



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the sixth periodic report of Bulgaria*

1. The Committee considered the sixth periodic report of Bulgaria (E/C.12/BGR/6) at its 8th and 9th meetings (see E/C.12/2019/SR.8 and 9), held on 21 and 22 February 2019, and adopted the present concluding observations at its 30th meeting, held on 8 March 2019.

A. Introduction

2. The Committee welcomes the submission by the State party of its sixth periodic report, on the basis of a list of issues prior to reporting drawn up by the Committee (E/C.12/BGR/QPR/6). It expresses its appreciation to the State party for having accepted the simplified reporting procedure, as this provides an opportunity to have a focused consideration of the report and dialogue with the delegation. The Committee expresses its appreciation for the open and constructive dialogue with the State party's high-level interministerial delegation.

B. Positive aspects

3. The Committee notes with appreciation the new strategies adopted by the State party to ensure a higher level of protection of economic, social and cultural rights in the State party, many examples of which are referred to in the present concluding observations. It notes in particular the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020 and the National Roma Integration Strategy of the Republic of Bulgaria (2012–2020).

C. Principal subjects of concern and recommendations

National human rights institution

4. The Committee is concerned that the mandate and capacity of the Commission for Protection against Discrimination remain limited.

5. **The Committee recommends that the State party broaden the mandate of the Commission for Protection against Discrimination and ensure that the institution is provided with the necessary financial and human resources for its effective**

* Adopted by the Committee at its sixty-fifth session (18 February–8 March 2019).



functioning, so as to fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Inequalities

6. The Committee is concerned about the persistently high level of economic inequalities in the State party, as well as about the disparity in the enjoyment of economic, social and cultural rights between regions and between rural and urban areas.

7. **The Committee recommends that the State party develop a more progressive fiscal policy to reduce economic inequalities and that it ensure a fair allocation of resources among regions with a view to reducing regional disparities. The Committee also recommends that the State party strengthen the capacities of social services at the municipal level with a view to better identifying marginalized and disadvantaged individuals and providing them with adequate support.**

Maximum available resources

8. While noting that the share of the gross domestic product allocated to public spending in the State party has increased over the past five years, the Committee is concerned that budget deficit control might require the adoption of austerity measures and reduce the State party's capacity to meet its obligation to mobilize the maximum available resources (art. 2 (1)).

9. **The Committee recommends that the State party assess the impact on the Covenant rights when making budgetary adjustments and take all necessary measures to ensure that any negative impact is reduced to the minimum. It also recommends that, if the adoption of retrogressive measures is unavoidable, the State party ensure that such measures are absolutely necessary and proportionate, only remain in place insofar as they are necessary, and do not result in discrimination, and that it ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected. The Committee further recommends that the State party ensure that such measures do not affect the minimum core content of the rights protected under the Covenant. The Committee draws the attention of the State party to its statement of 2016 on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2016/1).**

Corruption

10. The Committee welcomes the recent steps taken by the State party to combat corruption, in particular the adoption of the Action Plan to Prevent and Fight Corruption and of the Anti-Corruption and Forfeiture of Assets Act. Nevertheless, it is concerned about remaining challenges in the fight against corruption and in the conduct of investigations into corruption cases, including cases against high-level officials, such as the lack of qualified experts and of adequate resources (art. 2 (1)).

11. **The Committee recommends that the State party:**

(a) **Allocate adequate human, material and financial resources for the implementation of the Action Plan to Prevent and Fight Corruption and the enforcement of anti-corruption legislation;**

(b) **Strengthen the capacity of the judiciary to combat corruption effectively;**

(c) **Raise the awareness of the public and State officials about the anti-corruption legislation and the Action Plan to Prevent and Fight Corruption;**

(d) **Ensure the protection of whistle-blowers and civil society activists working on anti-corruption, from persecution and violence.**

Roma

12. The Committee is concerned that the impact of the National Roma Integration Strategy of the Republic of Bulgaria (2012–2020) remains limited and that Roma in the

State party remain disproportionately affected by poverty and social exclusion and face obstacles in the enjoyment of their economic, social and cultural rights. In particular, the Committee is concerned that Roma continue to face discrimination in the fields of employment, housing, health care and education, and that such discrimination is being exacerbated by a rise in anti-Roma sentiment (art. 2 (2)).

