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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-sixth session**  
4–15 May 2020

## **Compilation on Bulgaria**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. Bulgaria submitted its midterm report in 2018 regarding follow-up to recommendations made during the 2015 universal periodic review.<sup>3</sup>

3. The Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights recommended that Bulgaria ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>4</sup>

4. The Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights recommended that Bulgaria ratify the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>5</sup>

5. The Committee on the Rights of the Child recommended that Bulgaria consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>6</sup>

6. The Committee on the Elimination of Racial Discrimination encouraged Bulgaria to consider ratifying those international human rights treaties it had not yet ratified.<sup>7</sup>

7. The Committee on the Rights of Persons with Disabilities recommended that Bulgaria accelerate ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.<sup>8</sup>

8. The Committee on Economic, Social and Cultural Rights encouraged Bulgaria to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>9</sup>



9. Bulgaria contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2015, 2016, 2017 and 2018.<sup>10</sup>

### **III. National human rights framework<sup>11</sup>**

10. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee against Torture recommended that Bulgaria strengthen the capacity and financial resources of the Ombudsman and bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>12</sup> The Committee on the Elimination of Racial Discrimination recommended undertaking the necessary legislative amendments to the Ombudsman Act and ensuring that complaint procedures were accessible to all.<sup>13</sup> The United Nations Children's Fund (UNICEF) noted that in 2019 the office of the Ombudsman had been granted "A" status.<sup>14</sup>

11. The Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights recommended that Bulgaria strengthen the capacity and financial resources of the Commission for Protection against Discrimination, and the Committee on Economic, Social and Cultural Rights recommended that Bulgaria broaden the Commission's mandate.<sup>15</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>16</sup>**

12. The Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Human Rights Committee were concerned about increased incidents of hate speech and hate crime, specifically targeting minority groups such as Turks, Roma, Muslims, Jews, people of African descent, migrants, refugees and asylum seekers, and members of sexual minorities.<sup>17</sup> The Committee on the Elimination of Racial Discrimination and the Human Rights Committee expressed concern that racist appeals were evident during election campaigns, and that the Council for Electronic Media had failed to curb racist discourse and hate speech on the Internet and social media.<sup>18</sup>

13. The Committee on the Elimination of Racial Discrimination and the Committee against Torture recommended that Bulgaria amend national legislation to include a definition of hate speech in line with the Convention; investigate racially motivated violent acts and crimes, and prosecute and punish perpetrators; and raise public awareness on respect for diversity.<sup>19</sup> The Human Rights Committee recommended ensuring that any advocacy of ethnic or racial hatred that constituted incitement to discrimination, hostility or violence was prohibited in law, and that persons responsible were held accountable.<sup>20</sup> The Committee on the Elimination of Racial Discrimination recommended establishing protocols to prevent and condemn hate speech by public officials and politicians; ensuring that media-related legislation was in accordance with international standards; and strengthening the mandate and capacity of the Council for Electronic Media to prevent and sanction manifestations of racism.<sup>21</sup>

14. The Committee on the Elimination of Racial Discrimination and the Committee against Torture are concerned about the reported increase in incidents of hate speech and hate crime. The Committee against Torture is also concerned about the low conviction rate of law enforcement officers who have been prosecuted for racist crimes.<sup>22</sup> The Committee on the Elimination of Racial Discrimination recommended that Bulgaria conduct awareness-raising campaigns about criminal law provisions penalizing racially motivated acts and encourage victims to lodge complaints; intensify training of the police and other judicial system professionals; and consider appointing special prosecutors to address hate speech and hate crimes.<sup>23</sup> The Committee against Torture recommended ensuring that the excessive use of

force against members of minority communities by law enforcement officials was investigated and that perpetrators were prosecuted and punished.<sup>24</sup>

15. The Human Rights Committee was concerned about stereotypical attitudes, prejudice, hostility and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. It recommended that Bulgaria amend the Protection against Discrimination Act to explicitly include gender identity as a ground of discrimination and fully recognize the equality of same-sex couples; amend the Criminal Code and the Radio and Television Act to include sexual orientation and gender identity as hate motives and grounds of discrimination, respectively; establish an accessible administrative procedure for changing civil status regarding gender identity; and intensify efforts to promote tolerance.<sup>25</sup>

16. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that refugee issues had received wide media coverage and were being used in political discourse, frequently in a negative manner. UNHCR recommended that Bulgaria reinforce measures aimed at preventing and responding to racial discrimination, xenophobia and intolerance against asylum seekers and refugees; undertake public education campaigns; and ensure investigation, prosecution and punishment of acts of discrimination or violence motivated by the national or ethnic identity of refugees or asylum seekers.<sup>26</sup>

## **2. Human rights and counter-terrorism**

17. The Human Rights Committee was concerned by 2015 amendments to the Criminal Code, which had introduced a definition of “terrorism” that was vague and overly broad, and that the 2016 Counter-Terrorism Act contained provisions that could infringe upon Covenant rights. The Committee recommended that Bulgaria define the acts that constituted terrorism in a precise and narrow manner; ensure that measures derogating from certain rights were only applied in time of war or other public emergency; and ensure that surveillance activities conformed to Covenant obligations.<sup>27</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>28</sup>**

18. The Committee against Torture recommended that Bulgaria adopt a definition of torture covering all the elements contained in the Convention; include torture as a separate, specific crime in its legislation; and ensure that the absolute prohibition of torture was non-derogable and that acts of torture were not subject to any statute of limitations.<sup>29</sup> The Human Rights Committee recommended amending legislation to criminalize torture in a manner fully compliant with the Covenant.<sup>30</sup>

