за дейността на Съвета за наблюдение за периода: януари 2022 – декември 2022](#)), 20 May 2022.

(Агенция за хората с увреждания, АХУ) to a state agency. The council also plans to issue recommendations to relevant authorities related to the ratification of the Optional protocol to the CRPD and the speeding up of the reform of the procedure for granting disability status. Until October 2022, the council held only one session, during which it adopted its activity report for 2021 and its activity plan for 2022 and discussed pending issues such as the expiration of disability status decisions.²⁷⁶

²⁷⁶ Bulgaria, Council for Oversight (Съвет за наблюдение) (2022), Minutes of the meeting of the Council for Oversight under the Disability Act held on 20.05.2022 ([Протокол от проведено заседание на Съвета за наблюдение по Закона за хората с увреждания на 20.05.2022 г.](#)), 20 May 2022.

Annex 1 – Promising Practices

| | |
|---|---|
| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body. |
| Title (original language) | Жизненоважни стратегии: Подобряване на достъпа до хормонална терапия за смяна на пола и правно признаване на пола за транс хора в България |
| Title (EN) | Vital Strategies: Improving the Access to HRT and LGR for Trans People in Bulgaria |
| Organisation (original language) | Фондация „Билитис“ |
| Organisation (EN) | Bilitis Foundation |
| Government / Civil society | Civil society |
| Funding body | The Bloomberg Philanthropies Data for Health Initiative Global Grants Program (GGP) |
| Reference (incl. URL, where available) | Bulgaria, Bilitis Foundation (Фондация „Билитис“) (2022), Vital Strategies: Improving the Access to HRT and LGR for Trans People in Bulgaria |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | May 2022 – March 2023 |
| Type of initiative | Research, awareness raising, advocacy |
| Main target group | Policymakers |

| | |
|---|---|
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The Vital Strategies project aims to improve the access to HRT (Hormone Replacement Therapy) and LGR (Legal Gender Recognition) for trans people in Bulgaria through a comparative legal study of the different practices of civil gender reassignment in Europe and worldwide vis-à-vis the situation in Bulgaria, and cooperation with public institutions to facilitate the procedures in Bulgaria. The ultimate goal of the project is to achieve an efficient, fast, and accessible procedure. The comparative legal study of different practices of civil gender reassignment in Europe and worldwide aims to facilitate the introduction of clear criteria and procedures for gender reassignment in Bulgaria where, at present, the lack of a clear procedure leads to a number of subjective requirements imposed by different judges, which makes the whole process difficult to predict and burdensome for the applicants. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The comparative legal study of promising practices for legal gender recognition in Europe and worldwide can be used by research and advocacy organisations in other countries, in particular countries where the legal gender recognition is not adequately regulated in the national legislation. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The legal recognition of the gender of trans and intersex people in Bulgaria remains a complex and unclear procedure. If the practice achieves its goal and contributes to improving the legal gender recognition procedures, the sustainable effect will be the improved legal framework. The study of promising practices, the review of case law in the field of legal gender recognition in Bulgaria from the last 10 years, and the analytical report with recommendations for improving the gender recognition procedure in Bulgaria will remain available to stakeholders after the completion of the project thus filling the gap of the insufficient research on the topic so far. |
| Give reasons why you consider the practice as having concrete measurable impact | The impact of the project can be measured by the engagement of stakeholders during the communication phase of the project. |
| Give reasons why you consider the practice as | The practice is transferable to other Member States with similar problems related to the rights of transgender persons. It can be applied in other settings not only by using the collected promising practices from the other |

| | |
|--|--|
| transferable to other settings and/or Member States? | countries, but also by employing the same communication approach to engage stakeholders and advocate for implementing the envisaged reforms. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | The project has a comprehensive communication strategy for engaging all relevant stakeholders and generating support needed to achieve the expected results. The communication strategy combines community meetings, meetings with politicians, public institutions and civil society organisations, a round table discussion and various advocacy activities. |
| Explain, if applicable, how the practice provides for review and assessment. | There is no public information on how the project will be reviewed and assessed. |

| | |
|---|--|
| Thematic area | RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances. |
| Title (original language) | Не просто думи |
| Title (EN) | Not Just Words |
| Organisation (original language) | Фондация „Билитис“, Фондация ГЛАС, Български хелзинкски комитет, Фондация за достъп до права, Организация на евреите в България „Шалом“, Асоциация на европейските журналисти – България |

| | |
|---|---|
| Organisation (EN) | Bilitis Foundation, GLAS Foundation, Bulgarian Helsinki Committee, Foundation for Access to Rights, Organisation of Jews in Bulgaria Shalom, Association of European Journalists – Bulgaria |
| Government / Civil society | Civil society |
| Funding body | European Commission, Rights, Equality and Citizenship Programme 2014-2020 |
| Reference (incl. URL, where available) | Bilitis Foundation (Фондация „Билитис“) (2020), Not just words |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 1 January 2020 – ongoing |
| Type of initiative | Awareness raising, crime reporting |
| Main target group | General public, victims of hate speech |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The main objective of the project is to improve the collaboration between communities affected by hate speech and to create a national coalition of allies to prevent and combat anti-Semitism, homophobia, transphobia, xenophobia and other forms of intolerance, with a particular focus on involving young people in this process. The awareness raising component of the project includes a series of videos , in which popular figures, who have become victims of hate speech, are telling their personal stories. The project is also running an online hate incidents reporting platform . The platform is designed to support local NGOs in collecting data on hate crime, hate speech and discrimination, and to help them provide support to victims. |
| Highlight any element of the actions that is | Both the concept of the awareness campaign and the hate incidents reporting platform are transferable to other settings and Member States. The incidents reporting platform is available in six different languages: Bulgarian, English, Polish, German, Croatian and Russian. |

| | |
|--|---|
| transferable (max. 500 chars) | |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The project is implemented by a coalition of civil society organisations traditionally committed to promoting equality and countering discrimination. In this way it fits in with the other activities of these organisations, allowing its results to continue to be exploited and disseminated after its formal closure. The videos from the awareness campaign are already available on the YouTube channel of the Association of European Journalists – Bulgaria. The operation of the incidents reporting platform is also not limited to the duration of the project. |
| Give reasons why you consider the practice as having concrete measurable impact | The impact of the awareness campaign designed and implemented under the project can be measured by the number of people reached. Thus, for example, the 20 videos, which are one of the campaign's main components, have been viewed by almost 300 people only on YouTube. The impact of the incidents reporting platform can be measured by the number of cases reported online although such information is not yet publicly available. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The concept of the awareness campaign (personal stories of popular figures) is transferable to other settings and Member States with the clarification that the choice of participants and topics or stories should be tailored to the context in the respective country or setting. The incidents reporting platform has no country specific elements and is therefore fully transferable and the only adjustment that needs to be done is to translate it into the language of the respective country or setting (if different from the six languages, in which the platform is already available). |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | The goal of the project is to improve solidarity and cooperation between communities affected by hate speech and to create a national movement of allies that prevents and fights against anti-Semitism, homophobia, transphobia, xenophobia and other forms of intolerance, with a particular focus on the inclusion of the youth in this process. |

| | |
|---|--|
| Explain, if applicable, how the practice provides for review and assessment. | The project is implemented with the financial support of the EU and is therefore subject to review and assessment according to the rules of the respective funding scheme (in this case the Rights, Equality and Citizenship Programme 2014-2020). |
|---|--|

| | |
|---|---|
| Thematic area | ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion. |
| Title (original language) | Национална програма „Подпомагане на общините за образователна десегрегация“ |
| Title (EN) | National Programme "Supporting Municipalities for Educational Desegregation" |
| Organisation (original language) | Център за образователна интеграция на децата и учениците от етническите малцинства към Министерството на образованието и науката |
| Organisation (EN) | Centre for Educational Integration of Children and Students from Ethnic Minorities at the Ministry of Education and Science |
| Government / Civil society | Government |
| Funding body | State budget |
| Reference (incl. URL, where available) | Bulgaria, Ministry of Education and Science (Министерство на образованието и науката), National Programme "Supporting Municipalities for Educational Desegregation" (Национална програма „Подпомагане на общините за образователна десегрегация“), 17 May 2022 |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 15 September 2022 (first day of the 2022/2023 school year) – 30 September 2023 |

