



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination against Women**

**Written replies by the Government of Bulgaria to the  
list of issues (CEDAW/C/BGR/QPR/8) to be taken up  
in connection with the consideration of the eight  
periodic report of Bulgaria**

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## **Introduction**

1. The Committee on the Elimination of Discrimination against Women considered a simplified procedure for the eight periodic review of Bulgaria on the implementation of the Convention on the Elimination of Discrimination against Women (CEDAW). Under this procedure, the Government of the Republic of Bulgaria received a list of issues, contained in document CEDAW/C/BGR/QPR/8.
2. The Government of the Republic of Bulgaria hereby submits its replies to the list of issues, which will constitute its eight periodic report before the Committee. The information contained in the report covers the period between 2014 and August 2018. The report has been presented for public discussion and has been approved by the National Coordination Mechanism for Human Rights.
3. Looking forward with great interest to the presentation of its eight periodic report, the Government of the Republic of Bulgaria hopes for a constructive dialogue with the Committee. Bulgaria confirms its determination to continue fulfilling the obligations arising from the Convention. In addition, the Government aims at ensuring all necessary conditions are met for the effective prevention and counteraction of all violations of the Convention. The responsible bodies continue their efforts to address all emerging issues and take appropriate action in cases where such acts have taken place. The process of fully adhering to the obligations under the Convention is ongoing, it requires for the active participation by all state and municipal organisations, and the public at large.

### **Response to issues raised in paragraph 1 of the list of issues CEDAW/C/BGR/QPR/8**

4. The Equality between Women and Men Act (EWMA) imposes obligations on the Minister of Labour and Social Policy to "coordinate the establishment and the maintenance of a system for gender equality monitoring, and the drafting of a report on gender equality in the Republic of Bulgaria". The Act also regulates the role of the relevant institutions in the development and functioning of the monitoring system.
5. Furthermore, the National Equality between Women and Men Council (NEWMC) participates in the devising of quantitative and qualitative indicators needed for the monitoring system". This function also includes the "coordination of the collection and dissemination of information and good practices, and the provision of equality data falling within the competence of the concerned executive authority body".
6. Additionally, the second cycle of the National Strategy for Promotion of Equality between Women and Men (the Strategy) for the period of 2016-2020 specifically states that the "monitoring and control of the performance" are leading principals in the development and implementation of the strategy.
7. The development of an Equality Monitoring System is one of the activities in the project "Together against Violence", implemented by the Ministry of Labour and Social Policy (MLSP), in partnership with the Social Assistance Agency (SAA). The project covers the period of 2017-2019. It aims at identifying and monitoring of areas with gender imbalance in order to introduce temporary encouragement measures in the affected areas.
8. The principles of equality and non-discrimination in all areas of social life are priorities of the work of the Commission for Protection against Discrimination (CPD), particularly in the area of analysis and prevention.

9. In this regard, in 2018 the CPD issued a report concerning discrimination in the field of employment<sup>1</sup>. The report aims at assessing the legal framework and its implementation, as well as the positions of women in the labour market and employment. It further identifies women at risk of discrimination, relevant policies, prevention measures and protection. Detailed analyses of the factors and forms of discrimination against women in the labour market enable the identification and systematization of targeted policies and measures for prevention and protection against discrimination.
10. The principle of equality between women and men is monitored based on the data collected from the annual reporting of the National Strategy, the National Statistical Institute (NSI) and from the periodical reports provided by the monitoring mechanisms for the implementation of international legal instruments to which Bulgaria is a party. It has been identified that the establishment of an integrated national system for information, monitoring and evaluation of gender-specific statistical data would be a positive step towards the systematic collection, storage and processing of data, based on sex. All relevant institutions and stakeholders should be able to feed data in the system.
11. Regarding the provision of information/statistics on the current situation of women in the Republic of Bulgaria, an information filing system has been established within the CPD. For the period 2014 – July 2018, the cases filed under the ground "sex" are 106 in total:

Ground sex	2014	2015	2016	2017	31.07.2018
Second Permanent Sitting Panel	11	7	11	2	3
5-member Expanded Sitting Panel	5	21	18	18	10

12. More than 70% of these cases concern multiple discrimination with a ground indicated in the initiative document "sex", in combination with another ground/grounds. Except for the specific ground of "personal situation", the most common grounds in combination with "sex" are "disability", "education" and "marital status."
13. For the same period, 11 proceedings based on complaints for sexual harassment have been initiated:

	2014	2015	2016	2017	31.07.2018
Sexual Harassment	4	1	4	2	-

### **Response to issues raised in paragraph 2**

14. On their official website, the MLSP published detailed information regarding the Convention, the Committee, the Optional Protocol to the Convention, the General recommendations of CEDAW and the recommendations to Bulgaria. The MLSP published links providing access to the said documents.
15. An Action Plan for the Implementation of the Final Recommendations from the Committee was developed by an interdepartmental group with the participation of representatives of all ministries, agencies, public authorities, social partners, NGOs. Considering a request by the Committee, in 2014, an Interim report was presented on the

<sup>1</sup> See Annex 1

measures taken as per item 4 and item 7 of the Plan. The said measures are related to strengthening the national mechanism for achievement of empowerment of women and protection against violence.

16. The Ministry of Foreign Affairs (MFA) presented to the Committee information about the actions taken by the Bulgarian authorities in relation to the implementation of the recommendations of claims 31/2011 (May 2013) and 32/2011 (February 2014). Consultations between the Ministry of Justice (MJ), the MLSP and the Ministry of Finance were held in order to accept an *ad hoc* decision of the Council of Ministers about the financial compensation in relation to the individual claims against Bulgaria.
17. Issues, related to dissemination of information about women's rights and the elimination of all forms of discrimination against them, were discussed on many occasions at the meetings of the NEWMC, and were subject of different trainings, seminars and other initiatives.
18. For instance, in the period 2013-2015, the MLSP realized the implementation of two-year project: "Get equal in economic decision-making". The activities planned were related to the provision of publicity, including of CEDAW. Furthermore, an international expert round table was organized, focused on the topic of "Exchange of good practices in relation to the implementation of the CEDAW", which was attended by representatives of the region, including Turkey, Romania, Croatia, Slovenia etc., and leading NGOs.
19. It should be noted that the organization of events, dedicated to the equal payment for women and men are becoming a tradition in Bulgaria. For example, on 7 March 2014 a National day of the equal payment for women and men in Bulgaria has been organized by the MLSP. The focus was on the presentation of statistical data for payment to women and men. Also, in 2016 an Information Day for Equal Payment in Bulgaria was attended by more than 180 trade union activists and chairmen of federations of Confederation of the Independent Trade Unions in Bulgaria, Confederation of Labour "Podkrepa", representatives of employer's associations, state institutions, academics and NGOs.
20. Another event that have been organized on the topic was the round table that took place on 11 January 2017, being part of the implementation of the framework of the Cooperation work program for 2016-2017, between the MLSP of the Republic of Bulgaria and the Ministry of Health and Social Affairs of the Kingdom of Sweden on the subject: "Encouragement of the economic independence of the women: achievements and challenges".
21. In the period 2016-2017, the CPD has implemented six training seminars for representatives of stakeholders at the local level on the issues of prevention, detection and protection of discrimination. The topic of equality/protection against discrimination was present at each of the regional seminars. Detailed lectures and presentations have been made about topics related to discrimination at the workplace and sexual harassment, as well as about the promotion of the Convention.
22. Furthermore, the CPD has been established as an independent specialised State body vested with significant powers for the prevention of, and protection against, discrimination and the promotion of equal treatment, including hearing of individual complains. The proceedings for protection against discrimination, under the Protection against Discrimination Act (PaDA) may be implemented before the CPD and before the courts. The proceedings before the CPD are concluded by the rendition of a decision, appealable under the Administrative Procedure Code. The expenses incurred in the course of the proceedings are borne by the budget of the Commission.

23. Any person, whose rights under the PaDA or under other laws have been violated, may bring an action before the regional court. When the rights of the victim have been affected by an administrative act, the expenses for the appeal are borne by the budget of the court.
24. Another noteworthy measure taken in order to facilitate the lodgement of complaints by women is the guaranteed equal access to justice to all persons, irrespective of their sex, by means of ensuring and providing effective legal aid, regulated by the Legal Aid Act (LAA). Legal aid is of four types:
  - pre-litigation advice with a view to reaching a settlement;
  - preparation of documents for bringing a case before a court;
  - representation by counsel; and
  - representation upon detention under the Ministry of Interior Act, under the Customs Act and under the State Agency for National Security Act.
25. Since 2015, the legal framework in the field of legal aid has been amended in order to guarantee access to legal aid to a broader range of persons belonging to vulnerable social groups. All uninformed citizens, living in outlying settlements, disabled persons, elderly people, and those under the national poverty line, have been granted access to legal aid, i.e. under a simplified procedure.

### **Response to issues raised in paragraph 3**

26. For the last few years, the issues pertaining to Violence against Women (VAW) and equality have become a priority for the National Institute of Justice (NIJ) training curriculum. The seminars are focused on relevant national, European and international context.
27. Two European Social Fund /ESF/ projects are currently being implemented: „Quality professional training for strengthening the efficiency of judiciary” and “Innovative training products and services at the NIJ”. They entirely fulfil the requirements of Regulation (EU) No 1304/2013 of the European Parliament and the Council of 17.12.2013.
28. Furthermore, the Convention and the Optional Protocol thereto is also part of the initial and continuous training of the police forces.
29. The MLSP participates, as a partner, in the implementation of a Project: "Improvement of the national legal framework in compliance with the standards of the Council of Europe (CoE) and strengthening of the capacity of the competent institutions, dealing with cases of domestic violence and violence, based on gender". The target groups are magistrates, legal experts, state servants and employees at the state administration, social workers, employees of the police forces, NGOs, domestic violence victims, etc. Numerous trainings have been conducted. As a result, a draft Strategy for reduction of domestic violence has been created.

### **Response to issues raised in paragraph 4**

30. The set of international legal instruments as well as the European norms and standards, reflected in the Bulgarian legal framework, constitute a solid legal framework for the establishment of inequalities and discrimination against women.
31. Equality between women and men is guaranteed at the highest legislative level. According to the Constitution of the Republic of Bulgaria each individual is born free and equal in terms of dignity and rights and there shall be no privileges or restriction of rights

- on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal and social status, or property status.
32. Furthermore, a set of normative documents are firmly in place, regulating different aspects of women's participation and protection in the field of employment, education, access to services, etc. These include, among others, the Labour Code, the Employment Promotion Act, the Family Code, and the specific laws, incl. the PaDA and the EWMA.
  33. Under the PaDA, financial sanctions are provided for those who cause and allow the performance of discrimination. The CPD is entitled with the power to impose the following compulsory administrative:
    - to issue compulsory directions to the employers and officials to eliminate violations of the legislation for prevention of discrimination; and
    - to stop the execution of unlawful decisions or directions of employers, which lead or may lead to discrimination.
  34. The EWMA promotes the state policy on equality between women and men, based on the principles of:
    - equal opportunities for women and men in all areas of the social, economic and political life;
    - equal access for women and men to all resources in the society;
    - equal treatment of women and men, as well as preventing gender-based discrimination and violence;
    - balanced representation of women and men in all decision-making bodies; and
    - overcoming gender-based stereotypes.
  35. The purpose of the Act is to promote the achievement of equality between women and men, creating the conditions for the establishment of an institutional environment and defining the bodies and mechanisms for the implementation of all equality policies. The functions and responsibilities of the respective institutional bodies and the mechanisms at central and regional level are detailed, in line with the National Strategy for Gender Equality.
  36. The EWMA also establishes normative prerequisites for the effective management of the policy through regulation of the national mechanism. The effective functioning of the mechanism is a guarantee for successful implementation of the integrated approach (i.e. the equal consideration of the problems, necessities, views of women and men) in the development and implementation of all sectoral, regional and local policies and the performance of analysis and evaluation of the impact before a decision is taken. An integrated approach (so called gender mainstreaming) and the implementation of temporary special measures are mutually reinforcing tools, which lead to the achievement of factual gender equality during the implementation of the unified policy.
  37. The vision of the legislator is for a positive and encouraging approach. In this regard, the implementation of sanctions would not be relevant for this law, because the consequences of the non-performance of the obligations of the officials are regulated in other Acts, like the PaDA. For this end, a label for major accomplishments in the effective implementation of the equality policy is established, to be awarded once per year to state institutions (central and local authorities), commercial and non-commercial organizations, and NGOs.