19. The Committee against Torture was concerned about the continued existence of 24-hour administrative detention, outside the scope of criminal proceedings before arrested persons detained in police stations were formally charged, and during which they were questioned by the police, often without access to a lawyer. The Committee recommended that Bulgaria ensure that all fundamental legal safeguards against torture were guaranteed, including prompt access to an independent lawyer.<sup>31</sup>

20. The Committee against Torture was concerned about the increased excessive use of force by law enforcement officials against persons upon arrest and in police detention. It recommended that Bulgaria issue a public statement at the highest level reaffirming that impunity for acts of torture and ill-treatment would not be tolerated, and train police and prison officers on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>32</sup> The Human Rights Committee recommended establishing an independent oversight mechanism for police abuse.<sup>33</sup>

21. The Committee against Torture and the Human Rights Committee recommended that Bulgaria strengthen efforts and increase funds to bring the living conditions in detention facilities into line with international standards.<sup>34</sup> The Committee against Torture was concerned about corruption in the prison system, and recommended allowing independent monitoring bodies to carry out unannounced visits to places of detention; increasing the number of qualified prison staff; and improving the quality of health services for inmates.<sup>35</sup>

## 2. Administration of justice, including impunity, and the rule of law<sup>36</sup>

22. UNICEF asserted that the legal framework for juvenile justice was not aligned to international standards, and outstanding issues of concern included children who had committed status offences being treated as children in conflict with the law, and non-implementation of restorative justice approaches.<sup>37</sup> The Human Rights Committee regretted that children continued to be deprived of their liberty in correctional and educational facilities, and exposed to violence and disciplinary isolation. It recommended that Bulgaria reform juvenile justice legislation and practice and ensure that children were treated in ways that promoted their integration into society; accelerate the deinstitutionalization process; prioritize the placement of children in family-based settings; regularly monitor the conditions and the treatment of children in institutional care and facilitate access to complaint mechanisms; and ensure investigations into allegations of ill-treatment of children and bring perpetrators to justice.<sup>38</sup>

23. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights welcomed the 2018 adoption of the Anti-Corruption and Forfeiture of Assets Act. The Committees recommended that Bulgaria address the shortcomings in the investigation and prosecution of high-level corruption, including ensuring that whistle-blowers and civil society activists were guaranteed protection against prosecution.<sup>39</sup>

24. The Human Rights Committee recommended that Bulgaria review the legislative framework and take measures to protect the full independence and impartiality of the judiciary.<sup>40</sup>

## 3. Fundamental freedoms<sup>41</sup>

25. The Human Rights Committee was concerned about acts of vandalism of places of worship; discrimination against religious and other minority faiths; local legislation restricting the exercise of religious freedom; the courts' practice of refusing registration to non-Bulgarian Orthodox Christian denominations; and new draft legislation targeting extremist religious groups. The Committee recommended that Bulgaria ensure that all cases of hate speech, hate crimes and discrimination against religious groups were investigated and sanctioned, and revise the draft legislation to conform with the Covenant, including removing restrictions on preaching in languages other than Bulgarian.<sup>42</sup>

26. The Human Rights Committee was concerned about numerous reports of attacks, threats and harassment of journalists, which went unpunished, and of political pressure on the media to secure favourable media coverage and suppress criticism, including of corruption. It recommended that Bulgaria train police officers, judges and prosecutors on freedom of expression and assembly and the lawful use of force; protect journalists against harassment, attack or excessive use of force, promptly investigate such acts and bring those responsible to justice; increase media pluralism; ensure that public funding for the media was allocated in a transparent and non-discriminatory manner; and consider repealing all criminal provisions against defamation.<sup>43</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended decriminalizing defamation and placing it within the civil code.<sup>44</sup>

## 4. Prohibition of all forms of slavery<sup>45</sup>

27. The Committee against Torture and the Human Rights Committee were concerned that Bulgaria remained a country of origin for human trafficking. They recommended that Bulgaria take effective measures to prevent and eradicate human trafficking, investigate all allegations of trafficking, and prosecute and punish perpetrators; provide specialized training to public officials; and provide protection, support and redress to victims.<sup>46</sup>

28. The Committee against Torture was concerned about the failure to address the root causes of trafficking, the absence of a mechanism to identify victims of trafficking, insufficient health care and the absence of specialized services for child victims. The Committee recommended that Bulgaria ensure implementation of the national anti-trafficking strategy for 2017–2021; provide the National Commission for Combating Trafficking in Human Beings with sufficient funds; broaden cooperation with non-governmental organizations and conduct prevention campaigns; continue international cooperation with countries of origin, transit and destination of trafficking; and prevent the

return of trafficked persons to their countries of origin where there were grounds to believe that they would be in danger of torture.<sup>47</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work<sup>48</sup>**

29. The Committee on Economic, Social and Cultural Rights was concerned that unemployment among young people was twice as high as among the rest of the population, and that the proportion of young Roma who were not in education, employment or training was disproportionately high. The Committee recommended that Bulgaria increase the availability of training opportunities tailored to the labour market; give incentives to employers to employ young people; and increase efforts to reintegrate young people who were not in education, employment or training, within the framework of the Youth Guarantee Implementation Plan, with specific measures for young Roma.<sup>49</sup>

### **2. Right to social security**

30. The Committee on Economic, Social and Cultural Rights was concerned that the levels of the guaranteed minimum income, unemployment allowances and old age pensions did not provide sufficient income for an adequate standard of living, and about the lack of capacity of social services. The Committee recommended that Bulgaria adjust the levels of social allowances and allocate the necessary resources and training to strengthen the administrative capacity of social workers.<sup>50</sup> The Committee also recommended ensuring access to affordable health care for all without discrimination.<sup>51</sup>