| | |
|---|---|
| Type of initiative | Material support, awareness raising, capacity building, prevention of discrimination |
| Main target group | Children in compulsory pre-school education and students attending segregated educational institutions or classes, or excluded from the education system, parents, pedagogical staff, social workers, mediators |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The National Programme "Supporting Municipalities for Educational Desegregation" aims to assist in the educational integration of children and students from vulnerable groups, including Roma children, through implementing desegregation activities on the municipal level, and ensuring supportive educational environment. The programme envisions activities such as free transport to/from school; provision of school supplies and materials; awareness-raising, motivational and preparation activities; psycho-pedagogical and socio-communicational inclusion for parents; etc. All municipalities in the country may apply for funding under the programme (co-financing set at min. 10 %) provided that there are at least three educational institutions on the territory of the municipality and at least one identified as segregated or there are segregated Roma neighbourhoods/regions with majority Roma population at risk of secondary segregation in the educational institutions. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The overall framework of the programme is transferable, as it includes measures that are applicable to children from vulnerable groups beyond the Roma community in particular. It relies on conventional tools to address educational segregation and early school leaving (free transportation, purchasing school supplies, awareness raising, engaging parents, etc.). |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The practice envisions the active involvement of municipalities in the process of desegregation, whereby municipalities themselves identify segregated institutions, tailor their actions to the local conditions, and make a financial commitment to the activities (via co-financing). It requires municipalities to implement activities over the course of a full school year, thereby allowing local administrations sufficient time to reorganise their material and human resources to cater for the needs of the programme. It is thus more likely for the municipalities to have resources already available and identified to continue implementing the activities under the programme even after its formal end. The application procedure additionally requires municipalities to submit strategic documents such as a plan/programme for educational desegregation, adopted by the relevant municipal council, a concrete list of the target groups, and signed and enforceable agreements with the relevant |

| | |
|--|---|
| | educational institutions, thereby maximising the sustainability of the action in the longer run through the provision of a framework of commitments and responsibilities. |
| Give reasons why you consider the practice as having concrete measurable impact | The programme allows for monitoring at the local level, where municipalities have direct contact with the target group and can most easily collect data on the progress and impact of the activities. The programme itself includes a list of measurable indicators with target values at the national level, and a dedicated budget for monitoring. Additionally, the impact of the activities can be measured through additional indicators, data for which is already regularly collected on the municipal level, e.g., drop-out rates, school performance, number of failing students, etc. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The practice is applicable to Member States that experience similar issues in relation to educational segregation and exclusion of certain vulnerable groups from education. This may be applicable not only to the Roma minority, but also to other ethnic, religious, cultural, and racial minorities, families living in poverty, groups with lower socio-economic status, groups that live in isolated or difficult to reach communities, etc. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | There is no available information the involvement of beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the programme. |
| Explain, if applicable, how the practice provides for review and assessment. | The programme includes a dedicated section for expected results and progress indicators, consisting of qualitative indicators with named target values. The programme also has a designated budget for monitoring and evaluation (BGN 5,000, approximately €2,500). |

| | |
|---|---|
| Thematic area | INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems. |
| Title (original language) | Институт за компютърни науки, изкуствен интелект и технологии (INSAIT) |
| Title (EN) | Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) |
| Organisation (original language) | Софийски университет „Св. Климент Охридски“ в партньорство с Федералния технологичен институт в Цюрих (ETH Zurich) и Политехническият университет в Лозана (EPFL) |
| Organisation (EN) | Sofia University St. Kliment Ohridski in partnership with the Federal Polytechnic School – Zurich (ETH Zurich) and the Swiss Federal Institute of Technology, Lausanne (EPFL) |
| Government / Civil society | Civil society |
| Funding body | Bulgarian Government |
| Reference (incl. URL, where available) | Bulgaria, Institute for Computer Science, Artificial Intelligence and Technology |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) was opened in April 2022. |
| Type of initiative | Research and innovation institute |
| Main target group | Students and professionals specialising in the area of computer science and AI, stakeholders in industry and government |
| Indicate level of implementation: Local/Regional/National | National. INSAIT is based in Sofia, Bulgaria, but it is well-known nation-wide. |

| | |
|---|--|
| Brief description (max. 1000 chars) | <p>The Institute for Computer Science, Artificial Intelligence and Technology (INSAIT) is conceived as a scientific centre of excellence. INSAIT is the result of an international partnership with two major Swiss universities and internationally-renowned science professionals. The institute covers a range of research areas that are relevant to AI development such as machine learning, quantum computing, automated reasoning, computer vision, cybersecurity, language processing, data management, and others. INSAIT is a knowledge and technology hub that offers specialised training to the next-generation of computer science practitioners and connects academia with industry to facilitate the development of innovative products and services. The institute administers a start-up research programme to support the transition between academic and commercial sectors.</p> |
| Highlight any element of the actions that is transferable (max. 500 chars) | <p>By design, INSAIT is part of a research network involving leading universities and professionals in the area of computer science and AI. The institute seeks to drive market-oriented innovation through fostering and maintaining close ties with industry. This creates prerequisites for identifying specific sectors and areas of action in which novel AI products and services can find wide application.</p> |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | <p>The institute is not a stand-alone entity but is founded within the framework of a leading Bulgarian university. It is conceived as a public-private partnership initiative. It offers scholarships and grants to tap local talent and focuses on attracting investments.</p> |
| Give reasons why you consider the practice as having concrete measurable impact | <p>The impact of the institute could be measured quantitatively in terms of human capital (i.e., individuals who graduate or work there), bulk of outside investment that is attracted, number of publications and completed research projects, number of resultant start-ups and marketable products.</p> |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | <p>INSAIT seeks to facilitate research cooperation in computer science and AI and can serve as an important element of the innovation ecosystem within the EU and beyond. The way the institute is designed allows fostering synergies with similar academic entities and private companies to drive the practical application of novel advances and generate novel products for different socio-economic sectors.</p> |
| Explain, if applicable, how | <p>The governance structure of INSAIT comprises a Supervisory, Executive, and Advisory Board that bring together representatives of academia and industry.</p> |

| | |
|--|---|
| the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | |
| Explain, if applicable, how the practice provides for review and assessment. | Measurable indicators could include, for example, number of applicants; number of graduates; number of researchers; number of scientific publications; number of projects; and number of awards/grants. |

| | |
|---|--|
| Thematic area | RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice). |
| Title (original language) | Щадящо правосъдие за децата: Разработване на концепция за социални съдебни практики |
| Title (EN) | Child-Friendly Justice: Developing the Concept of Social Court Practices |
| Organisation (original language) | Validity Foundation – Mental Disability Advocacy Centre, Български център за нестопанско право, PRISM Impresa Sociale s.r.l., Centrul de Resurse Juridice |
| Organisation (EN) | Validity Foundation – Mental Disability Advocacy Centre, Bulgarian Centre for Not-For-Profit Law PRISM, Centre for Legal Resources |
| Government / Civil society | Civil society |
| Funding body | European Commission, Rights, Equality and Citizenship Programme (2014-2020) |