#### **Response to issues raised in paragraph 5**

38. The Ombudsman, as an independent state organ, has the obligation to protect the rights of the citizens with special attention towards vulnerable groups. He/she considers

citizens' complaints against actions and omissions by government bodies and the private sector on all human rights – including economic, social and cultural rights. Further information on all activities of the Ombudsman is available on the website and in the annual reports.

39. In 2017, the Ombudsman began a procedure for accreditation with status “A”. Measures are already undertaken to comply with the Committee’s recommendations and some of them required legislative amendments, including in the Ombudsman Act, so that the mandate to the ombudsman can involve both protection and promotion of human rights. Further steps are undertaken in view of strengthening the engagement with the Human Rights system and civil society organizations, as well as increasing transparency of appointment and selection process. The National Parliament adopted these amendments in 2018 and an application for the reaccreditation for statute A has already been submitted.
40. The CPD is a quasi-judicial body that independently resolves disputes related to complaints for discrimination, including on the grounds of „sex” and multiple discrimination. The proceedings before the Commission are free of charge. Everyone receives free counselling and assistance when submitting complaints of discrimination.
41. In order to prevent or terminate violations under the law and to prevent or remedy the harmful consequences thereof, the Commission may enforce the following coercive administrative measures:
  - give obligatory prescriptions to employers and officials to remedy violations of anti-discrimination legislation;
  - suspend the execution of illegal decisions or orders from employers that lead to or may lead to discrimination.
42. The administrative penal provisions are fines of 250 to 2,000 BGN, if not subject to heavier punishment. Information on cases before the CPD is available on its website.

#### **Response to issues raised in paragraph 6**

43. The NEWMC, established in 2004, puts the foundations of national coordination structure at the highest level of the executive authorities. It is a constantly active, coordinating and advising body, which supports the Council of Ministers in the development and implementation of the state policy on gender equality and is also a body for provision of consultation, cooperation and coordination between central and regional executive bodies and the structures of the civil society. Chairman of the National Gender Equality Council is the Minister of Labour and Social Policy, who manages, coordinates and supervises the implementation of the state policy on gender equality, by:
  - Drafting legislation and strategic documents containing provisions related to gender equality, participating in the discussion of such documents, and proposing that said documents are adopted and/or amended;
  - organizing and managing the operations of the Council;
  - coordinating the drafting, implementation and reporting of the National strategy and the plans for its implementation;
  - coordinating the drafting of a report of equality between women and men in Bulgaria;
  - providing methodical support to the executive in carrying out the state policy on gender equality;

- managing and coordinating the participation in national and international programmes, and projects, in the field of gender equality, including jointly with public authorities and organizations;
  - maintaining contacts with similar specialized public authorities in other countries, as well as with operating international organizations.
44. Under the EWMA, the NEWMC:
- provides opinions about draft strategic documents and draft normative legislation containing provisions, related to gender equality, before they are put forward to the government;
  - participates in the developing of the National Strategy;
  - proposes measures for promoting the state policy on gender equality;
  - participates in the developing of quantitative and qualitative indicators, needed for the monitoring system.
45. The Council comprises of:
- ministries, state and executive agencies and other authorities;
  - national organizations representing employees and workers;
  - national organizations representing employers;
  - the National Association of Municipalities in the Republic of Bulgaria;
  - legal non-profit entities, whose business operations are consistent with the priorities of the state policy on gender equality.
46. The secretariat of the Council is the "Equal opportunities, anti-discrimination and social assistance benefits" department at the MLSP. The department develops and coordinates the implementation of the state policy in the field of equal opportunities and participates in the development of methodologies and methods for monitoring and survey. It also analyses and evaluates the compliance of the national legislation with the EU legislation in the field of equal opportunities; it drafts legislation documents and the program budget of the Ministry in that field. In addition, the department participates in the development and performance analysis of the annual National action plans for the promotion of equality between women and men. In performance of its responsibilities, the department maintains relations with other state bodies, as well as with research institutions and NGOs, working in that field. It works in close cooperation with the officers, designated by the central and regional executive bodies, who perform the functions of gender equality coordinators.
47. NGOs, after a selection procedure, are equal members of the Council. The state relies on their highly professional expertise and is looking for their opinion on significant issues to the society and equality policy. The representatives of the state institutions support and participate in the initiatives of the civil society. Thus, the NEWMC has been established as a sustainable model for cooperation between institutions, social partners and civil society. More information about the Council can be found at: [http://www.saveti.government.bg/web/cc\\_19/1](http://www.saveti.government.bg/web/cc_19/1)

### **Response to issues raised in paragraph 7**

48. The National Strategy for Promotion of Equality between Women and Men (2016-2020) was developed by an interdepartmental work group of 42 representatives from 24 state institutions. It follows the main legislation and national strategic documents. It has taken in consideration the Strategic document of the European Commission about gender equality and the CoE's gender equality strategy 2014-2017.

49. The main purpose of the document is the creation and implementation of a long-term and sustainable state policy for the achievement of equality. It further targets the overcoming of stereotypes, the inurement of equal access to social resources and equal participation in decision making of women and men, thus securing a successful personal and social realization of women and men in all spheres of the public, economic and political life.
50. The National Strategy outlines five priority areas:
- promotion of the participation of women at the labour market and equal level of economic independence;
  - reduction of the differences in payment and income;
  - encouragement of gender equality in the process of decision making;
  - combating violence and protection and support of the victims; and
  - change of the stereotypes in various spheres of the public life.
51. The funding for its implementation comes from the state budget, the municipal budgets, international and European funding sources.
52. The Strategy is implemented through annual National Action Plans. They contain specific measures, which are of the competence of various institutions and organizations in the priority areas of the Strategy, responsible bodies, funds and performance indicators.
53. Since 2014, three Action Plans have been adopted and implemented. The current one, adopted in 2018, states the targets, tasks and activities of the measures, responsible institutions, results indicator, impact indicators, possible causes for non-performance and financial resources.
54. The outcomes of the National Strategy are stipulated annually in the Report on Equality between Women Men, developed by the MLSP. It summarizes the information, acquired from all institutions, engaged in the implementation of the equality policy. The report is also preliminary coordinated within the framework of NEWMC.

### **Response to issues raised in paragraph 8**

55. Under the EWMA, the state policy on equality between women and men is carried out, incl. through the implementation of temporary special measures. They are justified and proportional temporary initiatives, which are aimed at removing barriers in order to achieve gender balance. The EWMA has horizontal impact and is consistently implementing the principle for gender equality through the combination of an integrated approach and special measures with temporary effect, if required.
56. Under the PaDA, there is no discrimination in education and training measures to ensure a balanced participation of women and men, as far as and until such measures are needed. The right to take such measures pursuant to this article have the state, the public and the local authorities.
57. An example from the CPD's case law is a decision in which the CPD finds that the imposition of an equal rate of admission of "girls" and "boys" in a vocational school does not constitute discrimination. In the course of proceedings filed under Case No. 285/2016, it was found that, given the objective physiological norms of the seventh grade, the setting of gender quotas gave equal opportunities to girls and boys to be admitted to the said high schools, which are most desirable when applying.
58. The case law examined by the CPD clearly established that the allocation of allowances for boys and girls, due to the different successes shown by the two groups in

admission exams, is a permissible and necessary measure within the meaning of that provision, and therefore does not constitute discrimination.

59. The decision also states that the principle of gender equality imposes objectively necessary and justified measures to ensure a balanced participation of women and men in education and training and hence in their future professional realization, in view of the established long-term trends of feminization and unbalanced participation of men and women in different lines of work.

### **Response to issues raised in paragraph 9**

60. School curriculum in Bulgaria teaches on topics related to gender discrimination and discrimination against women beyond the scope of the formal curriculum. 8<sup>th</sup> grade students (at the age of 14-15) are considered able to recognize stereotypical attitudes as obstacles in communicating and accepting differences. In 10<sup>th</sup> grade, the matter is further considered through awareness-raising regarding the notions of “differences” and “tolerance”. In 11<sup>th</sup> grade, as part of civic rights education modules students are expected to recognize cases of gender discrimination and understand the reasoning behind combating such behaviour. Students should also demonstrate understanding of the family as a social unit, about the different roles, rights and responsibilities in it, and about their dynamics in the life cycle. They are also expected to understand the need to overcome prejudices. The topic of men and women is also part of the framework requirements for the subject on civil rights education.
61. Addressing gender stereotypes, existing in the various public spheres is a long-term priority. In the currently acting National Action Plan for 2018, there are 15 actions, related to addressing gender stereotypes. The Plan sets the targets, tasks and actions, responsible institutions, indicators, possible causes for non-performance and financial resources.
62. In this relations, the Council for Electronic Media (CEM) has conducted a number of activities, including:
- A monitoring of programs owned by Fox Networks Bulgaria Ltd. – the analysis of the established facts has led to the conclusions that the media services provider’s programs have a relatively balanced involvement of men and women - as hosts or guests in the shows.
  - Focused monitoring on news broadcasts in programs of media services providers and the topic of violence and aggression, including violence against women in the programs: BNT 1, B TV, NOVA, TV Europe, SKAT, and ALFA TV. Violence in news broadcasts takes up much of their time, which in given days reaches a duration of one-third of the total time. Reporting on issues related to violence against women is relatively small. The topic "Equality between women and men" is less emphasized, but the programs include materials with data on the pay gap between men and women, cases of age discrimination against women, etc.
  - During the election campaign for President and Vice President of Bulgaria in 2016 and the information-awareness campaign for a national referendum. It has been established that media services providers adhered to the provisions of the Electoral Code and the Radio and Television ACT (RTA). When reviewing audio-visual content during the election campaign, there have been no established cases of discrimination against women.

63. The majority of the media services providers licensed and/or registered under the RTA are commercial companies which themselves determine their own governing policy. The total number of men participating in the governing of these companies is 205 and the number of women is 83. However, as of 01.02.2017, the ratio of women to men in the CEM is 4:1 in favour of women.
64. The Council ensures that no broadcasts inciting intolerance or hatred on the grounds of racial, sexual, religious or national ground are aired. For the period 2014 until the middle of 2018, 67 acts for administrative violations were issued. From these, in 29 cases punitive measures were imposed, 26 acts were stopped due to insignificance and in 12 cases, warning letters with instructions were sent.
65. The CPD conducts independent surveys and raises awareness in the field of protection against discrimination through the mass media and informational seminars. The most recent project is "Prevention of Discrimination and Equal Opportunities", conducted in past 2016 and 2017. The project aims to create opportunities and prerequisites for reducing the barriers for the full participation of Bulgarian citizens in the labour market, access to quality health, social and other services, overcoming stereotypes, and expanding social inclusion.
66. The MLSP has also realised a number of projects, including "It is up to you to put discrimination out of use" and "Get equal in economic decision-making". As concrete results:
- 32 young men and women from three large regions of the country – South-western, South Central and South-eastern, accommodated in institutions for children, deprived from parental care, started to work;
  - Awareness was raised on the need of equality in economical decision-making and for improvement of the gender balance among the directors without executive functions in Bulgaria.
67. Considering the above and the fact, that the gender equality is a measurement of democratic and sustainable economic and social development of the society, Bulgaria will continue to improve its national legislation, policies and practices in that direction.

### **Response to issues raised in paragraph 10**

68. Prevention and combating violence against women and domestic violence, in all of its forms is important long-term priority for Bulgaria. In 2017, the MJ prepared drafts of amendments to statutory instruments of civil and criminal law. On 3.01.2018, the Council of Ministers approved a Decision on a motion for ratification of the Convention by the Parliament. Owing to strong public pressure, the draft motion was withdrawn and the Constitutional Court was approached with a petition. On 27.07.2018, the Constitutional Court rendered a decision according to which the Istanbul Convention is inconsistent with the Constitution of the Republic of Bulgaria.<sup>2</sup> Nevertheless, Bulgaria will continue to apply the indisputable principles and requirements of the international instruments in the field of violence against women, including the CoE Istanbul Convention.
69. The government is currently developing a comprehensive package of measures for improving the mechanisms of preventing and combating violence against women and children and domestic violence. They will include criminalization of offenses like psychological harassment within the family, physical violence in all its aspects, and

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<sup>2</sup> decision №13 on case 3/2018

related violence against women and children. The amendments will also seek to improve the system of assistance centres for victims of domestic violence. All changes will undergo consultations with non-governmental organizations and international partners.