### **3. Right to an adequate standard of living<sup>52</sup>**

31. UNICEF noted that the share of the population at risk of poverty and social exclusion remained one of the highest in the European Union, and that children continued to be at higher risk than the overall population. UNICEF stated that there was an urgent need for increased investment in targeted effective measures to reduce child poverty.<sup>53</sup> The Committee on Economic, Social and Cultural Rights was concerned about the high proportion of people, especially children, living in poverty and/or social exclusion, with Roma and Turkish communities disproportionately affected. The Committee recommended that Bulgaria ensure that social benefits reached those in need and adopt targeted measures to keep children out of poverty.<sup>54</sup> The Committee on the Rights of the Child recommended holding targeted consultations with families, children and civil society organizations to strengthen measures for reducing child poverty, and ensuring that social protection provided for the real costs of a decent living for children.<sup>55</sup>

32. The Committee on Economic, Social and Cultural Rights was concerned about the high level of economic inequalities and the disparity in the enjoyment of economic, social and cultural rights between regions and between rural and urban areas.<sup>56</sup> The Committee on the Rights of the Child was concerned that children in marginalized, remote and rural communities continued to be disproportionately affected by poverty, while families with more than three children, Roma families and families with children with disabilities were at higher risk of experiencing multidimensional poverty.<sup>57</sup> The Committee on Economic, Social and Cultural Rights recommended that Bulgaria develop a more progressive fiscal policy to reduce inequalities and ensure fair allocation of resources among regions.<sup>58</sup>

33. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child were concerned about the large number of persons living in inadequate housing conditions and the increasing number of homeless people, with members of the Roma population particularly at risk of being subjected to forced evictions.<sup>59</sup> The Committee on Economic, Social and Cultural Rights urged Bulgaria to ensure the provision of sanitation and water services and that marginalized and disadvantaged individuals were provided with adequate housing conditions.<sup>60</sup> The Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended that Bulgaria avoid forced evictions and, when unavoidable, ensure that they followed due process and that affected individuals were provided with adequate alternative housing.<sup>61</sup> UNICEF stated that Bulgaria needed to develop and adopt policy measures securing adequate housing, sanitation and infrastructure for vulnerable families.<sup>62</sup>

#### 4. Right to health

34. The Committee on Economic, Social and Cultural Rights recommended that Bulgaria ensure access to affordable health care for all without discrimination.<sup>63</sup> The Committee was concerned about the disparity between regions regarding access to health care. It recommended increasing the availability of health care and recruit qualified medical doctors and nurses to work in disadvantaged regions.<sup>64</sup>

35. The Committee on the Rights of the Child was concerned about high infant and under-5 mortality rates, premature births, and pregnancies that were not subject to medical prenatal services.<sup>65</sup> UNICEF noted that there were considerable regional differences in infant mortality rates, suggesting regional disparities in the access to and quality of maternal and child health-care services.<sup>66</sup> UNICEF reported that pregnant women without health insurance were guaranteed only one medical check-up during pregnancy, which could lead to serious health risks for the mother and child.<sup>67</sup> UNICEF reported that financial reasons were among the most important barriers to accessing quality health services for pregnant women, children and adolescents, and the level of out-of-pocket payments was the highest in the European Union.<sup>68</sup>

36. The Committee on the Rights of the Child recommended that Bulgaria allocate adequate resources to ensure full implementation of the National Programme for Improving Mother and Child Healthcare (2014–2020); strengthen support to newly appointed health mediators in Roma communities; ensure equitable access to quality primary and specialized health and dental care for all children; and apply the OHCHR technical guidance on preventable mortality and morbidity of children under 5 years.<sup>69</sup>

37. UNICEF reported that access to quality, affordable and adolescent-responsive sexual and reproductive health services was limited. Despite efforts to provide education on sexual and reproductive health in schools and access to contraceptives, Bulgaria had one of the highest adolescent birth rates and high abortion rates.<sup>70</sup> The Committee on the Rights of the Child recommended that Bulgaria ensure unimpeded access for adolescents to sexual and reproductive health services.<sup>71</sup>

38. The Committee on Economic, Social and Cultural Rights was concerned that a large number of persons with mental health conditions remained without care and that the National Strategy for Long-term Care did not include solutions to meet the needs of older persons. The Committee recommended that Bulgaria conduct a needs assessment and introduce specific care services for persons with mental health conditions and for older persons, within the framework of the National Strategy.<sup>72</sup>

#### 5. Right to education<sup>73</sup>

39. UNICEF reported some progress in school attendance in 2017, as the percentage of school dropouts for those aged 18–24 decreased for the first time since 2011. However, it remained high at 12.7 per cent, especially among Roma (67 per cent in 2016) and in rural areas (27.9 per cent).<sup>74</sup> UNICEF noted that annually around 12,000 to 13,000 children dropped out of school, half of them before having completed basic education, and that 40 per cent of 15-year-old students were functionally illiterate, with disparities in the results of students from rural and urban areas.<sup>75</sup> The Committee on Economic, Social and Cultural Rights was concerned about decreasing net enrolment rates at the preschool and primary school levels and the sharp increase in dropout rates, notably among Roma children and young people; that a large proportion of Roma children attended de facto segregated schools; and about the low rate of enrolment of children with disabilities in mainstream schools.<sup>76</sup>