| | |
|---|---|
| Reference (incl. URL, where available) | Validity Foundation (2020), Child-Friendly Justice: Developing a Concept of Social Court Practices |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 1 July 2020 – 30 June 2022 |
| Type of initiative | Research and training |
| Main target group | Judges and lawyers |
| Indicate level of implementation: Local/Regional/National | International – Bulgaria, Italy and Romania |
| Brief description (max. 1000 chars) | The Victims' Rights Directive (2012/29/EU) and the Children Procedural Safeguards Directive (2016/800/EU) emphasise the importance and obligation to understand their needs before any measures are applied by criminal justice authorities. The means to achieve this is through an individual assessment, where the information required to understand the child's situation is collected by trained professionals in a child-friendly manner that enables their participation and protection. There is limited awareness of how to achieve these goals in practice across criminal justice systems, and how to undertake individual assessments for children with enhanced vulnerabilities, and the importance of a multidisciplinary approach. It focused on children in particularly vulnerable situations who experience multiple barriers within the criminal justice system and who were often side-lined or excluded. The project took place in and benefitted directly three EU countries (Bulgaria, Italy and Romania), with the resulting tools and methods being of relevance more widely across the EU. More precisely, the practice developed a suite of models and tools to aid professionals in conducting needs assessments for children with enhanced vulnerabilities; trained and built the capacity of lawyers, judges and other justice professionals to adopt a child-friendly approach to conducting individual assessments; and piloted the model of 'social courts' in two regional courts in Bulgaria. |
| Highlight any element of the actions that is | The practice is transferable to any jurisdiction with identified need for multidisciplinary individualised assessments for children with enhanced vulnerabilities. The model can be easily adapted according to the special needs identified in the respective setting or country. |

| | |
|--|---|
| transferable (max. 500 chars) | |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The project developed and piloted a set of specialist tools which contribute to ensuring access to justice, a child-centred approach and ensuring that appropriate measures are taken to enhance their participation and to protect them from harm throughout the criminal justice process. The tools will remain available after the end of the project to be employed by criminal justice professional across the EU. |
| Give reasons why you consider the practice as having concrete measurable impact | The impact of the project can be assessed both quantitatively (e.g., by the number of trained legal professionals) and qualitatively (e.g., through the international labs feedback reports). |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The project takes place in and benefits directly 3 EU countries (Bulgaria, Italy and Romania), with the resulting tools and methods being of relevance more widely across the EU. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | The relevant beneficiaries and stakeholder are involved in the implementation of the project through a series of activities including training events, webinar labs and an international symposium to enhance and exchange knowledge between relevant professionals. |

| | |
|---|--|
| Explain, if applicable, how the practice provides for review and assessment. | The project is implemented with the financial support of the EU and is therefore subject to review and assessment according to the rules of the respective funding scheme (in this case the Rights, Equality and Citizenship Programme 2014-2020). |
|---|--|

| | |
|---|--|
| Thematic area | ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women. |
| Title (original language) | SHE (Supporting victims of domestic violence via a programme for capacity-building and awareness-raising among human resources specialists) |
| Title (EN) | SHE (Supporting victims of domestic violence via a programme for capacity-building and awareness-raising among human resources specialists) |
| Organisation (original language) | Център за изследване на демокрацията, Асоциация „Деметра“, Институт по публична администрация |
| Organisation (EN) | Center for the Study of Democracy, Demetra Association, Institute of Public Administration |
| Government / Civil society | Civil society |
| Funding body | European Commission, Rights, Equality and Citizenship Programme 2014-2020 |
| Reference (incl. URL, where available) | Bulgaria, Demetra Association (2022), Project SHE (Проектът SHE) |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 1 March 2022 – 29 February 2024 |
| Type of initiative | Training, awareness raising |

| | |
|---|---|
| Main target group | Human resources specialists from the public administration |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The project tackles domestic violence against women, by developing and implementing a prevention and support training programme for public administration human resources specialists. It will contribute to the efforts of ending domestic violence by creating the tools and capacities to equip a well-positioned group of professionals to identify, support, and refer victims. By developing training materials, strategic documents, practical tools, and guidelines, the SHE project will result in a gender-inclusive and gender-sensitive training programme for HR professionals in public administration. The project will implement two-stage trainings, targeted at trainers and multipliers. The training programme will build the capacity of at least 360 participants and will have the potential to raise awareness about domestic violence against women among the entire public administration in Bulgaria. The implementation and impact of the programme will be carefully evaluated, documented and mainstreamed so that the lessons and insights can be distinguished and exchanged internationally. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The content of the training will be separated into four main topics, which cover the four basic areas for someone to provide adequate support for a victim of domestic violence. These areas are: general concepts of violence against women; medical, psychological and social indicators, and intersections thereof, to identify victims of domestic violence; law enforcement, judicial and support infrastructure for victims of domestic violence against women; intra-institutional support. Each of these components can be transferred to any other Member State with the respective adjustments in accordance with the specificities of the national legal framework. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The training course to be developed under the project will be incorporated in the online training platform of the Institute of Public Administration, which offers unlimited access to a variety of e-course to all public administration officials. Besides, the project has a train-the-trainers component that will multiply the achieved results by enabling the human resources specialists trained in the course of the project to deliver the training to their colleagues. |
| Give reasons why you consider the practice as having concrete measurable impact | The project aims at training at least 360 human resources specialists from across the country. The content of the training will be recorded on video and made available as an online course to all public administration structures through the online training platform of the Institute of Public Administration. Thus the impact of the project can be measured not only by the number of trainees attending the face-to-face training events, but also by the number of public administration employees completing the online course. |

| | |
|---|--|
| <p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p> | <p>The entire training component of the project, including the face-to-face training events and the online training course, can be transferred to other Member States provided that the necessary adjustments are made to align the content of the training with the national legislation on domestic violence in the respective 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>The main stakeholders of the project, namely the employees working in the public administration, are involved in the design and implementation of the project through the Institute of Public Administration, which is a member of the project partnership with active role in the design of all project activities.</p> |
| <p>Explain, if applicable, how the practice provides for review and assessment.</p> | <p>The project is implemented with the financial support of the EU and is therefore subject to review and assessment according to the rules of the respective funding scheme (in this case the Rights, Equality and Citizenship Programme 2014-2020).</p> |

| | |
|-----------------------------|--|
| <p>Thematic area</p> | <p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.</p> |
|-----------------------------|--|

| | |
|---|---|
| Title (original language) | Мониторинг на изпълнението на чл. 5, ал. 3 от Наредба № РД-02-20-2 от 26.01.2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията |
| Title (EN) | Monitoring of the implementation of Article 5, Paragraph (3) of Regulation No РД-02-20-2 of 26.01.2021 on determining the requirements for accessibility and universal design of the elements of the accessible environment in the urban territory and of the buildings and facilities |
| Organisation (original language) | Комисия за защита от дискриминация |
| Organisation (EN) | Commission for Protection against Discrimination |
| Government / Civil society | Government |
| Funding body | State budget |
| Reference (incl. URL, where available) | Bulgaria, Commission for Protection against Discrimination (2022), Council for Monitoring under the People with Disabilities Act (Съвет за наблюдение по Закона за хората с увреждания) |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | May 2021 – May 2022 |
| Type of initiative | Monitoring and evaluation |
| Main target group | Local authorities |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The practice aims to monitor the implementation of the provision, under which local authorities assessing the conformity of construction projects, the expert councils of the approving administrations and the state commissions approving construction sites for exploitation could involve nationally representative organisations |

| | |
|--|--|
| | <p>of and for people with disabilities. At the time when the practice was launched, these rules were new and did not envisage the mandatory involvement of people with disabilities' organisations. In order to monitor the actual involvement of DPOs in accessibility compliance evaluation procedures, the Commission for Protection against Discrimination contacted all 265 municipalities with formal inquiries about the extent to which they had involved such organisations in practice. A total of 160 municipalities replied to the inquiries. Only four of them reported that they had involved people with disabilities in accessibility compliance procedures.</p> |
| <p>Highlight any element of the actions that is transferable (max. 500 chars)</p> | <p>The practice is transferable in its entirety as it represents pro-active monitoring of the implementation of a legal provision.</p> |
| <p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p> | <p>In the long term, such a practice can contribute to a more active participation of the civil society in the decision-making process. It can also be applied regularly at a relatively low cost.</p> |
| <p>Give reasons why you consider the practice as having concrete measurable impact</p> | <p>This main output of the practice is the collection of quantitative data on the involvement of civil society in local accessibility legislation compliance procedures. Such data is not collected by any other institution and can serve as a basis of decision-making at both national and local level. The impact of the practice can also be measured by the number (and share) of local authorities involving persons with disabilities and their organisations in the accessibility compliance assessments.</p> |
| <p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p> | <p>The practice is not country-specific and can easily be applied in different settings regardless of the specific legislation in that setting.</p> |
| <p>Explain, if applicable, how the practice involves</p> | <p>Through the Council of Oversight, which is the national monitoring body under Article 33 of the CRPD and is chaired by the Commission for Protection against Discrimination, all represented organisations of people with disabilities as well as other relevant stakeholders can review and propose improvements in relation to the practice.</p> |

| | |
|--|---|
| beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | |
| Explain, if applicable, how the practice provides for review and assessment. | There is no publicly available information on if and how the practice is reviewed and assessed. |