70. In implementation of the recommendations of the CEDAW, article 158 of the Criminal Code (CC) has been repealed. A new approach has been implemented, placing the rights of the victim at the core of effective cooperation at the national regional and local level, in order to establish a comprehensive legal protection of women and girls.
71. Under the National Programme for Prevention and Protection against Domestic Violence for 2017-2020, envisages that the Ministry of Justice will draft in the long term a package of amendments to the statutory instruments regulating protection of the rights of the victims of domestic violence, and the changes in the numerous laws will be synchronised.
72. Under the Protection against Domestic Violence Act (PADVA), resources are allocated annually on the budget of the MJ to finance projects of non-profit legal persons that carry out activities under that Act for the elaboration and implementation of programmes for prevention and protection against domestic violence.
73. Moreover, the Bulgarian Government provides special social services enabling consistent and immediate access of all victims of violence to not only services of crisis accommodation, but also specific consultancy services, psychological support and crisis intervention. In this regard, twenty-four crisis centres (18 for children and 6 for adults) with an aggregate capacity of 260 places function within the territory of the country as state-delegated activities. Eleven centres are run by NGOs. Their operation is financed by the State budget. For 2018, the amount of the financing standard is 9,180 BGN.
74. The Centres offer social services to victims of violence, trafficking or other form of exploitation for a period of six months: individualised support, subsistence, legal advice or socio-psychological counselling, including through mobile crisis intervention teams when immediate intervention is needed. The management of these services is assigned to the mayors of the respective municipalities. The municipality is the body that initiates the development of specific types of social services on local level on the basis of preliminary studies and analysis of the needs of the community in order to ensure a sufficient number of services for victims. In 2017, the crisis centres accommodated 584 persons, of whom 183 were women victims of violence and 401 were children.
75. In addition, the register of the SAA lists 589 social service providers. Of these, 27 provide residential services and 34 provide advisory services in support of victims of trafficking and violence. Since June 2016 a first of its kind Sexual Assault Referral Centre, has been functioning in the City of Burgas. It was established with the assistance of the British Embassy and is modelled after identical facilities in the UK.
76. Immediate support is provided to victims of domestic violence. Special attention is paid to cases where the victim of domestic violence is a pregnant woman or mother of a child under the age of 3, and there is a risk of abandonment of the child. In such cases, measures are taken to immediately accommodate the mother and the child.
77. In order to prevent simultaneously co-residence in the service of victims of violence and trafficking victims, the SAA considers the possibility of profiling the

crisis centres. In this regard, the possibility of a change in the legal framework concerning the provision of some social services, including the Crisis Centre service, is considered. It should be noted that social workers face great difficulties when working on domestic violence cases, especially when the cases are related to adult individuals - victims of violence. Considering the above, their professional capacity and knowledge needs additional improvement through upgrading training.

78. To this end, the MLSP developed a project proposal "Together against violence", in partnership with the SAA. The project's implementation started in November 2017 and is expected to finish in December 2019. Following an analysis of all cases and reasons for violence, recommendations for improvement of the legal framework will be set up, as well as practical guidance for the experts in the social sphere, working on violence cases.
79. In order to guarantee better legal protection and support of the crime victims, the MJ developed amendments to the Criminal Procedure Code (CPC). It will implement the requirements of Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime. The amendments entered into force on 5.11.2017. They guarantee the right of the victim to receive a written translation of the acts, related to his/her rights and statutory interests, in cases, when the individual does not speak Bulgarian language.
80. There are special grounds for the assignment of expertise, in order to establish the specific needs for witness protection in criminal proceedings. The risk of secondary and repeated victimization, the possibilities for intimidation and revenge are subject to assessment and based on the results of which the appropriate protection means are determined. The participation of the victim during the course of the investigation is guaranteed, including against possible risks, emotional or psychological suffering. Victim interrogation during criminal proceedings is performed by avoiding contact with the defendant, including through the use of specially equipped premises. The principle of *in absentia* inclusion of the statements of vulnerable individuals is introduced.
81. During the Bulgarian Presidency of the Council of the EU, on 04.06.2018, the Council adopted Conclusions on improving police cooperation in combating domestic violence, including violence against women. The Conclusions envisage numerous measures for improving cooperation and the exchange of information among the competent authorities of Member States for the prevention and countering of domestic violence and violence against women. The title of the document has to be interpreted liberally as its scope covers victims of domestic violence, violence against women and their children. The main achievement of the document is the establishment of National Contact Points, who shall carry out quick and adequate risk assessment in cases where a victim of violence from one Member State travels to another Member State. The Conclusions further envisage a number of practical measures to improve the recording process and the application of follow-up of protection measures and restriction orders. The actual exchange of information for the purpose of effective prevention has already begun.
82. Under the document, the EU Agency for Law Enforcement Training will develop new training modules on combating domestic violence, including with a focus on current forms of violence, within the context of the present migrant situation and cyber violence against women and girls.
83. Since 2011, budget resources have been allocated annually on the budget of the

MJ to finance NGO projects for the implementation of activities for the prevention and protection from domestic violence. Jointly with NGOs, nearly 2,000 police officers were trained within this framework. The Academy of the Ministry of Interior (AMI) trains civil servants in working with victims of domestic violence. Ministry of Interior (MI) representatives take an active part in conferences, workshops, roundtables and media events on the prevention and combating of domestic violence.

84. The MI and MJ have implemented over 18 projects in the reporting period, on support services for victims of domestic violence, awareness raising activities, improvement of the national legal framework, training workshops, etc. A broad range of stakeholders was reached: public, central, regional and local government and other public authorities, social partners, journalists and media. On the regional level, more than 150 projects and preventive actions were implemented jointly with NGOs.

### **Response to issues raised in paragraph 11**

85. Data on all criminal offences, including the offences against the person in respect of which the Prosecutor's Office of the Republic of Bulgaria (PORB) is competent to exercise guidance and supervision, are collected, consolidated and analysed periodically according to a procedure established by the Judicial System Act (JSA). Executing his powers under the JSA, the Prosecutor General has determined standardised reporting indicators for the investigations.
86. If it is established that the actor perpetrated the act because of the victim's sex, this motive may be considered as a circumstance aggravating the criminal responsibility when the actor is assigned a penal sanction. This is borne out by both Constitutional Court Decision No. 7 in Constitutional Case No. 6 of 1992 and the Methodological Guidance for Work on Case Files and Pre-trial Proceedings Instituted on Alerts about Offences with a Discriminatory Element of 30 December 2013, issued at the PORB. The Methodological Guidance in question are applicable, *inter alia*, to offences motivated by gender-based hate even though gender is not part of the discriminatory element and is not included as a separate substantive element of an offence in the CC.
87. Statistical reporting at the PORB follows CC provisions. The information contains data on the progress achieved in implementing the recommendations addressed by the CEDAW to the Republic of Bulgaria to prioritise the investigation of offences involving sexual abuse of women and girls for the period between 2014 and the first quarter of 2018, disaggregated by year. The data refer to the institution, progress and outcomes of criminal proceedings with women victims are available in **Annex 1**. Data on the number of sentences and convicted persons for rape crimes for the period of 1989-2017 is available in **Annex 2**. Data on the issued restraining orders in the Regional Directorates of Interior for the period 2009-2018 is available in **Annex 3**.
88. Regarding strengthening and further developing capacity-building tailored to judges, police officers and other law enforcement officials on violence against women and its causes and consequences, as recommended by the Committee (para.26 d) trainings on gender-based violence are organized by the National Institute of Justice (NIJ). Regarding the CEDAW's recommendations on magistrates' training for the purpose of successful prevention of discrimination against women, they are implemented both during the magistrates' training. Further information is available in **Annex 4**.
89. Women who are victims of violence can seek protection and redress, in case they have not obtained such within the framework of a judicial procedure, by virtue of the Crime Victim Assistance and Financial Compensation Act (CVAFCA). Assistance is

available to victims who have suffered personal injury and economic loss as a result of publicly prosecutable offences, and financial compensation is available to victims who have suffered economic loss as a result of the following offences:

- terrorism; intentional homicide; attempted homicide; intentional grievous bodily injury; molestation; rape; trafficking in human beings;
- offences committed on a mandate from, or in furtherance of a decision of, an organised crime group;
- other serious intentional offences resulting in death or grievous bodily injury as their criminalised consequences.
- Where the victim has died as a result of the offence, the right to assistance and financial compensation devolves to his or her heirs or to his or her de facto cohabitant.

90. The following forms of assistance are available to crime victims:

- medical care in emergency;
- psychological counselling and support;
- free legal aid; and
- practical help.

91. The financial compensation covers, jointly and individually, the economic loss directly caused by the offence. In 2016, the CVAFCA was thoroughly amended and supplemented to streamline the existing regulatory framework regarding the rights of crime victims, including through transposition of the requirements of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The following important revisions were made:

- to raise the victims' awareness of their right to assistance, the range of authorities, organisations and persons providing this information was broadened;
- all victims of publicly prosecutable offences were enabled to access free of charge psychological counselling and practical help;
- the range of serious intentional offences against the person for which financial compensation from the State is available was broadened;
- the maximum amount of the financial compensation was increased to BGN 10,000 for all persons entitled to it under the law, and where such compensation is provided to underage persons, the compensation amounts to a maximum of BGN 10,000 for each person.

92. Since the entry into force of the CVAFCA in 2007 and to date, on the average around 80 applications for financial compensation are submitted annually. During that period, financial compensation has been provided to 185 victims in an aggregate amount approximating BGN 380,000. For 2014-2017, the numbers are as follows:

Year 2014: 25 victims, total amount of the compensation approximating BGN 41,000;
Year 2015: 22 victims, total amount of the compensation approximating BGN 55,000;
Year 2016: 23 victims, total amount of the compensation approximating BGN 48,000;
Year 2017: 20 victims, total amount of the compensation approximating BGN 48,000.

93. 177 crime victims received free psychological counselling and practical help under the CVAFCA in 2012-2016. Victims of rape and sexual assault can approach the specially trained staff of the Centres for help. Also available and operating is a toll-free hotline, 0800 18 017. More than 30,000 people have called for assistance.

## Response to issues raised in paragraph 12

94. The Bulgarian National Commission for Combating Trafficking in Human Beings (NCCTHB), established in 2004 under the Combating of Trafficking in Human Beings Act (CTHBA) organizes and coordinates the interaction among the institutions and organizations, and the implementation of the national policy and strategy in this field. Among the main functions of the Commission are research, analysis and statistical reporting. The analysis and data are included in the National reports developed annually by the Commission and its Administration and published on [www.antitraffic.government.bg](http://www.antitraffic.government.bg). The National Mechanism for Referral and Support of Victims of Trafficking (NRM) is coordinated through the NCCTHB Administration.
95. PORB is the main source of quantity and quality data concerning trafficking in human beings on the state level. It should be taken into account that the statistical data provided in **Annex 5** is an accumulated number, meaning of proceedings and victims included from previous years (which still haven't been finalized). The main conclusions on the data during the reporting period are as follows:
- Trafficking in human beings for the purpose of sexual exploitation continues to be the most wide-spread form of trafficking, however, there is a sustained growth of identification of victims of trafficking for the purpose of labour exploitation;
  - Over the period considered, the large majority of victims remain female.
96. According to the 2018 Trafficking in Person's report of USA Department of State, in 2017, the Bulgarian Government participated in 6 joint investigations with other foreign governments. Among the investigations, police from Bulgaria and Sweden targeted an organized crime group recruiting Bulgarians for forced begging in Sweden. The investigation resulted in 12 suspected traffickers arrested and subsequently charged. In addition, Bulgarian and Spanish authorities investigated an organized crime syndicate, recruiting women for sexual exploitation. 31 suspected traffickers were arrested. Authorities initiated two investigations involving police officers who allegedly assisted pimps and traffickers. In addition, prosecutors of the anti-corruption unit initiated an investigation of several police supervisors who allegedly received bribes from a resident of the town of Dobrich engaging in forced prostitution. Additionally, the courts prosecuted two complicit officials for extortion of criminals involved in prostitution and pimping. The trials are currently ongoing.
97. In the framework of its duties, the Secretariat of the NCCTHB also receives signals related to potential and/or actual victims of trafficking. For the period of January – May 2018, the Administration of NCCTHB received 35 signals concerning 54 persons, 26 of which are for forced begging, 10 for sexual exploitation and 2 male-victims of forced labour. Disaggregated information is available in **Annex 6**.
98. In cases of signals about the identification of a child s of trafficking, the State Agency for Child Protection (SACP), as the competent protection body and coordinator of cases concerning children, is notified together with the MI.
99. Victims of human trafficking for the purpose of sexual exploitation are largely young women, mostly of minority origin, poorly educated and in difficult material circumstances. They are lured by the opportunity to earn substantial incomes and enjoy a higher standard of living abroad. Most of the victims come from the cities of Pleven, Sliven, Plovdiv and Pazardzhik. Regarding human trafficking for the purpose of labour exploitation, job seekers come from almost all regions in the country. In the process of recruiting people to work abroad, in many cases, there is informed consent about the type

of work but not about the working conditions. In addition, pregnant women are trafficked for the purpose of selling their newborn babies. These are prevalingly Bulgarian nationals of Roma origin, with no education, living below the social minimum threshold, often single mothers, mothers of many children, or young girls coming from extremely poor families.