13. The Committee recommends that the State party undertake regular assessments of the impact of the National Roma Integration Strategy of the Republic of Bulgaria and focus on specific areas of concern. It also recommends that the State party:

(a) **Undertake additional efforts to promote a participatory approach and ensure greater inclusion of the Roma community and civil society in the implementation of the strategy;**

(b) **Raise the awareness of the public about existing anti-discrimination legislation;**

(c) **Ensure that Roma have access to legal aid and to adequate remedies;**

(d) **Ensure that acts of discrimination and violence are investigated and prosecuted and that those responsible are sanctioned;**

(e) **Promote intercultural dialogue with a view to defusing prejudice and misconceptions about Roma.**

14. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Equality between men and women

15. The Committee is concerned about the persistent stereotypes about economic, social and cultural roles of men and women, which perpetuate gender inequality in the State party. As a result, women continue to bear a disproportionate burden of unpaid domestic and care work, which hinders their full participation in public life and in the labour market (arts. 3 and 6).

16. The Committee recommends that the State party ensure effective implementation of the National Strategy for Promoting Equality between Men and Women 2016–2020, in particular by developing social policies to reduce the burden of women’s unpaid domestic and care work, by promoting the sharing of family responsibilities between men and women and by undertaking awareness-raising campaigns to combat gender stereotypes and raise awareness of the legal requirement of gender equality and its benefits for the society. In this regard, the Committee draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

Women in employment

17. The Committee is concerned about the lower level of participation of women in the labour market, the horizontal and vertical occupational segregation between men and women and the gender pay gap that exists in the State party, which lead to income inequality and lower pension benefits for women. It is also concerned that the proportion of fathers using their right to parental leave remains low (arts. 3, 6 and 7).

18. The Committee recommends that the State party promote women’s full participation in the labour market, including by developing adequate and affordable day-care solutions and encouraging men to use their right to paternity leave and paid parental leave. It also recommends that the State party take measures to reduce the gender pay gap and to promote equal pay for work of equal value. Moreover, the Committee recommends that the State party promote the employment of women in the fields where they remain unrepresented and underrepresented, including through awareness-raising campaigns and training opportunities.

Youth employment

19. The Committee is concerned that despite the downward trend in the State party's unemployment rate, unemployment among young people is twice as high as among the rest of the population, and that the proportion of young Roma who are not in education, employment or training, especially women, is disproportionately high (art. 6).

20. **The Committee recommends that the State party increase its efforts to reduce youth unemployment, including by increasing the availability of training opportunities tailored to the labour market and by giving incentives to employers to employ young people. It also recommends that the State party increase its efforts to reintegrate young people who are not in education, employment or training, in the framework of the Youth Guarantee Implementation Plan, with specific measures responding to the needs of young Roma, especially women. The Committee further recommends that the State party increase the number of Roma mediators and youth mediators in disadvantaged and marginalized communities.**

Employment of persons with disabilities

21. The Committee is concerned about the low rate of participation of persons with disabilities in the State party's labour market, and that employers often fail to provide reasonable accommodation and ensure the accessibility of workplaces. It also notes with concern that the quotas on employment of persons with disabilities are not respected nor enforced (arts. 2 (2) and 6).

22. **The Committee recommends that the State party take measures to increase the labour force participation rate of persons with disabilities, including in particular by ensuring the provision of reasonable accommodation, developing policies and programmes designed for persons with disabilities, and raising the awareness of employers of the obligation to make workplaces accessible to persons with disabilities. It also recommends that the State party enforce the quotas on employment of persons with disabilities. It further recommends that the State party raise awareness among employers and the public, including persons with disabilities, of the legislation relating to employment of persons with disabilities, existing special measures, and the rights of persons with disabilities.**

Harassment in the workplace

23. The Committee is concerned about the prevalence of harassment, including sexual harassment, in the workplace, particularly in the garment sector where the majority of workers are women belonging to marginalized groups. The Committee is also concerned that despite the Law on Protection against Discrimination, of 2004, which includes definitions of harassment and sexual harassment, there is a low level of awareness of sexual and other forms of harassment and a low rate of reporting of harassment (art. 7).