Annex 2 – Case Law

| | |
|---|---|
| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report. |
| Decision date | 9 November 2022 |
| Reference details | Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 10036 on administrative case No 2747/2022 (Решение № 10036 от 9.11.2022 г. на ВАС по адм. д. № 2747/2022 г.), 9 November 2022 |
| Key facts of the case (max. 500 chars) | <p>In 2018, a representative of the non-governmental organisation New Life (<i>Нов Живот</i>) made a statement on TV about a recently launched anti-discrimination campaign. The campaign consisted of billboards portraying homosexual couples hugging each other in front of famous buildings with the caption "It's okay. It's just love". In her statement, the NGO representative said "These billboards are in violation of the Criminal Code of the Republic of Bulgaria, and more specifically of Article 149 - Article 155, which forbid the incitement to debauchery and fornication.". The LGBT Youth Organisation Deystvie (<i>Младежка ЛГБТ организация Действие</i>) filed a report before the Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) claiming that the statement was an act of discrimination on the grounds of sexual orientation. During the procedure, the applicants referred to some of the defendant's posts on Facebook regarding the LGBTIQ community. The Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) found no discrimination justifying its conclusion with the defendant's right to freedom of speech. The applicants appealed the decision before the Sofia City Administrative Court (SCAS) (<i>Административен съд – София-град, АССГ</i>). The court found serious procedural violations during the proceeding before equality body, repealed its decision and sent the case back to it with binding instructions, including an instruction to consider the conflict between freedom of speech and the prohibition of discrimination. The Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) appealed the court decision before the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>), which disagreed with the reasoning of the first-instance court concluding that there were no procedural</p> |

| | |
|---|---|
| | violations during the proceedings before the equality body and that the defendant had legitimately exercised their right to freedom of speech. |
| Main reasoning/argumentation (max. 500 chars) | According to the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>), the applicant was not able to present full and substantial evidence proving their claim that there had been discrimination. The court also noted that, from the statement of the interested party alone, it cannot be categorically concluded that the defendant's behaviour is a case of targeted conduct provoking discriminatory treatment. The court referred to an expert's opinion, which found no evidence of homophobia and fear and no hostility towards people of different sexual orientations in the defendant's behaviour. Thus, according to the court, the defendant exercised their right to freedom of speech and there were no serious procedural violations in the proceedings before the Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>). |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The key issue in the case is the conflict between the freedom of expression and the prohibition of discrimination. According to the applicants, the defendant's statement "These billboards are in violation of the Criminal Code of the Republic of Bulgaria [...] which forbid the incitement of debauchery and fornication" made on national public television represent an act of discrimination on the grounds of sexual orientation in the form of harassment, incitement to discrimination and persecution. According to the defendant, the statement was an expression of personal opinion and was not related to the fact that the billboards displayed homosexual couples. Instead, it was focused on the manifestation of intimacy which, in the view of defendant, should not be publicly presented in such a way. Although the applicants provided additional evidence referring to some the defendant's posts on Facebook, which, according to them, were controversial, neither the Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>), nor the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>) ruled in their favour. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>) repealed the decision of the first-instance court and confirmed the original decision of the Commission for Protection Against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>), which found no discrimination in the defendant's statement. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | "Видно от изводите на вещото лице действията на заинтересованата не са целели да накърнят достойнството на хората с хомосексуална ориентация, а е било изразяване на собствено мнение. Поради тази причина и подбуждане към дискриминация също не би могло да се установи, тъй като от разпечатките, приложени по делото не може да се направи категоричен извод, че става въпрос за "насърчаване" някое от посочените действия в § 1, т. 5 от Допълнителните разпоредби на Закона за защита от дискриминация. От своя страна свободното изразяване на мнение е конституционно закрепено право [...] Поради това, че свободното мнение не е незакономерно действие, дотолкова доколкото не нарушава принципите на |

| | |
|--|--|
| | <p>недискриминация – чл. 21 от ХОПЕС във вр. с чл. 4 от Закона за защита от дискриминация, то не би могло да бъде установено нарушение в рамките на производството за защита от дискриминация пред КЗД."</p> <p>"According to the expert's conclusions, the actions of the interested party were not intended to violate the dignity of people with homosexual orientation, but were an expression of her own opinion. For that reason, incitement to discrimination could not be established either, since it could not be categorically concluded from the print-outs annexed to the case file that it was a question of "encouraging" any of the acts referred to in § 1, point 5 of the additional provisions of the Protection against Discrimination Act. On one hand, the freedom of expression of opinion is a constitutionally established right [...] Because free opinion is not an unlawful act insofar as it does not violate the principles of non-discrimination – Article 21 of the CFREU in conjunction with Article 4 of the Protection against Discrimination Act, it could not be found to be a violation within the framework of the proceedings for protection against discrimination before the Commission for Protection against Discrimination."</p> <p>Supreme Administrative Court (<i>Върховен административен съд</i>), Decision No 10036 on administrative case No 2747/2022 (Решение № 10036 от 9.11.2022 г. на ВАС по адм. д. № 2747/2022 г.), 9 November 2022</p> |
|--|--|

| | |
|---|---|
| Thematic area | <p>EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p> |
| Decision date | 27 September 2022 |
| Reference details | European Court of Human Rights (ECtHR), P.H. v. Bulgaria , No 46509/20, 27 September 2022 |
| Key facts of the case (max. 500 chars) | The applicant (a transsexual woman), started a procedure before the national court, requesting that her name and ID number be changed since they do not correspond to her gender. The first |

| | |
|---|--|
| | instance court accepted the request but the decision was challenged before a higher court, which overturned it with the reasoning that even if the applicant had demonstrated psychological self-determination whereby she defined herself confidently as a woman, the applicable law did not permit a change in the register because a personal characteristic such as gender could not change in the course of a person's life. The applicant challenged the decision of the second instance court, but the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд, ВКС</i>) dismissed the appeal. The applicant then brought the case before the ECtHR. |
| Main reasoning/argumentation (max. 500 chars) | The ECtHR underlines that the second instance court did not develop its reasoning as to the precise nature of the public interest but limited itself to invoking the existing legal basis and Bulgarian Christian traditions. The court also states that the Supreme Court of Cassation made its decision for the applicant in the face of contradictions in its own case law. Therefore, the court concluded that by refusing to legally recognise the applicant's self-identified gender without giving sufficient and relevant reasons, the national court unjustifiably interfered with their right to have their private life respected. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The case shows how the alleged lack of legislation on gender reassignment and the national court's refusal to recognise the applicant's self-identified gender affected their right to respect for private life within the meaning of Article 8 of the ECHR. The decision and its justification can also contribute to the ongoing debate in Bulgaria on whether it is permissible to change, through a judicial procedure, the data on the civil status records of transgender persons. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The ECtHR found a violation of Article 8 of the ECHR. The noted that the fact that the Bulgarian court did not seek a balance between the private and public interest in the context of controversial domestic case law caused vulnerability, humiliation and anxiety to the applicant and therefore Bulgarian authorities were ordered to pay a compensation of €7,500 in respect of non-pecuniary damage. The ECtHR also underlined that there was still a pending decision before the Bulgarian Supreme Court of Cassation concerning gender reassignments and recalled the need to refer to the recommendations of international bodies regarding measures to combat discrimination based on sexual orientation or gender identity, among which is the recommendation to allow name and gender changes on official documents in a fast, transparent and accessible manner. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | "Ces éléments suffisent pour conclure qu'en refusant de reconnaître juridiquement le sexe revendiqué de la requérante sans avancer pour cela de motivation suffisante et pertinente, le tribunal régional a porté une atteinte injustifiée au droit de l'intéressée au respect de sa vie privée." |