100. Timely identification of potential and/or actual risk of trafficking as well as detection of trafficked persons remain some of the major challenges facing public authorities and civil organizations working in the anti-trafficking field. Formal and informal identification is the starting position to establish the individual needs of victims of trafficking so as to provide them with a comprehensive social, legal, health, and psychological counselling and support and draw up a subsequent reintegration plan.
101. Outside the CVAFCA, victims of trafficking may seek compensation by submitting a civil claim in the criminal proceedings; by initiating separate civil proceedings; or requesting one-off cash support under the Social Assistance Act.
102. Bulgaria attaches primary importance to the suppression and criminal prosecution of trafficking in human beings, the respect for human rights and the provision of effective care to trafficked persons. Bulgarian legislation in this area has been brought into conformity with the international and European standards. Severer penal sanctions are provided for aggravated human trafficking. It should be emphasised that Bulgaria is one of the few countries where the consent of the victim is irrelevant as to whether the act qualifies as a statutory offence. Amendments in the CC over the past few years have transposed the requirements of Directive 2011/36/EU and Directive 2011/92/EU.

### **Response to issues raised in paragraph 13**

103. Addressing the root causes of trafficking is the baseline for the development of adequate prevention measures. In 2016, the NCCTHB expert team embarked upon an extensive mapping exercise focusing on vulnerable communities across Bulgaria. The mapping was seen as a necessary and a valuable step for more targeted and effective prevention campaigns among the respective vulnerable communities, adjusted to their specific situation and needs. The Commission has also been collaborating in different international projects.
104. NCCTHB conducts annually three national campaigns aimed at raising awareness among members of the public on labour exploitation, sexual exploitation and novel forms of trafficking, new developments in combating the crime. Each of the 10 Local Commissions has a network of volunteers who conduct information and prevention sessions. Annually, the Secretariat of the Commission, with the support of the Local commissions and other experts from institutions and NGOs, organizes Annual Academy for Volunteers against Trafficking. The Commission also organizes specialised trainings for specialists, social workers, volunteers, lawyers, pedagogues, magistrates and community police.
105. NCCTHB has been focusing over the last three years on new forms of trafficking and novel methods for recruitment: risks of trafficking among third-country nationals linked with the migration crisis; trafficking of men and boys for the purpose of sexual exploitation; trafficking for the purpose of sham or forced marriages; and the use of ICTs. The NCCTHB has been organising annual international events and local forums on each of these topics, aimed at generating expert discussion, exchanging of good practices and awareness raising among the larger public.

106. The total capacity of the specialized services of the NCCTHB is 34 persons. In the period 2014 – 2016, 58 persons were accommodated and provided assistance and support. In the first nine months of 2017, the number of people accommodated and assisted was 17. The crisis centre for child victims of trafficking in Sofia is the first profiled service in Bulgaria addressing the needs of this particular target group. The shelter for subsequent re-integration of victims of trafficking is also the first one in the country that serves as an economic measure to support victims of trafficking in providing the possibility for long-term integration through empowerment. In addition, a total of 14 crisis centres for children victims of violence and human trafficking with a capacity of 145 persons and 8 crisis centres for adult victims of violence and human trafficking with a capacity of 66 persons operate in the country. Most of the crisis centres are managed by NGOs as a state-delegated activity.

107. Social assistance, in the form of cash and/or in kind benefits, is provided to citizens who, without the help of others, cannot satisfy their basic life needs. One of the conditions for granting monthly social assistance is the unemployed persons of working age should have a 6-month registration in the “Labour Office” before submitting an application for monthly social assistance. For victims of trafficking, this period is 3 months from their return to the country, from the termination of their stay in the shelters for temporary accommodation or after the conclusion of the criminal proceedings.

#### **Response to issues raised in paragraph 14**

108. The information on the number of reported cases of exploitation of women in prostitution, on corresponding investigations, prosecutions and convictions and on the penalties imposed is provided in **Annexes 5** and **6**. The strategies for prevention of exploitation of women and girls in prostitution are part of the strategies and measures taken by the service providers financed by the NCCTHB, which also operate the shelters and centres of the Commission. The measures further aim at preventing the re-trafficking of women, and include, inter alia, intensive support during the criminal proceedings. Also part of this measure (a standard operating procedure of the NRM) are programmes concerning empowerment and for supporting victims for an independent leaving. As economical measure, the NCCTHB established a specialized shelter for temporary accommodation and long-term reintegration. The facility is for victims who are more or less stabilized, who have found an employer and need some more economical support in order to be fully independent. The support centres to the Commission also consult and support women who have been in prostitution, offering all available services, including sessions on strategies of exiting prostitution and exploitative practices.

109. The Commission has collaborated with NGOs (A21 Campaign Foundation) on concrete cases of empowering women who are sex workers and want to exit prostitution (vocational trainings and building skills; medical and humanitarian support etc.).

110. The competent MI authorities are engaged in cooperation at the national and international level. Joint investigation teams are one of the most successful tools for combating human trafficking in international police cooperation. To date, the MI General Directorate for Combating Organised Crime takes part in six teams with EU Member States for the investigation of human trafficking. Adequate professional training of the officers directly involved in combating trafficking in human beings is one of the major factors of coping with the problem. The police staff has been introduced to the legal framework, the main characteristics and trends, the specific means and methods for preventing, detecting and neutralising cases of trafficking, as well as with the specificity of handling victims of trafficking.

111. Information materials prepared by the NCCTHB and NGOs under various projects concerning the suppression of human trafficking in all its forms and stages of manifestation have been provided to all territorial structures of the MI Border Police General Directorate and the border-crossing checkpoints. Victims and traffickers' risk profiles have been included in the annual training curricula (including collection of initial information from victims and from/about traffickers, identification of vulnerable persons in need of international protection from among potential victims of trafficking, etc.) Trainings address all forms of trafficking and measures for guaranteeing the rights of victims.
112. Operative information about possible victims and their traffickers is exchanged in real time between police officials of the EU Member States and the Republic of Bulgaria. The MI pursues exceedingly successful cooperation with the non-governmental sector, with a view of providing support to trafficked persons and for constituting them as witnesses in criminal proceedings against traffickers in Bulgaria or abroad. MI officials inform possible victims of trafficking of their rights, possibilities for legal defence and compensation.
113. When cases of human trafficking are being investigated, a check for criminal activity involving money laundering is initiated as well. Annually, the MI provides the NCCTHB with all available information concerning detected cases of human trafficking in all its manifestations. Implementing a project "Towards a Pan-European Monitoring System of Trafficking in Human Beings", financed by the European Commission and the Prevention of and Fight against Crime Programme, the NCCTHB annual programme includes the establishment of a Single Monitoring and Data Analysis System for Trafficking Victims and Perpetrators.

#### **Response to issues raised in paragraph 15**

114. The principle of equality between women and men is rooted in the social, cultural and political aspects of life in Bulgaria. Historically, women have taken high level political positions and this trend continued in the reporting period. A lot has been achieved in the field of gender equality in the economic, social and political life, including through the adoption of the EWMA in 2016. The Act establishes legal prerequisites for the effective management of the policy through regulation of the national mechanism at high normative level for the implementation of unified state policy in that field. The creation of effective national institutional mechanism is required for the optimization of the model for distribution of the managerial responsibilities between the relevant authorities, clear taking of commitments, better management of the policy performance process and the resources, required for that.
115. After the adoption of the Act, 28 gender equality coordinators (and 12 deputies) were assigned at a regional level, which are officers of all regional administrations in the Republic of Bulgaria. The coordinators were trained in order to improve their awareness in the field and the implementation of gender equality policy. The introduction of the regional coordinators in the implementation of the gender equality was crucial, because it provides information, used subsequently in decision-making by the central level concerning each region
116. During the presidency of the Council of the EU (1 January - 30 June 2018), Bulgaria undertook a lot of activities and initiatives at national and international level. On 19 July 2017, during the Informal meeting of the ministers of employment, social activities, family and gender equality, the Trio – Estonia, Bulgaria and Austria, signed Declaration

on equality between women and men. The Declaration consists of the political priorities concerning gender equality and activities, related to them. The Declaration is further based on the subsequent actions, in relation to the European pact for gender equality (2011-2020), the strategy "Europe 2020", the Beijing declaration and platform for action and the strategy engagement of the Commission for gender equality for the period 2016-2019. Bulgaria outlined the following key activities within the text of the declaration:

- Organization and conduction of meeting of the High-level group on the matters of gender equality in Sofia in the period 31.01-01.02.2018;
- Cooperation with the European Institute for Gender Equality (EIGE) with focus on the subject: "Women in digital world";
- Introduction/inclusion of matters concerning the articulation of women in the area of digitalization at all appropriate events during the Bulgarian presidency;
- Engagement with the work group of social matters on the package for work-life balance, especially on the proposed Directive on work-life balance for parents and carers and for repealing of Directive 2010/18/EC;
- Organization of an event during the 62nd session of the UN Commission on the Status of Women.

117. The MLSP assigned the EIGE to initiate a research on "Equality between women and men in digital world". The idea is based on the latest Eurostat data, according to which Bulgaria is holding the first place in the EU in the share of women and girls, employed in the sector "Information and communication technologies", with 27.7%, while the average percentage for EU is 16.1%. Bulgaria is also holding the first place of IT women specialists, which are almost 30% against 16% on average base for the European Union. The professional participation of women in the IT sector is accompanied with its specific challenges and perspectives, but there is no doubt that with the participation of women in this sector, dominated mainly by men, they give their contribution to the development of the modern society. In addition, the subject of digital competence is becoming more and more topical, in the context of coping with the challenges of the modern society. The technological changes continue to transform the labour market by offering new employment opportunities, but also hide potential risks to those who have lower qualifications in the field of ICT.

118. The subject-matter on participation of women was streamlined in all appropriate events during the Bulgarian presidency of the Council of the EU:

- High-level conference "The future of labour: approach, based on life cycle", 21-22 March 2018, Sofia;
- Informal meeting of the Employment, Social Policy, Health and Consumer Affairs Council of the EU, 17-18 April 2018;
- Conference SHE leader@digital 2018, 12 April 2018, Sofia.

119. The Bulgarian presidency also achieved significant success in the Draft of a directive concerning the work-life balance between parents and carers. Furthermore, in 2015, the MLSP completed a project, entitled "Equality in decision taking in economy". The target of the project was the creation of supportive environment for encouragement of the balanced participation of women and men at managerial and senior positions, at different levels of the hierarchy of the companies. During the implementation of the project an analysis of the situation in Bulgaria was conducted, several forums and meetings were organized (with the participation of CEDAW), positive models were promoted and methodological guidelines were developed for the management of the companies on the improvement of the gender balance in economic decision-making and action guidelines. As a result, the project raised the public awareness among the target groups and the

general public on the economic decision-making and the requirement for improvement of the gender balance among the senior management positions in Bulgaria.

120. In 2017, the World Economic Forum published its 2017 Global Gender Gap Report which ranked Bulgaria 18 among the 144 world countries surveyed (41st in 2016), which represents a closing of 76% of the country's overall gender gap. This is mostly due to the notable progress on the Political Empowerment sub index, in particular with regard to gender parity in ministerial and parliamentary positions.
121. As of December 2018, there are two female Deputy Prime Ministers and four female Ministers in the Government of Bulgaria. Women prevail at the level of director and head of department within the central administration. Women are actively represented within the management and administration of the local authorities.