40. UNESCO stated that Bulgaria should be encouraged to ensure at least one year of free preschool education; collect data on the number of children and young people with disabilities not enrolled in school and take measures to have them enrolled in the mainstream education system; and pursue efforts to improve quality and equality in education for all.<sup>77</sup> The Committee on Economic, Social and Cultural Rights recommended removing the financial and material barriers to enrolment of children in preschool and primary school, particularly in marginalized communities; pursuing efforts to address school dropout within the framework of the Strategy for Reducing Early School Leavers; and enforcing the legal prohibition of school segregation.<sup>78</sup> The Committee on the Rights of the Child recommended improving access to quality education in rural areas and small towns; developing monitoring

and evaluation mechanisms to reduce dropout rates; facilitating the inclusion of Roma children; and ensuring enjoyment of the right to education by asylum-seeking children.<sup>79</sup>

41. UNICEF reported that, although the number of children with disabilities in education had increased to over 21,000, more than 4,000 of those children were educated in separate specialized settings, while an estimated 14,000 were not in school.<sup>80</sup> The Committee on Economic, Social and Cultural Rights recommended that Bulgaria facilitate the access of children with disabilities to inclusive education.<sup>81</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>82</sup>**

42. The Special Rapporteur on violence against women, its causes and consequences noted that the July 2018 judgment of the Constitutional Court – in which the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was declared incompatible with the Constitution – had engendered a campaign against the Istanbul Convention and an anti-gender movement. This was partially the result of a misinterpretation and incorrect translation in Bulgarian of the term “gender” as contained in the Convention, which was inconsistent with the translation in other regional and international instruments. This campaign had resulted in the intimidation of activists and women’s rights organizations, reported cuts in State funding for related services and increased attacks on the LGBTI community. She recommended that Bulgaria counter the misinterpretation of the term “gender”; properly translate, explain and promote the terms “gender” and “gender-based violence against women”; and proceed to ratification of the Istanbul Convention.<sup>83</sup> The Committee on the Elimination of Discrimination against Women recommended completing the process of ratifying the Istanbul Convention, as doing so would reinforce the State’s ability to combat gender-based violence and domestic violence.<sup>84</sup>

43. The Special Rapporteur recommended that Bulgaria explicitly include marital rape and repeal the term “systematic” in the Criminal Code; ensure sufficient State-funded crisis centres and effective protection orders; train police officers; establish a femicide watch and collect data; and guarantee that gender-related forms of persecution were recognized as legal grounds for granting international protection. She further recommended fully integrating general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, of the Committee on the Elimination of Discrimination against Women, and the Istanbul Convention standards, within the legal system; establishing a coordination body on implementation and evaluation of measures; and elaborating a new comprehensive national action plan on violence against women and domestic violence specifically addressing gender-based violence and the empowerment of Roma girls.<sup>85</sup>

44. The Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee were concerned about the prevalence of domestic violence, including marital rape.<sup>86</sup> The Committee against Torture and the Human Rights Committee recommended that Bulgaria explicitly criminalize all forms of violence, including domestic violence and marital rape, and amend the Criminal Code to include domestic violence as a specific crime.<sup>87</sup> The Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended encouraging victims to report cases of violence to the authorities; ensuring that all allegations of violence against women were investigated; providing mandatory training for police and other law enforcement officials; and compiling statistical data.<sup>88</sup> The Human Rights Committee recommended ratifying the Istanbul Convention.<sup>89</sup> The Committee on Economic, Social and Cultural Rights recommended incorporating the main principles of the Istanbul Convention into legislation.<sup>90</sup>

45. The Committee on Economic, Social and Cultural Rights was concerned about stereotypes regarding the economic, social and cultural roles of men and women, and recommended that Bulgaria ensure effective implementation of the National Strategy for Promoting Equality between Men and Women 2016–2020, including developing policies to promote the sharing of family responsibilities between men and women.<sup>91</sup> The Human Rights Committee recommended countering stereotypes regarding the roles of women in the family

and society through public awareness and education, and increasing the representation of women in decision-making positions, including through temporary special measures.<sup>92</sup>

46. The Committee on Economic, Social and Cultural Rights was concerned about the lower level of participation of women in the labour market, the occupational segregation between men and women and the gender pay gap. The Committee recommended that Bulgaria develop affordable day-care solutions, encourage men to use paternity leave and promote the employment of women in fields where they remain underrepresented.<sup>93</sup> The Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended continuing efforts to close the gender pay gap.<sup>94</sup>

## 2. Children<sup>95</sup>

47. UNICEF noted that Bulgaria had achieved progress in child-care system reform over the preceding decade, with the deinstitutionalization process widely recognized as a success. However, the country still needed to address challenges related to weak mechanisms for the prevention of child abandonment and family separations, weak family support services and inadequate capacity of the social services.<sup>96</sup>

48. UNICEF reported that every fourth or fifth child in Bulgaria had one or both parents working abroad; however, the phenomenon of “children left behind” was not fully recognized in regulations, strategic documents and national programmes.<sup>97</sup>

49. The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material noted that Bulgaria had introduced a comprehensive legislative, policy and institutional framework on child protection. She commended actions under the national strategy on the deinstitutionalization of children and adoption of the National Programme for Prevention of Violence and Abuse of Children in 2017. The authorities had also adopted legislative amendments granting residence permits to unaccompanied children. In 2016, an amendment to the Support and Financial Compensation to Victims of Crime Act was adopted, entitling all victims of trafficking to minimum standards for support and protection. A crisis centre for child victims of trafficking was opened, and a national anti-trafficking strategy for 2017–2021 was approved. However, Bulgaria remained a primary source country in Europe and, to a lesser extent, a transit and destination country, for men, women and children subjected to trafficking and sale for sexual exploitation and forced labour.<sup>98</sup>