| | |
|--|---|
| | <p>“These elements are sufficient to conclude that, by refusing to give legal recognition to the applicant's claimed gender without putting forward sufficient and relevant reasons, the district court unjustifiably infringed the applicant's right to respect for her private life.”</p> <p>European Court of Human Rights (ECtHR), P.H. v. Bulgaria, No 46509/20, 27 September 2022, § 19</p> |
|--|---|

| | |
|---|---|
| Thematic area | <p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p> |
| Decision date | 6 April 2022 |
| Reference details | <p>Bulgaria, Regional Court – Stara Zagora (<i>Районен съд – Стара Загора</i>), Decision No 216 on civil case No 5629/2021 (Решение № 216 по гражданско дело № 5629/2021 г.), ECLI:BG:RC553:2022:20210105629.001, 6 April 2022</p> |
| Key facts of the case (max. 500 chars) | <p>The case is about harassment on the grounds of religion. The applicant, a Muslim man serving a prison sentence, filed a claim to the court asking for compensation for the damages he had suffered as a result of the actions of two of his inmates, both Christians, who who prevented him from practicing his religion. More specifically, according to the applicant, the alleged offenders shouted "Allah and Mohammed are terrorists" and "Islam is a religion of terrorists" while the applicant was praying, verbally forbade the applicant to continue praying to Allah, gagged him, pulled away his prayer rug, removed the ritual prayer cap from his head, spat on his religious books and kicked them out of his hands. They also touched the applicant and his religious books with a pig tail soaked in lard and made him kiss a Christian cross and bible. Further on, the applicant claimed that the alleged offenders forced him to eat and drink water during daylight hours during the holy month of Ramadan, and forbade him to give out candy and sweets to the other prisoners when he celebrated Sheker Bayrim. Overall, according to the applicant, the harassment committed by the alleged offenders lasted for five years between 9 December 2016 and 9 December 2021.</p> |

| | |
|--|---|
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>After examining the collected evidence, the court concluded that the actions of the alleged offenders clearly showed their negative attitude toward the applicant's religion. According to the court, the defendants' conduct expressed in insulting words and threats with specific character, and by acts of physical violence and particular conduct intended to undermine the dignity and self-esteem of the individual, resulted in an abusive and humiliating environment for the applicant. The court also noted that by their very nature, the defendants' actions and statements went beyond the permissible negative attitude toward another religion, conveying the clear and unambiguous message attributing negative characteristics to the entire Muslim community and stigmatising the entire Muslim population. Such a generalisation, according to the court, could undoubtedly impugn and undermine the dignity of any representative of the affected religious group and inevitably violated the human dignity of people who identify as Muslims.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The key issue clarified by the cases is the interpretation of the definition of harassment vis-à-vis the definition of discrimination. The court noted that, in line with the applicable EU law, harassment was a specific manifestation of direct discrimination that, unlike other forms of discrimination, did not require a comparison with the treatment of other persons in a similar situation. Thus, in the case of the applicant, it was irrelevant whether the defendants had or had not prevented other inmates professing Christianity from practicing their religion. According to the court, instead of comparing the applicant's situation with the situation of other inmates, the proceedings should focus on the purpose and the results of the defendants' actions, both defined in line with Directive 2000/43/EC as violating the dignity of the person and creating a hostile, offensive or intimidating environment.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The court concluded that the behaviour of the defendants constituted harassment on the grounds of religion, ordered them to discontinue the violation and refrain from discriminatory actions in the future, and sentenced them to pay the applicant a compensation of BGN 800 (approximately €400) in respect of non-pecuniary damage.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>„По своето естество, процесните действия и дори изявления на ответниците надхвърлят допустимото в случая тяхно отрицателно отношение към друга религия. Използваните изрази средства „Аллах и Мохамед са терористи“ и други цитирани свидетелски показания носят ясното и недвусмислено послание, че негативните характеристики се приписват на цялата мюсюлманска общност посредством използвания похват на обобщаването. Без съмнение изрази като: „Аллах и Мохамед са терористи“, „Ислямът е религия на терористи“, „Няма нужда от ислямската ти милостиня“ не могат да бъдат тълкувани по друг начин освен като стигматизиращи и представящи цялото мюсюлманско население под знака на негативната, осъдителна оценка. По този начин се създава внушението и се отправя посланието, че</p> |

| | |
|--|--|
| | <p>описаните негативни свойства се отнасят до всеки един от представителите на тази общност. Подобно обобщаване на личностите на всеки, който се самоопределя като мюсюлманин без съмнение може да накърни и накърнява достойнството на представителите на религиозната група, като същевременно допринася за създаването на трайно негативни, потенциално враждебни и конфликтогенни нагласи, насажда отношение на недоверие и нетърпимост в обществото спрямо всеки представител на ислямската религия. Това неминуемо унижава, а следователно и накърнява човешкото достойнство на хората, които се определят като мюсюлмани, защото ги представя с колективния, стигматизиращ образ на правонарушители.“</p> <p>“By their very nature, the defendants' actions and even statements go beyond the permissible negative attitude toward another religion in this case. The expressions “Allah and Muhammad are terrorists” and other quoted testimony convey the clear and unmistakable message that negative characterisations are being attributed to the entire Muslim community through the generalisation approach employed. There is no doubt that expressions such as “Allah and Mohammed are terrorists”, “Islam is a religion of terrorists”, “There is no need for your Islamic alms” cannot be interpreted in any other way than as stigmatising and presenting the entire Muslim population under the sign of the negative, judgmental evaluation. In this way, the suggestion is created and the message is sent that the negative characteristics described apply to every single member of this community. Such a generalisation of the personalities of anyone who identifies as Muslim can undoubtedly undermine and damage the dignity of the representatives of the religious group, while contributing to the creation of lasting negative, potentially hostile and conflictual attitudes, instilling an attitude of distrust and intolerance in society towards any representative of the Islamic religion. This inevitably demeans, and therefore violates, the human dignity of people who identify as Muslim because it presents them with the collective, stigmatising image of delinquents.”</p> <p>Bulgaria, Regional Court – Stara Zagora (<i>Районен съд – Стара Загора</i>), Decision No 216 on civil case No 5629/2021 (Решение № 216 по гражданско дело № 5629/2021 г.), ECLI:BG:RC553:2022:20210105629.001, 6 April 2022, pp. 23-24</p> |
|--|--|

| | |
|--|---|
| 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 | 30 August 2022 |
| Reference details | Bulgaria, Sofia City Administrative Court (<i>Административен съд – София-град</i>), Decision No 5381 on case No 11317/2021 (Решение № 5381 по дело № 11317/2021 г.), 30 August 2022 |
| Key facts of the case (max. 500 chars) | In 2016, the Ministry of Education and Science (MES) (<i>Министерство на образованието и науката, МОН</i>), together with a private fund in support of the Roma community, launched a project aiming to distribute 1,200 scholarships to the total value of BGN 561,400 (approximately €286,820) to 700 Roma children of school age with average school grade of 3.5/6 by the national grade classification (BGN 60, approximately €30 per person per month). The decision was met with public protests, and the director of the civil society organisation Azbukari Association (<i>„Сдружение Азбукари“</i>) lodged a complaint with the Commission for the Protection of Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>), claiming that the project discriminated against non-Roma children. The equality body found no discrimination and the applicants challenged the decision before the Sofia City Administrative Court (SCAC) (<i>Административен съд – София-град, АССГ</i>) in 2018, and before the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) in 2020. Both instances decided that, contrary to the opinion of the equality body, the project did amount to discrimination against ethnic Bulgarian children, and returned the case to the equality body for issuing a new decision. In 2021, the equality body delivered its new decision, which, contrary to the courts' conclusions, again found no discrimination. Azbukari Association appealed once again in the Sofia City Administrative Court (SCAC) (<i>Административен съд – София-град, АССГ</i>). In August 2022, the court, confirming its 2018 decision that the project was discriminatory, declared the decision of the equality body null and void. The decision was not appealed further. |
| Main reasoning/argumentation (max. 500 chars) | The applicant claimed that the provision of scholarships solely to children of Roma ethnic origin amounted to multiple discrimination per the Bulgarian Protection against Discrimination Act (<i>Закон за защита от дискриминацията</i>) in relation to the grounds of personal status, ethnicity and education. According to the court, as already noted in its prior decision on the matter, the scholarships provided to Roma students under the sole criterion of average grade (3.5/6) were |