### **Response to issues raised in paragraph 16 and 17**

122. According to the Pre-school and School Education Act, one of the main principles of the preschool and school educational system is equality and non-discrimination. The requirements for employment of experts in the regional education departments, school and teacher directors are gender neutral. The employers provide equal opportunities for all regardless of sex, ethnicity, religion, disability and sexual orientation.
123. A key priority for the Ministry of Education and Science is the support of all pedagogical specialists in the pre-school and school educational system as well as the attraction of young people to the teaching profession. In this regard, a series of measures are being taken to attract and retain motivated pedagogical specialists, to ensure equal opportunities for professional development as well as to support the transition from work to retirement, namely:
- The salaries of pedagogical specialist were increased by 15% by 01.09.2017 and doubling of the teachers' salary was guaranteed until the end of the government's term.
  - Social incentives are provided to support the pedagogical specialists working in small settlements and their place of residence, such as reimbursement of transport or rental costs at the workplace by institutions in pre-school and school education, allocating funds for representative clothing, etc.
  - A state educational standard for the normalization and remuneration of labour has been introduced.
124. In the 2016/2017 academic year, the number of pedagogical specialist is 89 044. Of them, 77 435 are women, which comprise 86.61% of the total number, underlining the pronounced tendency for the selection of the teaching profession mainly by women thus feminizing the profession. As incentives for the inclusion of young people, incl. women, in the education system, the Government undertakes measures to improve the social status of teachers. The measures include improving the attractiveness and accessibility of the available lifelong learning opportunities for teachers; developing new curricula; inclusion of modern technologies; skill-oriented education; etc.
125. In a survey on grownup education and training at the end of 2016-beginning of 2017, the participation of the 25-64-year-old population in the various forms of lifelong learning is as follows:
- In formal education and training, 113.9 thousand people been registered, accounting for 2.9% of the population of that age. Of these, 62 111 (3.2%) are women and 51 785 (2.6%) – men;

- 891,1 thousand people participated in at least one informal training, of whom 452 152 (22.6%) are men and 438 961 (22.3%) are women;
  - 2 013 4 people, or 50.8% of the population aged 25-64, participated in a self-directed educating. Of these 1 031 086 (52.5%) are women and 982 328 (49.1%) – men.
126. The overall results show that women in Bulgaria are more active in participating in learning activities throughout their life. As a result of the research, it was concluded that women in the science sphere comprise half of the scientists in the country (46%).
127. In the implementation of the National Program “Qualification” for 2017, trainings of pedagogical specialists were conducted for the acquisition of basic skills and techniques for building practical skills for working with people with aggressive, deviant and delinquent behaviour and with people victims of emotional neglect, misuse and exploitation. The trainings were aimed at combating bullying, violence, including gender-based violence, as well as for the prevention and overcoming of sting and prevention of aggression. In total 270 pedagogical specialists were trained.
128. Data from the statistical source for gender equality in science and technology “She Figures” shows that in 2010 the percentage of women in science in Bulgaria is 50%, with an EU-27 average of 32%. A national scholarship program “Women in Science” was established within the framework of the international cooperation between L’OREAL and UNESCO. The programme rewards a scholarship of 5000 euros to Bulgarian women scientists from different academic backgrounds.
129. Information on employment in the “Science” area is available in **Annex 7**. The data is prepared on the basis of the latest information provided by the National Statistics Institute.
130. According to Eurostat data, the dropout rate in Bulgaria for 2017 is 12.7%. There is a tendency for decrease since 2016 when it was 13.8%. Women who have left the school system are 13.5%, while men are 12% of the general population. Given the need for serious steps to overcome these tendencies, in 2017 a Mechanism was created for keeping children and students in the educational system. It is in line with the Plans for the implementation of the Strategy for Preventing and Reducing the Share of Dropouts and Early Leavers of the Educational System (2013-2020). The mechanism is comprised by teachers, principals, psychologists, police officers, social workers and others and operates all year round in different regions of the country. For the first year of its operation, the Mechanism has returned 23898 pupils back to the classrooms.

### **Response to issues raised in paragraph 18**

131. As a result of the economic recovery after the crisis, positive tendencies are observed at the labour market – increase of the employment and reduction in the unemployment during the period 2014-2017. According to the data of the Workforce observation, performed by the NSI, in 2017, the number of employed women at age 15-64 years grew by 50.7 thousand in comparison to 2014 and their number reaches 1,434.8 thousand. For the same period, the growth in employment of women is 4.9 percent points, respectively up to 63.1% in 2017. In 2017, the employment coefficient of men is 70.6%. The difference in employment between women and men of the age group 15-64 years grows from 5.7 percent points in 2014 to 7.5 percent points in 2017. During the first quarter of 2018, the employment coefficient of women of the age group 15-64 years is 62.8%. For the period 2014-2017, the employment of women in the age group 20-64 grows with 5.3 percent points to 67.3%. In the first quarter of 2018, the employment coefficient of women from that age group is 67.1%.

132. According to employment status, the women are 28% (32.3 thousand) of the employers (114.8 thousand) and self-employed (235.3 thousand) - 36 % (84.6 thousand). Out of the employed women (1,467.7 thousand) 3% work part-time. In 2017, the ratio between the women, employed full-time and part-time (totally 1, 3335 thousand) is 96%:4%. According to the results of the research, 1% of all employed women work without employment contract, similarly to the situation in 2014.
133. Compared to 2014, in 2017, the number of unemployed women (15+ years) is estimated to be reduced by 70.3 thousand. The unemployment coefficient for women is 5.9%, with 0.5 percent points lower, compared to men. The reduction of unemployment among women is 4.5 percent points for the period 2014-2017. For the same period, the difference in unemployment rate between the two genders is reduced from 1.9 percent points to 0.5 percent points. In the first quarter of 2018, the unemployment coefficient for women (15+ years) is 5.1%.
134. During the period considered, more than half (50.2%) of all persons included in the active labour market policy initiatives are women. These policy initiatives are implemented by the Employment Agency, funded by the state budget and co-financed by the European Social Fund. Over 117 thousand women (out of a total of 234 thousand persons), are in employment, incl. 84 889 women (56.5% of all persons in employment) and 33 385 women (39.2% of all persons in employment) – in training and employment.
135. For the period 2014-2017, the number of registered unemployed women is reduced by 68,791 and it reaches 130,556. They remain the predominant share of unemployed individuals. In 2017, the ratio women to men is 55.1%:44.9%. In May 2018, the share of the registered unemployed women within the total number of unemployed individuals is 56% (111,595). According to the data of the Employment agency, the number unemployed women, who identified themselves as Roma, registered at the Employment Offices is reduced by 30,268 for the period 2014-2017. The unemployed Roma women in June 2018 are 18,089. The ratio women: men is 57%:43%. The active intermediary activities of the Employment Offices play significant role for the reduction of employment among the Roma women by providing of activation services, available through Roma mediators and case managers, participation in programs and measures for training and occupation, funded by the state budget and by the Operational program "Human resources development" (OPHRD, 2014-2020). Additional information is available in **Annex 8**.
136. According to Regulation (EU) No 1303/2013, the Government encourages the provision of equal opportunities and prevention of discrimination during all stages of implementation of the OPHRD and all employment and educational measures.
137. One of the priority directions of the Updated employment strategy of Republic of Bulgaria (2013-2020) is related to the increase of offering of workforce. This covers a wide range of measures, among which is the establishment of conditions for combination of family and professional life. A key role for the better balance between work and family is played by services for taking care of children and elders, which are accessible and with good quality. The successful transfers at the labour market is supported by the encouraging measures, which provide training for update of the knowledge and skills after parent leave and employment of unemployed parents. The wider application of the flexible employment forms also provide opportunities for the parents to take care of their children while working.
138. The performance of the targets and measures of the previous Updated employment strategy of the Republic of Bulgaria 2008-2015 contributed to the reduction of the

vertical and horizontal professional gender division. The MLSP encourages the participation of women at the labour market. Initiatives, programs and measures for increase of the competitiveness of women at the labour market are realized through their inclusion in vocational training and key competences trainings. Part of the expenses of the employers for salaries and insurance contributions are covered by funds of the state budget, when unemployed single parents and mothers with children of age up to 5 years are employed. There is a specific measure, regulated in the Employment encouragement act, which encourages the employers, who open working positions and provide full-time and part-time employment to unemployed individuals - single parents (adoptive parents) and/or mothers (adoptive parents) with children of age up to 5 years. An opportunity for professional training is provided for the parents.

139. After amendments in 2017, individuals, who start employment in a town/city, located at more than 50 km from their place of residence, are supported by provision of funds, covering the fees for nurseries, kindergarten, rent for a home and fees for Internet access and usage.
140. The Bulgarian legislation provides for various measures for support and protection of individuals, who would like to use, are in the process of using or are coming back at work after maternity leave, parental leave or leave for taking care of a child. Cases concerning adoption are also covered. When a parent, on a pregnancy and birth leave, or leave for taking care of a child, comes back to work, he/she is entitled with the right to occupy the same position or a similar one, and to take advantage of any improvement in the working conditions. Additionally, the worker or employee is entitled with the right to propose to the employer a modification of the duration and the distribution of his/her working hours, for a specified period of time or other modifications of the employment relationship, which will make the coming back to work more easier. In order to encourage the more successful combination of labour and family obligations of the worker/the employee, the employer must take under consideration the proposal for modification, when such an opportunity is existent in the work place.
141. Additionally, the labour legislation provides for leave for medical check-ups of pregnant workers/employees, including those in advanced stage of in-vitro treatment. The duration of the leave is determined, based on the time, required for the performance of the medical check-up and is certified by the health-care authority. The leave is paid for by the employer. Furthermore, the mother or adoptive mother has the right to leave for breastfeeding and feeding of the child, if she returns to work before the expiration of the official leave.
142. New provisions in the labour and insurance legislation, since 1 June 2017, encourage the earlier return of the mothers to the professional life. It is provided for the worker or employee to have the right to monetary compensation, equal to 50% of the entitled compensation, if she/he terminates early or does not use pregnancy and giving birth leave.
143. Moreover, the employer cannot assign or force pregnant and breast-feeding women, as well as workers and employees in advanced stage of in-vitro treatment, to do work, which poses a risk or jeopardizes their security and health, including covering night shifts. The overtime work and work during the night is not allowed for mothers with children at age up to 5 years, as well as to mothers, who are taking care of disabled children, no matter of the age of the child, with the exception of their written consent.
144. A worker or employee, who is using a leave, can be dismissed only in case of closing of the work place. In case of dismissal on disciplinary grounds, an advanced

permission of the Labour Inspection Authorities is requested. The termination of the employment contract of a mother of a child at age up to 3 years, worker or employee, who is transferred to another position, is possible only with permission of the Labour Inspection Authorities. For workers, who are transferred to another position, the opinion of labour-expert commission is taken in consideration.

145. Measures for encouragement of the participation of women on the labour market and combination of the professional and personal life are also applied by OPHRD, in the framework of which the horizontal principal for women and men equality is applied as well as the limitation of forms of discrimination. The total number of participants, included in activities of the operations up to the present moment is 125,494, out of which 69,050 are women (55%). The positive results shown above are due to the implementation of projects for employment and education, which particularly emphasis on the overarching principle of gender equality.

### **Response to issues raised in paragraph 19**

146. According to Eurostat data, In Bulgaria, the gender pay gap stands at 14.4%, while the average gender pay gap in the EU is 16.2 % (2016 data). The NSI estimates the percentage for 2017 to be 13.2%.

147. Anti-discrimination rules are introduced to protect employees exercising their right to work. The employer has direct obligations related to: ensuring equal working conditions, equal pay for equal work, equal opportunities for training, vocational training and retraining, as well as opportunities for professional development and advancement in rank and position in the application of objective criteria for the assessment of their activity.

148. Within the framework of a national representative sociological survey of the CPD, some of the respondents pointed out that there was unequal pay between men and women under the same working conditions and that there were job descriptions to the detriment of women. According to the study, pregnant women also appear (especially in some regions) to be subject to violations of the law and of their right to work, including with respect to vacation leave or sick leave, when being dismissed or not preferred to be in employment. In some cases of such discriminatory practices, the root causes are not so much the neglect of the labour rights, but the reluctance to follow the bureaucratic procedure for granting vacation and sick leaves.

149. The independent report entitled “Discrimination and the Protection of Women in the Field of Labour” presented in April 2018 contains specific recommendations and guidelines for preventing and protecting women from discrimination in the field of work. The report shows that the participation of women and their behaviour on the labour market is currently determined by the development and requirements of new technologies and information flows, which implies the need for high quality female workforce in the context of labour-market competition. A key contribution of the report is the identification of communities of women who are at greater risk of discrimination.

150. The Second Specialized Permanent Sitting Panel of the CPD examines complaints and signals on the grounds of sex, trade union affiliation, sexual harassment and complaints concerning the exercise of the right to work under the PaDA. The files considered by the Second Permanent Panel, in which discrimination on the ground of sex has been established, are mostly based on complaints where the principle of equal pay for equal work in the PaDA has been violated. In similar cases in the reporting period, the

CPD has imposed the employers with fines and the obligation to draw up clear and specific guidelines for compliance and enforcement of the provisions of the PaDA.