24. **The Committee recommends that the State party raise awareness of the prohibition of harassment, including sexual harassment, in the workplace, among employers, employees and the general public. It recommends that the State party ensure that employers provide a harassment-free working environment, that effective remedies are available for victims of harassment and that those responsible are sanctioned. The Committee also recommends that the State party take measures to ensure that women workers in the garment sector are protected from sexual and other forms of harassment.**

Right to social security

25. The Committee is concerned that the levels of the guaranteed minimum income, unemployment allowances and old age pensions in the State party do not provide beneficiaries with sufficient income for an adequate standard of living. The Committee is also concerned about the lack of administrative capacity of social services to deliver targeted and individualized support to beneficiaries (arts. 9 and 11).

26. **The Committee recommends that the State party pursue its efforts to adjust the levels of social allowances and establish a sustainable system of indexation and, if necessary, carry out recalculations of social allowances, with a view to guaranteeing an adequate standard of living for beneficiaries and their families. The Committee also recommends that the State party allocate the necessary financial resources and training to strengthen the administrative capacity of social workers, with a view to ensuring adequate and individualized support for beneficiaries.**

27. The Committee is concerned about the lack of universal health insurance coverage in the State party, and that those who are not covered have unequal access to health care. The Committee notes with concern that more than half of the Roma population is not covered by the national health insurance scheme (arts. 2 (2) and 9).

28. **The Committee recommends that the State party extend the coverage of the national health insurance to groups that are currently excluded from it, including with measures targeting the Roma community, and that it ensure access to affordable health care for all without discrimination.**

Deinstitutionalization of children

29. While welcoming the continuing trend towards deinstitutionalization of children in the State party, the Committee is concerned at the lack of early childhood development services, and at the lack of adequate support after these children leave care institutions. It is also concerned at the lack of qualified staff assigned to children placed in family-type accommodation (art. 10).

30. **The Committee recommends that the State party ensure that the specific needs of deinstitutionalized children are taken into account when they are placed in family-type care and that decisions are based on the best interests of the child. It also recommends that the State party promote the employment of qualified staff to be assigned to children placed in family-type care, including psychologists, rehabilitation specialists and early childhood development specialists, and that it provide the staff working in these arrangements with adequate training.**

Domestic violence

31. While noting that the Constitutional Court of Bulgaria declared the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) incompatible with the Constitution, the Committee is concerned about the high prevalence of violence against women, including domestic violence, in the State party. It is also concerned that these acts remain highly underreported and that the level of awareness of violence against women, including domestic violence, remains low (arts. 3 and 10).

32. **The Committee recommends that the State party incorporate the main principles of the Istanbul Convention in its legislation in order to fully protect women against all forms of violence and prevent, prosecute and eliminate violence against women, including domestic violence. In particular, the Committee recommends that the State party:**

(a) **Collect statistical data on violence against women, including domestic violence, disaggregated by age, type of offence, perpetrator's relation to the victim and any other relevant criteria;**

(b) **Ensure that all acts of violence against women are reported and fully investigated, that perpetrators are prosecuted and adequately punished, and that victims have access to justice, effective reparations, shelters and support services;**

(c) **Provide gender-sensitive training to law enforcement and judiciary personnel on the nature of violence against women, its causes and consequences and on how to handle cases of violence against women;**

(d) **Raise awareness among the general public about violence against women.**

Poverty and social exclusion

33. The Committee is concerned about the high proportion of people, and especially children, living in poverty and/or social exclusion in the State party. It is also concerned that members of the Roma community and, to a lesser extent, members of the Turkish community, are disproportionately affected by poverty (arts. 10 and 11).