| | |
|--|---|
| | <p>greater in value than the scholarships provided to excellent students of non-Roma ethnic origin, and that non-Roma students did not receive any motivation of this kind to continue studying even when their average grades were higher. The court accepted that this was a case of direct discrimination on the grounds of ethnicity, because scholarships were only issued to children of Roma ethnic origin regardless of financial need. The court also rejected the argument that the scholarships did not constitute discrimination on the basis of proportionality and necessity.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The case places an emphasis on questions related to the definition of direct discrimination, proportionality and necessity, and instances where different treatment of different groups is permissible. In relation to the instances where differential treatment does not amount to discrimination under national anti-discrimination law, the court enumerated three relevant criteria (immediate connection to the aim of the action, necessity and suitability, and proportionality in relation to the rights and interests of others). The court interpreted the provision of scholarships to Roma children in exclusivity as a case of direct discrimination, where the spending of resources was both disproportionate and unnecessary, because financial assistance was not seen as the only measure through which Roma educational participation could be ascertained. According to the court, non-Roma children from families of limited means would be placed in a disadvantaged position in comparison to Roma children who received the scholarship regardless of their families' income.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The court declared the decision of the equality body null and void, and ordered the equality body to pay the sum of BGN 800 (approximately €400) to the applicant for the costs incurred in connection with the proceedings.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>“Има много деца от неромски произход, които нямат финансова възможност да закупуват учебници и учебни помагала, но те за да получат стипендия, следва да положат доста повече усилия [...]. За сравнение, ромските деца, следва да положат минимални усилия в училище, като не е необходимо да доказват, че нямат достатъчно средства. По този начин, предоставянето на целева стипендия обвързана единствено с минимален успех в училище, накарнява интересите на друга група лица, а именно учениците от неромски произход, които се поставят в значително по-неблагоприятно положение, спрямо ромските деца.”</p> <p>“There are many children of non-Roma backgrounds who do not have the financial ability to buy textbooks and school supplies, but they have to put in a lot more effort to get a scholarship [...]. Roma children, by comparison, would make minimal efforts at school, and they do not have to prove that they do not have enough resources. Thus, the provision of a targeted scholarship linked</p> |

| | |
|--|--|
| | <p>only to a minimum school performance harms the interests of another group of persons, namely non-Roma pupils, who are placed at a significant disadvantage compared to Roma children.”</p> <p>Sofia City Administrative Court (Административен съд – София-град), Decision No 5381 on case No 11317/2021 (Решение № 5381 по дело № 11317/2021 г.), 30 August 2022, p. 7</p> |
|--|--|

| | |
|----------------------|--|
| Thematic area | ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS). |
| Decision date | No case law has been identified for this thematic area. |

| | |
|---|--|
| 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. data protection, and/or artificial intelligence systems). |
| Decision date | 11 January 2022 |
| Reference details | European Court of Human Rights (ECtHR), Ekimdzhiev and Others v. Bulgaria , No. 70078/12, 11 January 2022 |
| Key facts of the case (max. 500 chars) | <p>Under Bulgarian law, all communications service providers must retain the communication data of their users for six months, with a view to making that data available to the authorities for certain law-enforcement purposes, including protecting national security, preventing, detecting or investigating serious criminal offences, etc. The ECtHR found that there was an interference with the right to respect private and family life and correspondence not only because such data was being retained but also because different authorities could have access to it.</p> <p>After examining the relevant legislation and practice, the ECtHR found that the data was being stored and destroyed by the providers in line with the rules concerning personal data. However,</p> |

| | |
|---|---|
| | <p>the procedures for authorising authorities to access retained communication data and the ones which followed them did not effectively guarantee that such access was granted only when genuinely necessary and proportionate in each case.</p> <p>The ECtHR also found that there was publicly available information about the obligation of the authorities to destroy the data, which was not used, but there was no such information in relation to the data that was used. The latter was governed by the internal rules, which were not accessible to the public. Another problematic issue was the fact that the data used for launching criminal proceedings was added to the criminal case file and there were no rules (neither publicly available nor internal) about how they should be stored, who could access and examine them, etc.</p> <p>The ECtHR also examined the oversight system and whether it was capable of effective supervision. The court concluded that neither of the public bodies tasked with supervising the way in which the authorities processed personal data for law-enforcement purposes had used so far its powers in relation to communication data. At the same time, judges issuing the access warrants had no powers to order remedial measures.</p> |
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>Regarding the general retention of and access to communication data by public authorities, the ECtHR stated that it had to be accompanied, mutatis mutandis, by the same safeguards against arbitrariness and abuse as secret surveillance. After analysing the national legislation, the Court found that the authorisation procedure was not capable of ensuring that retained communications data was accessed solely by the authorities, no clear time limits had been laid down for destroying data accessed by the authorities in the course of criminal proceedings, no publicly available rules existed on the storing, accessing, examining, using, communicating and destroying of communications data accessed by the authorities, the oversight system, as currently organised, was not capable of effectively checking abuse, the notification arrangements, as currently operating, were too narrow and there did not appear to be an effective remedy.</p> <p>Based on these findings the court concluded that Bulgarian laws did not fully meet the requirements for “quality of law” which was “necessary in a democratic society”.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The main concept clarified by the case is related to the safeguards available to persons whose communications data were retained. The court noted that although Bulgarian legislation governing the retention of communications data and its subsequent accessing by the authorities was significantly improved after some constructive jurisprudence, the rules concerning the access and control were chaotic, the systematisation was inconsiderate and not transparent enough. Therefore the Court concluded that those laws did not fully meet the “quality of law” requirement and were</p> |

| | |
|--|---|
| | <p>incapable of keeping the “interference” entailed by the system of retention and accessing of communications data to what is “necessary in a democratic society”.</p> <p>The court noted further that the opportunity for retention of communications data and its access by the authorities might be proportionate to the law-enforcement purposes, but could not justify any legislative shortcomings concerning the supervision and the remedies in case of breaches in the process.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The court found that Bulgarian legislation concerning retention of and access to communications data violated the ECHR. Since most of the violations were related to procedural legal provisions, it was impossible for the State to interpret them in a different way that is in accordance to the Convention and thus to continue to applying them. Therefore, Bulgaria had to amend its domestic legislation into the light of the court’s decision.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>“Although the laws governing the retention of communications data and its subsequent accessing by the authorities were significantly improved after the Constitutional Court examined them in 2015 in the wake of the CJEU’s judgment in Digital Rights Ireland and Others (see paragraph 156 above), those laws, as applied in practice, still fall short of the minimum safeguards against arbitrariness and abuse required under Article 8 of the Convention in the following respects: (a) the authorisation procedure does not appear capable of ensuring that retained communications data is accessed by the authorities solely when that is “necessary in a democratic society”; (b) no clear time-limits have been laid down for destroying data accessed by the authorities in the course of criminal proceedings; (c) no publicly available rules exist on the storing, accessing, examining, using, communicating and destroying communications data accessed by the authorities; (d) the oversight system, as currently organised, does not appear capable of effectively checking abuse; (e) the notification arrangements, as currently operating, are too narrow; and (f) it does not appear that there is an effective remedy. It follows that those laws do not fully meet the “quality of law” requirement and are incapable of keeping the “interference” entailed by the system of retention and accessing of communications data in Bulgaria to what is “necessary in a democratic society”.”</p> <p>European Court of Human Rights (ECtHR), Ekimdzhiev and Others v. Bulgaria, No. 70078/12, 11 January 2022, § 419-420</p> |