50. The Special Rapporteur recommended that Bulgaria strengthen efforts to detect, investigate, prosecute and sanction the crimes of the sale and sexual exploitation of children; continue efforts to curb the sale of babies through illegal adoption by addressing root causes, including poverty and segregation of communities; ensure the best interests of the child victim during criminal investigations; and establish long-term recovery and reintegration programmes. She also recommended establishing centralized data collection; raising awareness among children about available reporting and counselling mechanisms; conducting training on signs of sexual abuse and sexual exploitation of children; ensuring mandatory screening of anyone dealing with children; and increasing awareness-raising.<sup>99</sup>

51. The Special Rapporteur noted that socioeconomic disparities, poverty, segregation and social exclusion created unequal opportunities and access to social services for children in the most marginalized communities, including Roma children, children in institutions, children of migrant and refugee families, and unaccompanied and separated children. These groups were particularly exposed to the worst forms of sexual abuse and commercial sexual exploitation. She recommended that Bulgaria ensure that unaccompanied asylum-seeking and refugee children received access to care arrangements; establish a procedure to assess the best interests of these children; and improve the initial identification procedures to ensure they were not placed in detention. She also recommended expanding bilateral and multilateral agreements with other countries of origin, transit and destination; establishing an effective screening process to identify child victims; ensuring adequate recovery and reintegration services; investigating cases; and ensuring sufficient State funding for civil society and other service providers.<sup>100</sup>

52. The Committee on the Rights of the Child recommended that Bulgaria amend the Family Code to remove all exceptions that allowed marriage for anyone under the age of 18 years; establish a system to track all cases involving child marriage within ethnic groups; and provide victims with shelter and appropriate rehabilitation and counselling services.<sup>101</sup>

53. The Committee also recommended developing a national programme to address violence in schools and provide training on the risks of bullying, including cyberbullying.<sup>102</sup>

### 3. Persons with disabilities<sup>103</sup>

54. The Committee on the Rights of Persons with Disabilities recommended that Bulgaria withdraw the amendments made in 2018 to the Integration of Persons with Disabilities Act that contravened the Convention and adopt the new Persons with Disabilities Act, ensuring its compliance with Convention provisions.<sup>104</sup> The Committee recommended improving the enforceability of decisions on disability-based discrimination; ensuring that persons with disabilities had access to remedies in cases of discrimination; and strengthening the capacity of the Equality and Human Rights Commission to exercise its mandate for the protection of persons with disabilities against discrimination.<sup>105</sup>

55. The Committee on the Rights of Persons with Disabilities recommended that Bulgaria prevent ill-treatment of persons with disabilities and ensure that persons exposed to ill-treatment had access to a complaint procedure and redress; improve the accessibility of services for women and girls with disabilities exposed to gender-based violence; conduct investigations into allegations of abuse; and strengthen the mechanisms for independent monitoring of all facilities for persons with disabilities.<sup>106</sup> The Human Rights Committee recommended taking measures to prevent ill-treatment in psychiatric institutions and social care homes against persons with disabilities.<sup>107</sup>

56. The Committee on the Rights of Persons with Disabilities urged Bulgaria to amend the Social Assistance Act and withdraw all provisions allowing for forced institutionalization.<sup>108</sup> The Committee against Torture recommended ensuring legal safeguards for all persons with mental and psychosocial disabilities concerning civil involuntary hospitalization.<sup>109</sup> The Committee on the Rights of Persons with Disabilities and the Committee on Economic, Social and Cultural Rights recommended recognizing the full legal capacity of all persons.<sup>110</sup>

57. The Committee on the Rights of Persons with Disabilities and the Human Rights Committee recommended that Bulgaria ensure the full deinstitutionalization of children with disabilities and their right to live in a safe family environment, and increase the resources for inclusive support service networks in local communities and the empowerment of families with children with disabilities.<sup>111</sup> The Committee on the Rights of Persons with Disabilities recommended accelerating the transition process from institutional care to care in the community to ensure that all persons with disabilities living in any institution had the right to live independently within the community with choices equal to those of other persons.<sup>112</sup>

58. The Committee on the Rights of Persons with Disabilities and the Human Rights Committee recommended that Bulgaria replace the segregated education systems with quality inclusive education.<sup>113</sup> The Human Rights Committee recommended ensuring that persons with disabilities were not discriminated against in their access to inclusive education.<sup>114</sup>

59. The Committee on the Rights of Persons with Disabilities recommended that Bulgaria recognize in legal and policy frameworks the right of persons with disabilities to reasonable accommodation in the workplace.<sup>115</sup> The Committee on Economic, Social and Cultural Rights recommended ensuring the provision of reasonable accommodation and enforcing the quotas on employment of persons with disabilities.<sup>116</sup> The Human Rights Committee recommended ensuring that persons with disabilities were not discriminated against with respect to reasonable accommodation.<sup>117</sup>

### 4. Minorities<sup>118</sup>

60. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights were concerned that members of the Roma community continued to suffer marginalization and discrimination, especially in the areas of housing, education, health care and employment.<sup>119</sup>

61. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee and Committee on Economic, Social and Cultural Rights recommended that Bulgaria intensify efforts to address prejudice, intolerance and widespread discrimination against the Roma population.<sup>120</sup> The Human Rights Committee and the Committee on