### **Response to issues raised in paragraph 20**

151. The Ministry of Finance does not accumulate data on the effect of low tax contributions on the high rate of informal and undeclared employment of women and girls. Tax and social security legislation and practice are consistent with the provisions of the Convention.
152. The implemented social assistance policy takes into account the main European priorities, the dynamics of the socio-economic processes and the specific conditions and environment in Bulgaria in order to provide adequate social protection for the most vulnerable groups. The principle of equal treatment is enshrined in the current legislation in the field of social assistance. The granting of social benefits does not allow direct or indirect discrimination of persons based on sex, race, nationality, ethnicity, human genome, citizenship, origin, religion, belief, education, political affiliation, personal or social status, disability, age, sexual orientation, material status, property status or any other feature established by law or by an international treaty to which the Republic of Bulgaria is a party.
153. Under the provisions of the Social Assistance Act, social assistance is provided in a way that preserves the human dignity of citizens and is based on social work, applying an individual approach and a comprehensive assessment of the needs of individuals and families. The basis for determining the amounts of social benefits in order to provide a minimum income to satisfy the basic living needs of the persons according their age, material status, health and property status, employment and schooling is the guaranteed minimum income (GMI), which in 2018 is increased to BGN 75. A system of adjusting rates is used, which reaches 165% in relation to the established criteria. Depending on the degree of risk, 11 risk groups with different sizes of differentiated minimum income were defined.
154. In 2018, a new Social Services Act was adopted. It regulates the provision, usage, planning, financing, quality, control and monitoring of social services in the Republic of Bulgaria. The main objectives of the law are to guarantee access to services, their quality and efficiency, and the right to live in the home and the community as well as promoting an integrated approach and public-private partnership. Social services are defined as activities to support prevention and / or overcome social exclusion, empowerment, and improve quality of life. They are based on social work, individual approach and individual needs assessment. All persons, not just vulnerable groups, shall be entitled to publicly accessible social services. These include information, counseling and training services for the realization of social rights and skills development.
155. People's access to social services will be easier, not only through a supported informed choice of service and of provider, but also through the removal of certain formal requirements and by creating a national map of social services. The Act is expected to enter into force in its entirety by 2020.

### **Response to issues raised in paragraph 21**

156. The Republic of Bulgaria actively contributes to the Europe 2020 Strategy for Smart, Sustainable and Inclusive Growth. The National Health Strategy 2020 provides for basic measures aimed at improving access to and addressing health inequalities by developing an integrated emergency care system, optimizing hospital and outpatient care, developing

eHealth, effective drug policy, improving quality of medical care and patient safety. The implementation of the measures aims to increase the efficiency of the system and equitable allocation of resources to the needs of the population.

157. The Action Plan for the implementation of the Strategy, programmes and projects are carried out in close cooperation with the institutions and NGOs and has been developed to respect the continuous and systematic implementation of the Convention requirements, whereas some of which have achieved results higher than expected. Some of the innovative forms of integrated health and social services are health-counselling centres, mobile consulting rooms and teams, health mediators and fieldwork, preceded by or supported by a number of awareness campaigns to ensure that women in the state are informed and aware of their rights under the Convention.
158. The National Action Plan 2015-2020 sets out the following objectives:
- Preventive care for maternal and child health care;
  - Ensuring equality of access to health services for disadvantaged persons belonging to ethnic minority groups;
  - Increasing the number of qualified Roma working in the health system. Developing different forms of work for and within the community - mediation, health-social centres;
  - Raising health knowledge and providing access to health information;
  - Extending the coverage of disadvantaged health insured persons belonging to ethnic minority groups, including the group of long-term unemployed.
159. The implementation of all programmes and projects is in line with the National Strategy for Roma Integration of the Republic of Bulgaria (NSRIRB, 2012-2020) and the Roma Integration Programme 2012-2020. These relevant policies were drafted in consultation with Roma communities, the civil sector, the responsible public institutions and academia. In the implementation of the activities, efforts were directed towards informing and educating both sexes on overall health, health insurance, immunization, HIV, AIDS, sexual and reproductive health, with focus on early pregnancy. In accordance with the Human Rights Council's requirements, appropriate family planning services and affordable contraceptives are offered as a preventative tool for birth control in order to avoid abortion.
160. To increase the level of prevention activities in remote or difficult-to-access areas, the Ministry of Health has provided mobile consulting rooms and teams for uninsured persons, including of Roma origin, and with impeded access to medical establishments. In 2017, a total of 1799 examinations were conducted with mobile paediatric consulting rooms; immunizations/reimmunizations were performed, diseases were diagnosed and appropriate therapy was prescribed. During the same year, 1018 screenings for breast cancer prevention were performed with mobile mammography consulting rooms, with 681 women diagnosed with diseases. With mobile gynaecological consulting rooms, 2,055 examinations were performed, in which 859 women were diagnosed with diseases, mainly in the cervix, with the average age of the patients being 40-50 years. All were directed to the appropriate physicians for treatment.
161. Regional Health campaigns are conducted focusing on reduction and prevention of infectious diseases and child mortality. Inspectorates, general practitioners and municipalities focus their efforts on vulnerable groups of Roma population. In the recent years, the Network of Health Mediators has achieved positive results in raising awareness on health related issues among Roma population. From 170 people working in 101

municipalities in 2015, the network has grown to 215 people in 115 municipalities in 2017.

162. The National Programme for the Prevention and Control of HIV and Sexually Transmitted Diseases includes the Prevention and Control of HIV/AIDS Programme, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria. This is the largest health programme in Bulgaria for long-term prevention of HIV infection. All high-risk groups are reached including: drug users; sex workers; the Roma community; prisoners; and people living with HIV/AIDS. With the assistance of over 50 NGOs, services are provided locally. There are Prevention and Information Centres in the 28 regions of the country. Currently, health and sex education is part of the secondary school programme. Several national campaigns are conducted annually, with anonymous and free counselling services for HIV/AIDS, and free distribution of condoms and health education materials. The approach is non-discriminatory and conforms to the international standards. 2 980 people from the Roma community have been reached among the highest risk groups of drug users. In response to the 26<sup>th</sup> session of the Crime Prevention Commission, experts from the Ministry of Health took part in an expert group on developing a UNODC Technical Guide to Prevention of mother-to-child transmission of HIV in prisons.
163. The quality of medical services for pregnant women, mothers and children improved, as a result of the successful implementation of the measures set out in key strategic documents: Concept Objectives for Health 2020, National Health Strategy 2020 and National Development Programme: Bulgaria 2020. Medical services organization guarantees equal treatment in diagnosis and treatment, and the observance of the requirements for timeliness, quality and continuity of the diagnostic-treatment process.
164. Under the National Programme to Improve Maternal and Child Health 2014-2020, health services outside the scope of health insurance are provided. Early diagnosis and the complex treatment of certain diseases significantly improved. The Health and Counselling Centres for Maternal and Child Health provided consultations and home visits to uninsured women of the Roma ethnical group, nursing mothers, children with disabilities, chronic diseases and premature babies. Further counselling is provided on risk pregnancy. Medical services to almost 7000 uninsured women were provided for birth, examination and research, outside the scope of compulsory health insurance throughout the country in 2017. In line with the international recommendations, the number of screenings targeted for the first trimester of pregnancy has been increased and those in the second are reduced. .
165. The BG07 Programme for Initiatives Public Health focuses on five areas: reproductive health, protecting children's health, mental health, improving health care management and specific challenges for the health of Roma population. 29 projects were implemented through this programme. 436 high-tech medical devices have been delivered and 131 medical specialists attended trainings, contributing to the quality of prenatal diagnosis and neonatal care in 33 hospitals in the 28 regions of the country. As a result, infant mortality rates decreased, while the detection rate of malformations during pregnancy increased. The programme provided 8022 home visits with free medical examinations and counselling for pregnant women and children up to 3 years of age, focusing on risk groups, particularly the Roma population. Parental Training was conducted for over 1600 people. This allowed many Roma women and children to receive adequate medical care and treatment. The beneficiaries themselves are willing to actively contribute to the implementation of more information events and meetings, as well as to the organization of mutual assistance groups. Campaigns were conducted to raise awareness on issues related to maternal and child health protection, parenting skills,

health insurance rights, prevention, contraception and access to various health, social and other services. As a main result, a number of delusions have been eliminated in some communities, including on contraception. After clarifying the importance of health insurance, the number of health-insured women and children has increased.

166. Under Programme BG07, three projects have been implemented, aimed at improving access to sexual and reproductive health services for adolescents between age 10 and 19. The projects focus specifically on vulnerable groups. Provided were more than 1500 medical examinations of individuals in the target groups and over 5400 medical consultations. More than 6,000 sexually transmitted disease tests have been conducted; medical supplies and equipment have been delivered to meet growing needs. Comprehensive health services for family planning and contraception of the target groups, especially of Roma adolescents, have been provided.
167. A Centre for Family Planning, Sexual and Reproductive Health has been established under the Establishment of Family Planning and Prevention of Reproductive Health in Children and Adolescents at the age of 10-19 years of age project. 604 girls (over 50% of Roma) were examined for sexually transmitted infections and had gynaecological counselling. Medical professionals and psychologists for sexual health and family planning issues have consulted 96 young people (more than 50% of Roma origin). 32 health education activities were conducted for the target groups. Active campaigns in Roma population areas with the assistance of NGOs and schools have created relationships of trust between medical professionals and young people. Psychological counselling was also provided.
168. Furthermore, financial support was provided to 135 Roma students and doctoral students, mostly women, for training fees and scholarships. After graduation, they will support the Roma population, knowing their mind-set and traditions, which will facilitate the trust between doctors and patients.
169. The National Health Insurance Fund is actively involved in health care by providing a budget-guaranteed package aimed at early diagnosis and timely treatment for the prevention of permanent disability or adverse outcome. The fund provides access by age groups to prevention, dispensary and follow-up examinations as well as studies for those at risk of developing socially significant diseases - diabetes mellitus, cardiovascular and certain oncological diseases (cervical and breast cancer). A Public Patients' Rights Council has been set up with basic functions - monitoring and analysis of activities related to patient rights, implementation of the legal framework, and proposals for amendments or additions to it. Under the PaDA, any citizen, regardless of sex, may lodge a complaint with the CPD, and on the basis of the opinion received, an action may be brought for damages, the amount of which is ruled out by the court.

### **Response to issues raised in paragraph 22**

170. The definition of rural areas in Bulgaria is based on two criterion – the population density and the population in the town serving as a municipal centre. Based on these classifications, 231 municipalities out of 264 are defined as rural; they cover 81.4 % of the national territory and 42% of the Bulgarian population lives in these areas. However, the lack of specific statistical data on the rural areas requires the use of the EU definition for rural regions. According to it, there are three types of regions – predominantly rural, intermediate and predominantly urban regions. Following this classification, the 28 regions in Bulgaria are to be considered as follows: seven predominantly rural regions (RR); 20 intermediate regions (IR) and one urban region (UR) – Sofia grad. For all

categories, there is a positive development in 2016 compared to 2013. Statistical data is available in **Annex 9**.

171. Gender equality is a basic preliminary condition for the Rural Development Programme 2014-2020 and is applicable to all measures. Information, expert assistance and capacity building training is provided to current and potential beneficiaries – both women and men. The creation of jobs and secure incomes is fundamental in all investment projects under the Programme. The Social and Economic Development of Rural Areas goal aims at providing new jobs, poverty reduction, social inclusion and better quality of life in three priority areas, namely:

- Facilitating the diversification of the economy and creating new jobs;
- Enhancing the territorial competitiveness of rural areas by improving the quality of life, business conditions, including by exporting the socio-economic potential of rural areas by stimulating community-led local development under the LEADER approach;
- Ensuring equal access for the rural population to employment and business opportunities.

172. The interventions contribute to development of the economic potential, preservation of the demographic prospective; and social inclusion of the unemployed, especially the vulnerable groups, including women and Roma. The Northwest region is also set up as priority.