| | |
|--|---|
| Thematic area | RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter. |
| Decision date | 7 June 2022 |
| Reference details | European Court of Human Rights (ECtHR), I.G.D. v. Bulgaria , No. 70139/14, ECLI:CE:ECHR:2022:0607JUD007013914, 7 June 2022 |
| Key facts of the case (max. 500 chars) | The applicant, born in 2000, was domestically abused from a young age, first by his grandmother, to whose care he was entrusted after his parents split, and then by his father, with whom he later lived. At various times he also lived with his mother, who moved house frequently and had an aggressive boyfriend. From 2011 (when he was 11 years old) to 2015 the authorities decided to place him in specialised institutions on the grounds that he had committed several offences including starting a fire and, on several occasions, interfering sexually with minors. These decisions were taken pursuant to the Juvenile Antisocial Behaviour Act (<i>Закон за противообществените прояви на малолетните и непълнолетните</i>) of 1958. In 2013, the applicant suffered acts of violence at the hands of a youth worker whose bicycle he had damaged. As a result, he was moved that year to another boarding school, 400 kilometres from his mother's home. His mother unsuccessfully contested that decision. In late April 2015, the applicant left the specialised institution where he was in care, the legal limit on the duration of such a placement having been reached. He was then put in "protected accommodation" pursuant to the Child Protection Act (<i>Закон за закрила на детето</i>). |
| Main reasoning/argumentation (max. 500 chars) | The applicant argued that Bulgarian law had not afforded him an opportunity to have the lawfulness of his placement in a boarding school reviewed at regular intervals; his placement in the socio-pedagogical boarding schools, one aspect of which was a lack of any genuine contact with his mother, had amounted to a violation of his right to respect for his private and family life; the authorities had failed to factor in his individual circumstances when considering such a measure. Although the national court had involved a review of placement, it had not closely analysed the applicant's circumstances or drawn any conclusions from the abuse he had endured. It had merely stated that the history of abuse against him at one of the schools meant he needed to change boarding schools. Furthermore, there was nothing in the case file or domestic law to |

| | |
|--|---|
| | <p>suggest that it had been within the court’s power to decide on the possible termination of the measure by which he had been placed in a socio-pedagogical boarding school.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The ECtHR noted that a measure depriving a child or adolescent of liberty, even if educational in nature, would have an impact on their physical, emotional, social and cognitive development. It is paramount for the national legal system to offer sufficiently regular periodic review of the lawfulness of any such measure. Such a periodic review should enable the courts to arrive promptly at appropriate decisions tailored to minors’ circumstances, thereby safeguarding them from any continued deprivation of liberty where other educational alternatives were available. The court concluded further that the authorities’ prime motive had been to punish the applicant for what they regarded as his deviant behaviour.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The ECtHR rules that the Bulgarian authorities had violated Article 8 taken alone and in conjunction with Article 13 of the ECHR and the applicant was awarded compensation of €6,000 in respect of non-pecuniary damage and €2,451 in respect of costs and expenses.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>“The Court considers it appropriate to note that a measure of deprivation of liberty, even of an educational nature, has consequences for the physical, emotional, social and cognitive development of a child or adolescent. In view of this consideration, the Court considers it essential that the national legal system provides for a sufficiently regular periodic review of the legality of such a measure. This periodicity should enable the courts to reach promptly adequate decisions adapted to the minor’s situation, and thus protect the person concerned from any prolongation of his or her deprivation of liberty when other educational alternatives can be found.”</p> <p>“La Cour estime opportun de noter qu’une mesure privative de liberté, même de nature éducative, a des conséquences sur le développement physique, émotionnel, social et cognitif d’un enfant ou d’un adolescent. Eu égard à cette considération, la Cour juge primordial que le système juridique national offre un contrôle périodique suffisamment régulier sur la légalité d’une telle mesure. Cette périodicité devrait permettre aux tribunaux d’aboutir rapidement à des décisions adéquates et adaptées à la situation du mineur, et prémunir ainsi l’intéressé contre tout prolongement de sa privation de liberté lorsque d’autres alternatives éducatives peuvent être trouvées.”</p> <p>European Court of Human Rights (ECtHR), I.G.D. v. Bulgaria, No. 70139/14, ECLI:CE:ECHR:2022:0607JUD007013914, 7 June 2022</p> |

| | |
|--|---|
| Thematic area | ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women). |
| Decision date | 5 August 2022 |
| Reference details | Bulgaria, Sofia City Court (<i>Софийски градски съд</i>), Decision No 539 on second-instance criminal case No 4211/2021 (<i>Решение № 539 по въззивно наказателно дело от общ характер № 4211/2021</i>), ECLI:BG:DC110:2022:20210604211.001, 5 August 2022 |
| Key facts of the case (max. 500 chars) | The case concerns an offence of murder threat committed by a man towards his former wife. After their divorce in 2013, the couple reunited and started living together again. In September 2019, after a series of disagreements with her former husband, some of which were due to his alcohol abuse, the woman decided to end their relationship. However, the man continued visiting her and demonstrated aggression. In October 2019, during a telephone conversation, the man threatened to kill his former wife. Afterwards, he started to frequently show up around her workplace. As a result, the woman decided to file a police report. In November 2019, while the woman was driving to work, her former husband suddenly showed up in front of the vehicle, got into the car, pulled out a knife, threatened to kill her and told her that he wanted to meet again in the evening. Later on, the woman arranged a meeting with her former husband to try to explain to him that she wanted to be left alone. However, the man became physically and verbally aggressive, so the woman filed an application for a protection order. Later on, a criminal investigation was also initiated. The first-instance court found the defendant guilty of the offence of murder threat in the context of domestic violence. The second-instance court concluded that the criminal act was not preceded by the systematic exercise of certain types of domestic violence, so the aggravating factor “committed in the context of domestic violence” was not relevant. As a result, the defendant was convicted under the main offence of murder threat. The decision of the second-instance court was not appealed. |
| Main reasoning/argumentation (max. 500 chars) | The second-instance court notes that the aggravating factor “committed in the context of domestic violence” requires the systematic exercise of domestic violence, which means that there should be at least three cases of violence preceding the investigated one. After examining the collected evidence, the court concluded that, in this case, the previous acts are not enough to meet that requirement. According to the court, only one preceding incident was established. |

| | |
|---|--|
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The case is illustrative of one of the most controversial aspects of the Bulgarian criminal law provisions on domestic violence, namely the requirement for systematic acts of certain types of domestic violence preceding the act that is investigated or prosecuted. This requirement is often criticised for making it very difficult to prove a sufficient number of previous acts in order to successfully apply the aggravated offence provided for in the law. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The second-instance court acquitted the defendant on the charges of committing the crime in the context of domestic violence (aggravated offence), but still found him guilty of committing a murder threat (main offence). Despite this conclusion, the second-instance court did not change the penalty imposed on the defendant by the first-instance court which was suspended imprisonment for one year with a suspension period of three years. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | <p>“В действителност, установените от първия съд фактически обстоятелства, които очертават предходни, на процесната, прояви на агресия от подсъдимия към пострадалата, са по повод със случай от м. октомври 2019 г. с отправени конкретни заплахи. Така установените факти не са достатъчни, за да се приеме, че инкриминираният случай на закана е при условията на домашно насилие. И това е така, т. к. заложеното изискване от законодателя е да са налице поне три случая (системност) на упражнено насилие, които предшестват процесния.”</p> <p>“Indeed, the factual circumstances found by the first-instance court, which outline previous, before the trial, acts of aggression by the defendant towards the victim, are in connection with a case from October 2019 with specific threats made. The facts thus established are not sufficient to find that the incriminated incident of threatening was in the context of domestic violence. And this is so since the requirement laid down by the legislator is that there must be at least three cases of (systematic) violence that precede the one at issue.”</p> <p>Bulgaria, Sofia City Court (<i>Софийски градски съд</i>), Decision No 539 on second-instance criminal case No 4211/2021 (Решение № 539 по въззивно наказателно дело от общ характер № 4211/2021), ECLI:BG:DC110:2022:20210604211.001, 5 August 2022</p> |