Economic, Social and Cultural Rights recommended ensuring that complaints were investigated, perpetrators were held accountable and victims had access to full reparation.<sup>121</sup> The Human Rights Committee recommended ensuring effective implementation of the National Roma Integration Strategy 2012–2020, while the Committee on Economic, Social and Cultural Rights recommended ensuring greater inclusion of the Roma community and civil society in its implementation.<sup>122</sup>

62. The Committee on the Elimination of Racial Discrimination recommended that Bulgaria stop forcibly evicting and destroying Roma settlements without offering alternative housing or adequate compensation, legalize existing settlements and provide adequate social housing to Roma families.<sup>123</sup>

63. The Committee on the Elimination of Racial Discrimination and the Human Rights Committee recommended that Bulgaria address the de facto segregation of Roma children in education and eliminate any discrimination against Roma pupils; intensify efforts to increase preschool attendance among Roma and decrease dropout rates; and facilitate the training and employment of Roma.<sup>124</sup> The Committee on the Elimination of Racial Discrimination also recommended pursuing efforts to expand health insurance coverage among Roma and strengthening the outreach by medical mobile units.<sup>125</sup>

64. The Committee on the Elimination of Racial Discrimination was concerned about the reported limited representation of minority groups in parliament and in public office, and recommended taking measures to ensure that minority ethnic groups were adequately represented.<sup>126</sup>

## 5. Migrants, refugees and asylum seekers<sup>127</sup>

65. UNHCR reported that from 2014, Bulgaria used additional police reinforcements to address increased migration flows. Several reports had alleged ill-treatment and physical abuse of asylum seekers by the Border Police.<sup>128</sup> The Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and UNHCR recommended that Bulgaria ensure access to the territory and the procedure for granting international protection and full respect for the principle of non-refoulement; investigate excessive use of force by law enforcement officials; and bring perpetrators to justice.<sup>129</sup> UNHCR recommended establishing accessible and protection-sensitive entry systems, training personnel and providing qualified interpreters at border crossing points.<sup>130</sup>

66. The Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee recommended that Bulgaria stop placing undocumented asylum seekers in mandatory detention.<sup>131</sup> UNHCR recommended ensuring that the detention of asylum seekers was used only as a measure of last resort, and considering amending the legislation and establishing alternative care arrangements for the whole family.<sup>132</sup>

67. The Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights recommended that Bulgaria ensure an adequate monthly payment for all asylum seekers in reception centres, and improve the conditions of centres.<sup>133</sup> The Committee on Economic, Social and Cultural Rights recommended creating safe spaces in reception centres, assessing the situation of each person upon arrival and ensuring that asylum seekers and migrants in reception centres were provided with adequate food and essential non-food items.<sup>134</sup>

68. UNICEF reported that children continued to constitute approximately one third of all those applying for protection, and the number of unaccompanied children had been increasing.<sup>135</sup> UNHCR recommended that Bulgaria ensure that unaccompanied children had access to appropriate care arrangements within the national child protection system and to a procedure to assess their best interests, with qualified representatives appointed.<sup>136</sup> The Human Rights Committee recommended ensuring appropriate care arrangements and community-based programmes for adequate reception of children seeking international protection, with a qualified guardian, proper legal representation and accommodation separated from adults.<sup>137</sup>

69. UNHCR noted a significant increase in the number of asylum-seeking and refugee children enrolled in schools.<sup>138</sup> However, since 2014, there had been no functioning refugee