### **Response to issues raised in paragraph 23**

173. The NSRIRB is the document outlining the long-term government vision for effective Roma integration. In order for the plan to be implemented, established were 28 regional strategies and 220 municipal action plans. The strategic goal of the document is to create conditions for equitable integration of Roma and Bulgarian citizens, belonging to other ethnic groups, in the social and economic life by ensuring equal opportunities and equal access to rights, goods and services, by involving them in all public spheres and improving their quality of life. The Strategy promotes non-discriminatory access to education, health, employment, housing, with an emphasis on the rights of women and children, protecting public order, prevention and combating any manifestations of intolerance and hate speech. Progress in implementation of the NSRIRB is provided through the established system for monitoring. It includes information at municipal, regional and national level in a unified information platform. It is a reliable tool for developing and improving policies, incl. to assess their effectiveness, efficiency, sustainability, and spending relative to their impact.

174. The Secretariat of the National Council for Cooperation on Ethnic and Integration Issues successfully implemented the “T.E.A.M – Together wE Achieve More” project. Its main objective is to strengthen the national consultative process through the launch of a National Roma Platform. The Platform is seen as a mechanism of dialogue, exchange, involvement and cooperation between all stakeholders relevant to the NSRIRB. This is in line with promoting the principle of non-discrimination on various grounds. Thus, the National Roma Contact Point is reinforcing the existing consultation process for active partnership and dialogue among all stakeholders, covering the national territory. Under the project, two discussion meetings were organized with relevant stakeholders focused on Roma youth development and Roma women, aiming at capacity building and empowerment. These matters are also part of the six regional trainings. As a result, an enhanced capacity of relevant stakeholders, including Roma youth and women, and regional/local stakeholders was achieved.

175. Bulgaria further takes part in the JUSTROM programme. This is a joint programme of the European Commission and the CoE on Access to Justice for Roma Women and Travelers in Bulgaria, Greece, Ireland, Italy and Romania. The program provides free legal counselling and services for Roma women, children or other minority groups. These services include counselling on matters related to domestic violence, sexual abuse, trafficking in human beings, discrimination, harassment at work, divorce, parental rights, visit, contacts, allowance, adoption, police harassment and violence, social assistance, health care, replenishment of documents and papers to offices and institutions. The program provides legal information, advice, assistance through the establishment of two legal clinics in the cities of Veliko Tarnovo and Plovdiv. It also aims to increase the capacity of the judiciary and the law enforcement authorities in order to apply anti-discrimination standards. The program further enhances synergy and coherence between the institutional frameworks of the EU and the CoE, national Roma integration strategies and civil society initiatives.
176. For the period 2017-2018, more than 1000 persons were informed about the program and were legally advised. More than 200 people have been assisted in submitting applications and complaints to the relevant institutions. Most of them are Roma community women. Over 180 of the counselled cases concerned issues related to gender-based violence, including domestic violence and human trafficking. A significant number of cases concern issues of origin, family matters, access to basic services, including water and communication services, access to employment and social assistance as well as criminal and enforcement proceedings.

## **Response to issues raised in paragraph 24**

### **Discrimination**

177. With regard to statistics on the situation of disadvantaged groups, the CPD publishes independent reports in the field of gender tolerance and non-discrimination in combination with others grounds. Some of the most significant achievements are: "Discrimination and non-objective attitudes based on ethnicity, sex, disability, sexual orientation, age and beliefs" (2007); "National Representative Sociological Survey Organised on a Territorial Principle for Identifying and Developing Profiles of Groups and Communities Most Affected by Risk of Discrimination" (2016); "Discrimination and Protection of Women in the Field of Labour" (2018).
178. The mechanisms for protection against discrimination, set out in the PaDA, apply to all individuals on the territory of the Republic of Bulgaria, including Muslim women. Regarding the equal participation of Muslim women in political and social life, the CPD contributes to ensuring the equal exercise of rights and equal participation in the political and social life of all persons on the territory of the Republic of Bulgaria, including the Muslim women, through:
- Activities to change the institutional environment and public attitudes that impede equal participation in political and social life;
  - Activities for the development and consultation of national policies and legislation in various thematic areas, including equality and equal participation in political and social life through cooperation with the executive authorities;
  - Activities for protection of the right to equality in the political and public life through the specialized proceedings before the CPD.
179. Regular awareness-raising campaigns and trainings of representatives of state authorities and local government are being conducted to disseminate information about

the legal framework for protection and prevention of discrimination in Bulgaria. This includes ensuring balanced participation of women and men in the field of education and training; special measures in favour of persons or groups of disadvantaged persons; balanced participation between men and women and representative participation of vulnerable linguistic, religious and ethnic groups in decision-making, etc.

180. In 2017, experts and members of the CPD held six training seminars as part of the project "Prevention of Discrimination and Equal Opportunities". Further to that, 800 information meetings and workshops and 97 roundtables and discussions were held, promoting the Commission's activity to protect against discrimination.

181. The right of all persons to practice their religion is guaranteed and respected, regardless of their sex and background. Migrants/refugees adhering to different religions are given an opportunity to practise and observe the religious norms within the detention and migration centres. Their religious rites and customs are respected when their religious holidays are celebrated. The wearing a headscarf or other religious symbols by Muslim women is not explicitly prohibited.

### **Refugees and migrants**

182. The SAR is implementing policies and measures on migration and asylum, taking into account the specific situation of women affected by an armed conflict. The measures undertaken are intended to ease the integration of women asylum seekers, protecting them from all forms of exploitation, mistreatment, violence and discrimination.

183. The Agency is working to improve the policies and measures for elimination of discrimination concerning women asylum seekers in Bulgaria. It focuses on the following activities:

- Early identification of specific vulnerability, needs assessment and timely provision of services and care over the whole period of the procedure for granting international protection, taking into account the specific needs of women;
- Creating guarantees that women seeking international protection could benefit from same sex interviewer, interpreter and social worker;
- Providing access to a complaints mechanism; legal consultation/legal representation; conducting interviews and consultations as for this purpose, SAR provides appropriate premises within the territorial units.
- Organizing trainings for SAR staff and interpreters working with women who have been subject to discrimination;
- Provision of psychologists for women subject to gender based discrimination;
- Provision of special care for the children of women subject to gender based discrimination;
- Securing safe environment for women seeking international protection to prevent gender based violence;
- Securing right to access to compulsory education, including language courses, literacy programs, lifelong learning and education; independent, informal education and cultural exchange for inclusion and empowerment of women subject to discrimination; extending the access to higher education; stable and transparent procedures or recognition of qualifications acquired abroad.

184. The current priorities of the Agency are focused on improving the existing monitoring systems, setting policy goals related to protecting the rights of women facing discrimination and monitoring their impact. In this regard, the SAR disseminates information on methods that prevent violation of their rights, including films on

trafficking in human beings provided by the NCCTHB, brochures on labour exploitation by the International Organization for Migration (IOM), and animated cartoons of SAR, translated into four languages. In 2018, SAR has updated and adopted Standard Operating Procedures for Prevention of and Response to Sexual and Gender Based Violence. In order to improve the situation of women refugees and migrants in the Republic of Bulgaria, the Agency in cooperation with UNHCR and UNICEF, partners with the relevant stakeholders on the exchange of good practices.

185. According to the Asylum and Refugees Act, persons seeking international protection are accommodated in the registration and reception centres of SAR, or in another place of shelter. Over the course of proceeding of granting international protection, the foreigner shall have the right to shelter and food, social assistance as specified for Bulgarian citizens, health insurance, psychological assistance, access to medical care and free medical services, interpreter or translator, and access to the labour market if the proceeding is not completed within three months. The reception conditions for women and girls accommodated in the SAR centres meet the standards for reception and accommodation of foreigners, seeking international protection. The allocation of foreigners shall be in accordance with their ethnicity, country of origin, religion, sex, health condition and marital status. Unaccompanied minors shall be accommodated in premises with other unaccompanied children, taking into account their nationality and ethnicity.
186. Pursuant to the requirements of national legislation, each application for international protection is considered individually, objectively and impartially, taking into account all relevant facts, circumstances and evidence in support of the refugee story. Still, regarding the processing of statistical information, some issues constitute “sensitive personal data” and the persons are under no obligation to disclose them.
187. While implementing the procedures for returning and readmission, Bulgaria strictly observes the well-established European practices and provisions. These include Directive 2008/115/EC on common standards and procedures for returning illegally residing third-country nationals; the CoE Twenty Guidelines on Forced Return; the agreements on readmission of persons residing without authorisation; the Commission Recommendation on establishing a common “Return Handbook”; and the EU Action Plan on Return.
188. Within the context of international humanitarian law and human rights law, Bulgarian legislation regulates the guarantees for the rights of illegally residing foreigners. They have the right to free access to an international protection procedure. Persons who have not applied for international protection or who have been denied international protection, are subject to the provisions of the Foreigners in the Republic of Bulgaria Act. If the legal prerequisites apply, coercive administrative measures are taken and their return/removal is organised to the countries of origin or to safe third countries. The MI Migration Directorate prioritises encouraging and assisting decisions on voluntary return to the countries of origin in close cooperation with the IOM. The IOM has the opportunity to advise the persons accommodated at the Special Centres for Temporary Accommodation of Foreigners (SCTAF). The principal guarantee of respect for the rights of the foreigners accommodated at a SCTAF is their right to appeal and judicial review of the coercive administrative measures imposed on them and their accommodation at the SCTAF.
189. During their stay at a SCTAF, foreigners are entitled to:
- a bed, bedding, food, toiletries;
  - lighting, heating and conditions for adequate maintenance of personal hygiene;

- sports facilities, according to allocated time slots;
  - meetings with lawyers, relatives, friends, NGO representatives and diplomatic and consular officials;
  - sending/receiving postal items in compliance with the requirements for postal security;
  - medical services, psychological and social support;
  - safekeeping of money, valuables and personal belongings. They are returned to the foreigner when leaving the Centre or to his or her family.
190. All foreigners enjoy equal treatment, and the statutory guarantees for equal respect for their rights. Men and women are accommodated separately at the SCTAF in order to ensure their security. Special accommodation conditions are created for families with underage children and vulnerable persons. The FRBA prohibits the accommodation at the SCTAF of unaccompanied minors irrespective of their gender. The the closed centres managed by the Migration Directorate does not accommodate accompanied migrant minors for more than three months.
191. The SCTAF function in conformity with the European standards for the conditions at this type of centres. The SCTAF are guarded by male and female police officers. A female police officer on duty is mandatorily assigned to the women’s section. Performing their official duties, the police officers (interviewers) apply an endorse Methodology for Social Work with Foreigners Accommodated at the SCTAF. Personalised approach and socio-psychological support are ensured at all times. The Methodology regulates the conditions and manner of interaction of the staff of the centre with representatives of outside institutions and organisations active in support of migrants. All officers have undergone specialised training for handling persons of the target group. Working with vulnerable persons is a foremost priority in the operation of the special centres at the Migration Directorate. Persons with special medical needs (pregnant women, people with disabilities and the chronically ill) are accommodated at the Infirmary of the Centre and are under constant medical observation. The chronically ill are provided with appropriate meal plans and therapy suitable for their needs. Persons of that category are given daily counselling by psychologists of the MI Institute of Psychology employed at the SCTAF, who monitor their condition and report to the administration of the centre. The Migration Directorate cooperates closely with NGOs and international organisations in helping persons at the SCTAF and the vulnerable migrant groups, as well as in assisting their voluntary return to the countries of origin.
192. The UNHCR renders particularly significant assistance for an improvement of the operation of the SCTAF. They assist in holding topical trainings for handling protection-seeking foreigners, providing translation of documents, dissemination of information materials among the foreigners, and arrangement of interpretation from rare languages. Within the framework of the “Implementation of a migrant flow monitoring system” project, IOM staff were given regular access to the foreigners accommodated at the centres for the conduct of interviews. The first phase of the project monitors migration flows of Afghan and Pakistani nationals, and the second phase monitors migration flows of Arabic-speaking third-country nationals.
193. MI Migration Directorate staff were included as a target group in an IOM-implemented project “Building the national capacity of the Republic of Bulgaria in the field of asylum and migrants”. In May 2017, officers of the Directorate participated in five trainings in psychosocial and health support, organised in Sofia and the city of Harmanli, involving representatives of the SAR and the Bulgarian Red Cross. In September 2017, the IOM organised another five trainings within the framework of a

project on “Working with vulnerable migrants and protection seekers and human rights protection,” which were held at the Sofia SCTAF and the town of Lyubimets SCTAF.