| | |
|----------------------|---|
| Thematic area | ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women). |
| Decision date | 22 March 2022 |

| | |
|---|--|
| Reference details | European Court of Human Rights (ECtHR), Y. and Others. v. Bulgaria , No. 9077/18, 22 March 2022 |
| Key facts of the case (max. 500 chars) | The applicants were relatives of a woman (Mrs V.) who was fatally shot by her husband (Mr V.). In the months preceding the murder, Mrs V. complained to the authorities of threatening conduct by her husband on several occasions. She had also called the national emergency number, filed a written complaint to the police the day before her death (17 August 2017), and submitted a written complaint to the prosecutor’s office on the day of the incident. The applicants complained that the Bulgarian authorities failed to effectively protect Mrs V.’s life. |
| Main reasoning/argumentation (max. 500 chars) | The ECtHR noted that nine months before the murder, the police in Sofia received emergency calls and written complaints from Mrs V. regarding her husband, including on the day of her murder. The authorities, however, responded immediately in only one of these occasions. There was nothing to suggest that on any of the other occasions the police had attempted to analyse Mr V.’s conduct through the prism of what it could portend about his future course of action. They had not carried out even basic documenting showing that they had conducted such a risk assessment. Nor had they informed Mrs V. of the outcome of any such assessment. The ECtHR also found that if the authorities had carried out a proper risk assessment, they likely would have appreciated, based on the information available to them at the time, that Mr V. could pose a real and immediate risk to the life of the victim, as those notions were to be understood in the context of domestic violence. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The ECtHR followed the actions of the police, analysing the failures that led to the murder. The court also draws attention to the actions of the prosecution, which relied entirely on police opinions that there was no evidence of a crime and refused to open pre-trial proceedings or conduct any action of their own. According to the ECtHR, this failure was apparently due in part to a lack of training on the dynamics of domestic violence. The Court also analysed the lack of appropriate preventive response involving coordination mechanisms between multiple authorities. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The ECtHR found a violation of Article 2 of the ECHR. The court found no violation of Article 14 in conjunction with Article 2. As a result, Bulgarian authorities were ordered to pay a compensation of €24,000 in respect of non-pecuniary damage. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | “[...] the authorities ought to have known at the latest on 17 August 2017, after Mrs V. ’s emergency call and her ensuing complaint to the police, that this risk was real and immediate, and that they failed to take any measures at their disposal which, judged reasonably, might have been expected to avoid that risk. Nor is there any evidence that the authorities sought to somehow |

| | |
|--|--|
| | <p>coordinate their actions in that respect. For instance, it does not appear that the Sofia district prosecutor's office attempted immediately to contact the Sofia police when it received the complaint which Mrs V. lodged with it the morning before she was killed. A proper preventive response often requires coordination among multiple authorities."</p> <p>European Court of Human Rights (ECtHR), <i>Y. and Others. v. Bulgaria</i>, No. 9077/18, 5 September 2022, § 109</p> |
|--|--|

| | |
|---|---|
| Thematic area | <p>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</p> |
| Decision date | 27 June 2022 |
| Reference details | Bulgaria, Supreme Administrative Court (Върховен административен съд), Decision No 6239 on administrative case No 2133/2022 (Решение № 6239 по административно дело № 2133/2022 г.), 6 June 2021 |
| Key facts of the case (max. 500 chars) | <p>The case is about the failure to provide access to public places for people with disabilities. The national equality body, the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) imposed a fine on a private non-bank credit company for hindering the access of persons with disabilities and reduced mobility to public places by not securing accessible architecture to one of its offices located in the town of Montana. The office had two steps without any alternative access for people with disabilities. The company argued that although its office was not accessible, it had employed a client-oriented approach and was also offering its services at the client's address. The Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) did not find these arguments convincing and issued a decision sanctioning the company to pay a fine of BGN 250 (approximately €125) and instructing it to undertake measures to make its offices accessible. The company, however, challenged the decision before the court.</p> |
| Main reasoning/argumentation | <p>In its decision, the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминацията, КЗД</i>) noted that, although the opportunity to serve customers at an address of</p> |

| | |
|---|---|
| <p>(max. 500 chars)</p> | <p>their choice and the provision of services by phone or email, the company should build an accessible architectural environment to its offices to provide for "reasonable accommodation". The first-instance court, however, disagreed with the conclusion that the accessibility requirements applied to all buildings in their entirety. On the contrary, according to the court, they concerned future projects only and did not required mandatory reconstruction of existing sites if there were other ways to make the provided service accessible. Moreover, accessibility could be guaranteed not necessarily through architectural solutions in every commercial site. According to the court, both the CRPD and the national legislation referred to access in terms of reasonable accommodation and it could not be considered that the physical access to the relevant office constitutes a reasonable accommodation. Besides, the equality body's decision was taken upon a self-referral, so there was no proven case of a real customer whose access to the company's service was hindered. The CRPD provided no general obligation to build specific facilities. The guarantees of the full and equal exercise of rights differed from case to case and, accordingly, required different measures. Based on these arguments the court concluded that in this case, there was no real violation of anyone's rights and therefore there was no legal justification for imposing financial penalties and instructing the company to undertake further measures.</p> <p>The second instance court disagreed with the conclusion of the first instance court that the accessible environment requirements applied to future construction only and that providing physical access to all buildings through specific means was not required as far as the respective services were available in another way. Instead, the second instance court noted that building and maintaining an architectural environment that makes it difficult for persons with disabilities to access public places constituted discrimination.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The key issue clarified by the case was that the principle of accessibility referred to the physical access of public spaces and not to any alternative ways for obtaining the services provided at these places. The second instance court also defined the scope of the term accessibility noting that for a room to be architecturally accessible it was necessary for it to have unobstructed access that did not depend on the assistance of another person.</p> <p>Another clarification referred to the type of buildings that had to comply with the accessibility requirements. According to the court, accessibility requirements, in addition to being mandatory for future projects, also concerned existing buildings.</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>) repealed the decision of the first instance court and upheld the original decision of the equality body. The court also ordered the company to cover the costs of both proceedings amounting to BGN 270 (approximately €135).</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>"For a room to be architecturally accessible, it must have unobstructed access that is not dependent on the assistance of another person. The referring court erred in stating that accessibility of a service can be ensured through various forms, but not necessarily through architectural and structural solutions in every commercial establishment. Article 5 of the Protection against Discrimination Act defines discrimination as the construction and maintenance of an architectural environment that makes it difficult for persons with disabilities to access public places, not the inability to use a service."</p> <p>"За да е архитектурно достъпно помещението, е необходимо до него да има безпрепятствен достъп, който не зависи от помощта на друго лице. Неправилно решаващият съд е посочил, че достъпността на услугата може да бъде гарантирана чрез различни форми, но не непременно чрез архитектурно-строителни решения във всеки търговски обект. Член 5 ЗЗДискр. определя като дискриминация изграждането и поддържането на архитектурна среда, която затруднява достъпа на лица с увреждания до публични места, а не невъзможността за ползването на услуга."</p> <p>Bulgaria, Supreme Administrative Court (Върховен административен съд), Decision No 6239 on administrative case No 2133/2022 (Решение № 6239 по административно дело № 2133/2022 Г.), 6 June 2021</p> |