integration mechanism in place. The National Strategy on Migration, Asylum and Integration for 2015–2020 was adopted in 2015 but without a budgetary framework, and a revised ordinance regulating the conclusion of an integration agreement between international protection beneficiaries and municipalities was adopted in 2017 but did not foresee financial support. UNHCR recommended that Bulgaria facilitate the implementation of the National Strategy; work with UNHCR to draft the new national strategy; take measures to implement the ordinance; and provide resources to ensure that international protection beneficiaries had access to their rights, including an adequate standard of living.<sup>139</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Bulgaria will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/BGIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/BGIndex.aspx)
- <sup>2</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.1–123.13.
- <sup>3</sup> [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx).
- <sup>4</sup> CRC/C/BGR/CO/3-5, para. 69; CERD/C/BGR/CO/20-22, para. 23; and E/C.12/BGR/CO/6, para. 52.
- <sup>5</sup> CRC/C/BGR/CO/3-5, para. 69; and E/C.12/BGR/CO/6, para. 52.
- <sup>6</sup> CRC/C/BGR/CO/3-5, para. 68.
- <sup>7</sup> CERD/C/BGR/CO/20-22, para. 23.
- <sup>8</sup> CRPD/C/BGR/CO/1, para. 8.
- <sup>9</sup> E/C.12/BGR/CO/6, para. 52.
- <sup>10</sup> OHCHR, *United Nations Human Rights Report 2018* (Geneva, 2019), p. 77; OHCHR, *United Nations Human Rights Report 2017* (Geneva, 2018), p. 79; OHCHR, *United Nations Human Rights Report 2016* (Geneva, 2017), p. 79; OHCHR, *United Nations Human Rights Report 2015* (Geneva, 2016), p. 61.
- <sup>11</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.14–123.27, 123.32–123.34, 123.87, 123.144, 123.170 and 123.174.
- <sup>12</sup> CERD/C/BGR/CO/20-22, para. 10; CAT/C/BGR/CO/6, para. 20 (a); and CCPR/C/BGR/CO/4, paras. 7–8.
- <sup>13</sup> CERD/C/BGR/CO/20-22, para. 10.
- <sup>14</sup> UNICEF, para. 4.
- <sup>15</sup> E/C.12/BGR/CO/6, paras. 4–5; CERD/C/BGR/CO/20-22, para. 10.
- <sup>16</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.56–123.86, 123.117 and 123.129.
- <sup>17</sup> CERD/C/BGR/CO/20-22, para. 11; CCPR/C/BGR/CO/4, para. 9; and CAT/C/BGR/CO/6, para. 29.
- <sup>18</sup> CERD/C/BGR/CO/20-22, para. 11; CCPR/C/BGR/CO/4, para. 9.
- <sup>19</sup> CERD/C/BGR/CO/20-22, para. 12; and CAT/C/BGR/CO/6, para. 30.
- <sup>20</sup> CCPR/C/BGR/CO/4, para. 10.
- <sup>21</sup> CERD/C/BGR/CO/20-22, para. 12.
- <sup>22</sup> *Ibid.*, para. 11; and CAT/C/BGR/CO/6, para. 29.
- <sup>23</sup> CERD/C/BGR/CO/20-22, paras. 13–14.
- <sup>24</sup> CAT/C/BGR/CO/6, paras. 29–30.
- <sup>25</sup> CCPR/C/BGR/CO/4, paras. 9–12.
- <sup>26</sup> UNHCR, p. 2.
- <sup>27</sup> CCPR/C/BGR/CO/4, paras. 33–34.
- <sup>28</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.88–123.89, 123.100 and 123.115.
- <sup>29</sup> CAT/C/BGR/CO/6, paras. 7–8.
- <sup>30</sup> CCPR/C/BGR/CO/4, para. 26.
- <sup>31</sup> CAT/C/BGR/CO/6, paras. 9–10.
- <sup>32</sup> *Ibid.*, paras. 11–12.
- <sup>33</sup> CCPR/C/BGR/CO/4, paras. 25–26.
- <sup>34</sup> *Ibid.*, paras. 27–28; and CAT/C/BGR/CO/6, paras. 13–14.
- <sup>35</sup> CAT/C/BGR/CO/6, paras. 13–14.
- <sup>36</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.118–123.124.
- <sup>37</sup> UNICEF, para. 16.
- <sup>38</sup> CCPR/C/BGR/CO/4, paras. 39–40; see also CRC/C/BGR/CO/3-5, paras. 58–59.
- <sup>39</sup> CCPR/C/BGR/CO/4, paras. 41–42; and E/C.12/BGR/CO/6, paras. 10–11.
- <sup>40</sup> CCPR/C/BGR/CO/4, paras. 43–44.
- <sup>41</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.130–123.136.
- <sup>42</sup> CCPR/C/BGR/CO/4, paras. 35–36.
- <sup>43</sup> *Ibid.*, paras. 37–38.
- <sup>44</sup> UNESCO, para. 11.
- <sup>45</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.101–123.108.
- <sup>46</sup> CAT/C/BGR/CO/6, paras. 27–28; and CCPR/C/BGR/CO/4, paras. 23–24.
- <sup>47</sup> CAT/C/BGR/CO/6, paras. 27–28.
- <sup>48</sup> For the relevant recommendation, see A/HRC/30/10, para. 123.31.
- <sup>49</sup> E/C.12/BGR/CO/6, paras. 19–20.
- <sup>50</sup> *Ibid.*, paras. 25–28.
- <sup>51</sup> *Ibid.*
- <sup>52</sup> For the relevant recommendation, see A/HRC/30/10, para. 123.31.
- <sup>53</sup> UNICEF, para. 21.
- <sup>54</sup> E/C.12/BGR/CO/6, paras. 33–34.