194. MI Medical Institute specialists provide uninterrupted 24-hour medical services to the foreigners accommodated at the SCTAF. If possible, or where the accommodated women expressly request it, medical persons of the same sex carry out examinations. All financial resources for their treatment are allocated by the MI budget.
195. The period for which illegally staying migrants are detained at a closed centre with the Migration Directorate is not gender-specific. Accommodation continues until the lapse of the circumstances that led to the accommodation at the SCTAF but may not exceed six months. As an exception, when the person refuses to cooperate with the competent authorities or the receipt of the requisite documents for return or removal is delayed past the date of expiry, the Director of the Migration Directorate may issue an order extending the accommodation at the special centre for a period not exceeding an additional 12 months.
196. The Migration Directorate, in cooperation with relevant stakeholders, search for separated family members for the purpose of their reunification. Reunification is implemented by a return to the country of origin or to a third country, where possible. When foreigners are accommodated at the centres with the Migration Directorate, the principle of non-separation of families is strictly respected, with the members of one family being accommodated on family premises of their own. During their stay at a SCTAF, all foreigners regardless of gender are issued daily supplies for personal use (hygiene and sanitary supplies) and clothing (if necessary). Three meals a day and free medical services are also provided. Periodically non-governmental and international organisations arrange donations of food, clothing and medicines.
197. The statistics on the number of migrants accommodated at the Migration Directorate centres by year are as follows:

Total number of migrant women accommodated:

Year	Sofia SCTAF	Lyubimets SCTAF	Elhovo RC
2014	208	114	1,535
2015	495	705	1,782
2016	857	989	1,008
2017	298	429	6
30 June 2018	85	44	Closed

Breakdown by year/age:

Year	Sofia SCTAF		Lyubimets SCTAF		Elhovo RC	
	Over 18	Under 18	Over 18	Under 18	Over 18	Under 18
2014	140	68	90	24	1,535	585
2015	182	313	454	251	1,782	1,176
2016	532	325	882	107	1,008	820
2017	183	115	274	155	6	3
30 June 2018	55	20	29	15	Closed	Closed

### Social assistance

198. The SAA is committed to provide social support for foreigners with a permanent residence permit in Bulgaria; foreigners who have been granted refugee status or humanitarian status; and foreigners enjoying temporary protection. Monthly, one-off and/or targeted allowances are granted. The procedure for social assistance for persons and families granted international protection is the same as for the Bulgarian citizens, but

with certain ease of the conditions. A refugee or a foreigner with humanitarian status who has applied for monthly social assistance must comply with the conditions laid down in the Regulations for the implementation of Social Assistance Act.

## **Trainings**

199. In February 2014, the NIJ delivered a general awareness training on *Refugee Law* jointly with the Forum Association, a Bulgarian NGO, for 32 participants, of which 20 judges and 12 prosecutors. The European Asylum Support Office (EASO) Special Support Plan in Bulgaria entered in force late 2014, for the duration up to the end of October 2017. At the end of that period, the Plan was additionally extended until 31 October 2018. The general objective of the Plan is to further improve and enhance the Bulgarian asylum and reception system. In the course of the implementation of its measures, the NIJ efforts were focused on two major directions: 1) delivery of joint training activities in Bulgaria with EASO; and 2) co-organization of study visits for administrative judges in various European member-states, on topical issues, identified by the Supreme Administrative Court and other relevant administrative courts in Bulgaria.
200. In the period of September 2014 – July 2018, the following seminars were organized by the NIJ and EASO, with the participation of Bulgarian and foreign expert-trainers:
  - “Workshop on the implementation of the Common European Asylum System”, for 25 participants (18 judges and 7 prosecutors);
  - “Workshop on Actual practical problems, related to the proceedings in giving protection”, for 29 participants (18 judges, 9 prosecutors and 2 judicial assistants)
  - “Workshop on European law relating to asylum, borders and immigration”, for 24 judges, 10 prosecutors, 1 judicial assistant and 6 experts;
  - “Professional development workshop on implementing the judicial practical guide on country of origin information”, with the participation of 9 judges, 20 prosecutors, 1 judicial assistant and 1 court employee.
201. During the above-mentioned period, NIJ worked together with EASO on the organization of two study visits in 2016 in the United Kingdom and France. Both visits were practically oriented, the attending magistrates had the opportunity to visit court hearings at all relevant levels of the judiciary, be briefed on the essence of the hearings in advance and meet with the presiding judge, where possible.
202. Since 2015, the NIJ has been actively involved in the implementation of the OSCE ODIHR joint project with the PORB, “Building a Comprehensive Criminal Justice Response to Hate Crime” on the training of Bulgarian prosecutors on various aspects of hate crimes. In the period between 2015 and July 2018, 6 trainings were conducted. Two were dedicated to skills on teaching a Hate Crimes seminar, with a mixed audience of prosecutors and police officers. In 2016, 46 prosecutors and 3 police officers were trained, while in 2018 trained were 36 prosecutors and 34 police officers.
203. Trainings for SAR staff on the following topics have taken place in 2018:
  - “Risk assessment and support for violence witnesses and/or survivors; crisis intervention and support for people in crisis; development of an understanding for traumas and post-traumatic stress disorder; protection and prevention in cases of sexual violence against children and women”;
  - “Gender based violence among refugees and asylum seekers”;
  - “The prevention of sexual violence and sexual exploitation of children is possible”;
  - “Establishing common regional practices for psychosocial support for refugees and asylum seekers, witnesses or survivors of gender based or other type of violence”;

- “Stabilization of traumatized children from refugee families”;
  - “Action against gender based violence against women and children migrants and asylum seekers”.
204. The staff of the SCTAF departments of the Migration Directorate have undergone various trainings and have participated in exercises and seminars on the topics:
- “Styles of communication and interaction”;
  - “Peculiarities of working in an enclosed environment”;
  - “Aggression and aggression management”;
  - “Methodological guidance for use of the various types of auxiliary means, technical characteristics and safe handling and storage rules for the MI authorities”;
  - “Psychological work with vulnerable persons”;
  - “Discrimination, stereotypes and prejudices”;
  - “Specificities of working with people of different cultural background”;
  - “Official interactions of officers working with accommodated foreigners with mental impairments”;
  - “Working with vulnerable migrants and protection seekers”;
  - “Human rights protection”;
  - “Psycho-social and health support of third-country nationals”;
  - “Working with unaccompanied migrant minors”;
  - Training seminar organised by the UNHCR and the CoE on detention and alternatives to detention;
  - Training seminar organised by the UNHCR and the Academy of the MI on “Challenges in working with foreigners in need of international protection”;
  - Training seminar on “Protection of freedom of religion and combating discrimination and violence based on religion and belief”;
  - Training for working with unaccompanied migrant minors, organised by UNICEF;
  - Training on “Access to territory and international protection granting procedure,” organised by UNCHR.

### **Response to issues raised in paragraph 25**

205. Bulgaria has ensured measures to guarantee that the concept of joint marital property is extended to intangible property, including pension, insurance benefits and other career assets. According to the Family Code, joint marital property encompasses all rights *in rem* acquired during marriage, as a result of a joint contribution, which are jointly owned by both spouses, regardless of under whose name they have been acquired. The joint contribution, irrespective of the spouses’ sex, may take the form of investing funds and labour, care of the children and housework. Joint contribution is presumed, subject to proof to the contrary. At the same time, Bulgarian legislation provides for a possibility, upon occurrence of the requisite legal facts, to terminate the joint marital property and transform it from indivisible joint ownership into joint ownership divisible into equal shares. Each of the spouses has the right to bring an action claiming lack of joint contribution, as well as claiming the allocation of a larger share of the joint property, if his or her contribution to the acquisition significantly exceeds the contribution of the other spouse.
206. There are effective remedies ensuring the possibility of women claiming and receiving child maintenance from their former husband or partner. Under the Family Code, every former spouse who is unable to work and cannot support himself or herself is entitled to maintenance. The amount of maintenance is determined according to the needs of the person and the capabilities of the person who is liable to provide it. In his or her

- capacity as legal representative of the child, the parent thereof, including the mother, may bring an action for maintenance on behalf and for the account of the child against the other parent. Moreover, the National Legal Aid Bureau is accessible to any party concerned who is unable to pay.
207. As to the measures taken to more efficiently address and prevent child and forced marriages. It should be noted that such acts are criminalised under the CC. Any person, who forcibly kidnaps or induces another to contract marriage, is punished by deprivation of liberty for up to three years. Any parent or another relative, who receives a ransom in order to agree that a daughter or a female relative thereof will enter a contract marriage, is punished by deprivation of liberty for a term not exceeding one year or by a fine, as well as by censure. Bulgarian law also criminalises the forcible extramarital cohabitation with any person under the age of 16.
208. Municipalities assist in the implementation of various social-health services and programmes in neighbourhoods with predominantly Roma population. Official are raising awareness against cohabitation with minors and births in early adulthood. A measure for early identification and early prevention is the SACP Methodological guidance on prevention of abandonment in maternity hospitals with a purpose to plan adequate measures and activities for prevention of early childbirths. The measure is specific, orientated to all risk categories, including the Roma community. The SACP participates in various forums and activities related to the prevention of child abandonment, awareness raising and improving the interaction between the responsible specialists. Interministerial groups are considering possible legislative changes.
209. In connection with measures and activities for prevention of birth at an early age in 2017, 72 inspections were carried out at general practitioners, covering 151 municipalities and 120 220 patients, of whom 23 627 children, including Roma. The findings of the inspections have been described in detail in an analysis, published on the website of SACP.
210. Between January 2016 and December 2017, the Early Marriage Prevention Network Project was implemented through the work of NGOs. It aims to foster cooperation between child protection, health and education systems, justice and police to coordinate their activities related to combat the early marriage among Roma communities, while applying a child-centred approach. Seminars and talks were held to raise awareness among different target groups in Roma communities in order to change their attitudes and behaviour regarding early marriage. Social workers, teachers, medical workers, representatives of justice and police were trained to sensitize them to the effects of early marriage on child development and acquaint them with mechanisms for interaction. 1000 children were also educated with the aim of acquiring skills for protecting themselves from involvement in early marriage. A comparative report of the situation in the partner countries, containing general conclusions and recommendations, description of best practices and protocols of interaction for prevention of early marriages is expected.

### **Response to issues raised in paragraph 26**

211. After the last report in 2011, a number of significant developments have taken place, further bringing the country in conformity with international standards on human rights protection. A number of paramount legal amendments have been adopted, strengthening the legal and institutional framework for protection of all rights and freedoms.
212. In 2013, by decision of the Council of Ministers a National Coordination Mechanism on Human Rights (NCMHR) was established. It is aimed to improve coordination among

public authorities involved in the implementation of the tasks arising from Bulgaria's obligations and commitments in the sphere of human rights. The NCMHR considers signature of and accession to new international instruments and recommends amendments in the domestic legislation and administrative practices. Its members are ministers, heads of State agencies and independent institutions. NGOs are also represented.

213. A procedure was created for compensating citizens and legal entities for damages resulting from unreasonable delays of completed civil, administrative and criminal procedures, and of discontinued pre-trial procedures. The National Assembly (2012) also tasked the Government to submit an annual report on the implementation of the decisions of the European Court on Human Rights against Bulgaria. In 2014, the Government adopted a decision for one-time payment of compensation to all individual complaints for which damages had been recommended by the Treaty Bodies of the UN universal instruments on human rights. The NCMHR approved in 2015 a legal mechanism for financial compensation.
214. In the reporting period, the Republic of Bulgaria acceded to important international Human Rights instruments:
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - The Convention on the Rights of Persons with Disabilities;
  - The Convention on the Reduction of Statelessness;
  - Protocol 15 to the European Convention for the Protection of the Human Rights and Fundamental Freedoms.
215. The international commitments of the country over the past years demonstrate the high priority focus on human rights. In 2013/2014, Bulgaria successfully chaired the work of the Third Committee during the 68 Session of UNGA. Between November 2015 and May 2016, the country assumed the rotating chairmanship of the Committee of Ministers of the CoE. A number of important documents setting out the agenda of the CoE in the coming years and relevant to our national policies were adopted during the term. One of the main achievements was the official launch of the new CoE Strategy on the Rights of the Child for 2016-2021.
216. In the period 2017-2018, Bulgaria was President of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and played a key role in the preparation, organisation and conduct of the 10th and 11th sessions of the Conference. In the first half of 2018, the country held its first Presidency of the Council of the EU. Bulgaria mainstreamed the need to strengthen the promotion and protection of social, economic and cultural rights. Special focus was put on the rights of the child, gender equality, freedom of speech and expression and the freedom of religion or belief, as well as on combating Anti-Semitism.
217. The consistent efforts in this area led to the election of Bulgaria as member of the UN Human Rights Council for the term 2019-2021. Our goal would be to ensure a universal respect for, and observance of, human rights and fundamental freedoms for all without distinction of any kind.