- 55 CRC/C/BGR/CO/3-5, paras. 46–47.
- 56 E/C.12/BGR/CO/6, paras. 6–7.
- 57 CRC/C/BGR/CO/3-5, paras. 46–47.
- 58 E/C.12/BGR/CO/6, paras. 6–7.
- 59 Ibid., para. 35; and CRC/C/BGR/CO/3-5, para. 46.
- 60 E/C.12/BGR/CO/6, paras. 35–37.
- 61 CCPR/C/BGR/CO/4, para. 14.
- 62 UNICEF, para. 22.
- 63 E/C.12/BGR/CO/6, paras. 25–28.
- 64 Ibid., paras. 40–41.
- 65 CRC/C/BGR/CO/3-5, paras. 40–41.
- 66 UNICEF, para. 26.
- 67 Ibid., para. 23.
- 68 Ibid., para. 24.
- 69 CRC/C/BGR/CO/3-5, paras. 40–41.
- 70 UNICEF, para. 27.
- 71 CRC/C/BGR/CO/3-5, paras. 44–45.
- 72 E/C.12/BGR/CO/6, paras. 42–43.
- 73 For relevant recommendations, see A/HRC/30/10, paras. 123.137–123.140.
- 74 UNESCO, p. 5.
- 75 UNICEF, paras. 28 and 30.
- 76 E/C.12/BGR/CO/6, para. 48.
- 77 UNESCO, pp. 5–6.
- 78 E/C.12/BGR/CO/6, para. 49.
- 79 CRC/C/BGR/CO/3-5, paras. 48–49.
- 80 UNICEF, para. 29.
- 81 E/C.12/BGR/CO/6, para. 49.
- 82 For relevant recommendations, see A/HRC/30/10, paras. 123.36–123.55, 123.90–123.97 and 123.116.
- 83 “Official visit to Bulgaria, 14–21 October 2019 by United Nations Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović: End of mission statement”, dated 21 October 2019. Available at [www.ohchr.org](http://www.ohchr.org) (accessed 22 October 2019).
- 84 CEDAW/C/73/D/99/2016, para. 7.15 (b) (iii).
- 85 “Official visit to Bulgaria, 14–21 October 2019 by United Nations Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović: End of mission statement”, dated 21 October 2019. Available at [www.ohchr.org](http://www.ohchr.org) (accessed 22 October 2019). See also CEDAW/C/73/D/99/2016, para. 7.15.
- 86 CAT/C/BGR/CO/6, para. 25; E/C.12/BGR/CO/6, para. 31; and CCPR/C/BGR/CO/4, para. 21.
- 87 CAT/C/BGR/CO/6, para. 26; and CCPR/C/BGR/CO/4, para. 22.
- 88 CAT/C/BGR/CO/6, para. 26; E/C.12/BGR/CO/6, para. 32; and CCPR/C/BGR/CO/4, para. 22.
- 89 CCPR/C/BGR/CO/4, para. 22.
- 90 E/C.12/BGR/CO/6, para. 32.
- 91 Ibid., paras. 15–16.
- 92 CCPR/C/BGR/CO/4, para. 20.
- 93 E/C.12/BGR/CO/6, paras. 17–18.
- 94 Ibid., para. 18; and CCPR/C/BGR/CO/4, para. 20.
- 95 For relevant recommendations, see A/HRC/30/10, paras. 123.99 and 123.126–123.128.
- 96 UNICEF, para. 17.
- 97 Ibid., para. 18.
- 98 “End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Bulgaria (1–8 April 2019)”. Available at [www.ohchr.org](http://www.ohchr.org) (accessed 7 October 2019).
- 99 Ibid.
- 100 Ibid.
- 101 CRC/C/BGR/CO/3-5, paras. 18 and 33.
- 102 Ibid., para. 28 (f).
- 103 For relevant recommendations, see A/HRC/30/10, paras. 123.142–123.143 and 123.145–123.150.
- 104 CRPD/C/BGR/CO/1, paras. 11–12.
- 105 Ibid., paras. 15–16.
- 106 Ibid., paras. 33–38.
- 107 CCPR/C/BGR/CO/4, paras. 17–18.
- 108 CRPD/C/BGR/CO/1, paras. 33–38.
- 109 CAT/C/BGR/CO/6, paras. 15–16.
- 110 CRPD/C/BGR/CO/1, para. 30; and E/C.12/BGR/CO/6, para. 45.
- 111 CRPD/C/BGR/CO/1, paras. 19–20; and CCPR/C/BGR/CO/4, para. 18.

- <sup>112</sup> CRPD/C/BGR/CO/1, paras. 39–40.
- <sup>113</sup> *Ibid.*, para. 50; and CCPR/C/BGR/CO/4, para. 18.
- <sup>114</sup> CCPR/C/BGR/CO/4, para. 18.
- <sup>115</sup> CRPD/C/BGR/CO/1, paras. 58 (a) and (b).
- <sup>116</sup> E/C.12/BGR/CO/6, para. 22.
- <sup>117</sup> CCPR/C/BGR/CO/4, para. 18.
- <sup>118</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.28–123.30, 123.35, 123.141, 123.151–123.164.
- <sup>119</sup> CCPR/C/BGR/CO/4, paras. 13–14; E/C.12/BGR/CO/6, paras. 12–13; and CERD/C/BGR/CO/20-22, paras. 19–20.
- <sup>120</sup> CCPR/C/BGR/CO/4, para. 14; E/C.12/BGR/CO/6, para. 13; and CERD/C/BGR/CO/20-22, para. 20.
- <sup>121</sup> CCPR/C/BGR/CO/4, para. 14; and E/C.12/BGR/CO/6, para. 13.
- <sup>122</sup> CCPR/C/BGR/CO/4, paras. 13–14; and E/C.12/BGR/CO/6, para. 13.
- <sup>123</sup> CERD/C/BGR/CO/20-22, para. 20.
- <sup>124</sup> *Ibid.*; and CCPR/C/BGR/CO/4, para. 14.
- <sup>125</sup> CERD/C/BGR/CO/20-22, para. 20.
- <sup>126</sup> *Ibid.*, para. 17.
- <sup>127</sup> For relevant recommendations, see A/HRC/30/10, paras. 123.166–123.169, 123.171–123.173 and 123.175–123.182.
- <sup>128</sup> UNHCR, p. 5.
- <sup>129</sup> UNHCR, p. 6; CERD/C/BGR/CO/20-22, para. 22; CAT/C/BGR/CO/6, para. 24; and CCPR/C/BGR/CO/4, para. 30.
- <sup>130</sup> UNHCR, p. 6.
- <sup>131</sup> CERD/C/BGR/CO/20-22, paras. 21–22; CAT/C/BGR/CO/6, paras. 23–24; and CCPR/C/BGR/CO/4, paras. 29–30.
- <sup>132</sup> UNHCR, p. 5.
- <sup>133</sup> CERD/C/BGR/CO/20-22, para. 22; CAT/C/BGR/CO/6, para. 24; CCPR/C/BGR/CO/4, para. 30; and E/C.12/BGR/CO/6, para. 39.
- <sup>134</sup> E/C.12/BGR/CO/6, para. 39.
- <sup>135</sup> UNICEF, para. 32.
- <sup>136</sup> UNHCR, p. 4.
- <sup>137</sup> CCPR/C/BGR/CO/4, paras. 31–32.
- <sup>138</sup> UNHCR, p. 2.
- <sup>139</sup> *Ibid.*, p. 3.
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