34. The Committee recommends that the State party act upon the lessons learned from the implementation of the National Strategy for Reducing Poverty and Promoting Social Inclusion 2020, with a view to ensuring that the targeted measures reduce poverty effectively. In particular, the Committee recommends that the State party ensure that social benefits effectively reach those in need, in particular members of the Roma and Turkish communities. The Committee also recommends that the State party adopt targeted measures to keep children out of poverty, including socioeconomic support for single parents and families with three or more children.

Right to adequate housing

35. The Committee is concerned about the large number of persons who live in inadequate housing conditions in the State party, in some cases without access to sanitation and water facilities. It is also concerned about the increasing number of homeless people. Moreover, the Committee notes with concern that members of the Roma population are particularly at risk of being subjected to forced evictions without being provided with suitable alternatives and, as a consequence, are at higher risk of becoming homeless (arts. 2 (2) and 11).

36. The Committee urges the State party to ensure the provision of sanitation and water services where they are currently lacking. It also recommends that the State party ensure that the marginalized and disadvantaged individuals and groups are provided with adequate housing conditions, including by facilitating their access to social housing programmes and providing adequate temporary housing to homeless people. Moreover, it recommends that the State party prevent forced evictions and, in cases where illegal dwellings have to be demolished, ensure that:

- (a) The process is carried out within the framework of the law, and with appropriate procedural protection, including adequate and reasonable notice in advance;**
- (b) Evictions are not conducted in winter, at night or during the school year;**
- (c) Evicted persons who have no housing alternative are provided with alternative adequate accommodation, and effective remedies are available to those evicted.**

37. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions and to its general comment No. 4 (1991) on the right to adequate housing.

Reception centres for migrants and asylum seekers

38. The Committee is concerned that the conditions of reception centres for migrants and asylum seekers in the State party are not satisfactory, for example by sometimes failing to provide food appropriate to individual needs, and necessary non-food items. It is also concerned that the vulnerabilities or special needs of applicants are not being addressed and that no safe spaces for women and girls and for persons with special needs are provided. The Committee is further concerned that the monthly allowance granted to asylum seekers in reception centres is insufficient to meet their basic needs (arts. 3, 10 and 11).

39. The Committee recommends that the State party ensure that asylum seekers and migrants in reception centres are provided with adequate food meeting their specific needs, and with essential non-food items. It also recommends that safe spaces be created in each reception centre and that the specific situation and vulnerability of each person be assessed upon arrival, with special attention given to unaccompanied and separated children and to survivors of human trafficking, gender-based violence

and torture. Moreover, the Committee recommends that the State party raise the monthly allowance granted to asylum seekers in order to allow them to meet their basic needs.

Inequality in access to health care

40. The Committee is concerned at the disparity between districts and regions in relation to access to health care and the availability of medical doctors and nurses (art. 12).

41. **The Committee recommends that the State party take measures to increase the availability of health care and recruit qualified medical doctors and nurses to work in disadvantaged regions and districts, including by providing incentives.**

Right to health of persons with mental health conditions

42. The Committee is concerned that a large number of persons with mental health conditions remain without care in the State party and that the National Strategy for Long-term Care does not include long-term and sustainable care solutions and services to meet the needs of older persons, in particular those with mental health conditions. It notes with concern that the capacity of geriatric services is insufficient and that community-based care is not widely available and accessible. It is also concerned about the lack of trained medical personnel to provide adequate care to persons with mental health conditions and about the lack of support provided to formal and informal caregivers (art. 12).

43. **The Committee recommends that the State party conduct a needs assessment and introduce specific care solutions and services for the diagnosis and treatment of persons with mental health conditions, including among older persons, as well as allocating a sufficient budget to ensure adequate care and services for older persons, within the framework of the National Strategy for Long-term Care. The Committee also recommends that the State party increase the capacity of geriatric services, and that community-based care and integrated health and social services be available and accessible to older persons, including in rural and isolated areas. It further recommends that health practitioners be trained on early diagnosis and care of mental health conditions, especially among older persons, and that training and support be provided to both formal and informal caregivers.**

Legal capacity of persons with disabilities

44. The Committee is concerned that the draft Natural Persons and Support Measures Act, which abolishes the deprivation of legal capacity of persons with intellectual or psychological disabilities, has not yet been adopted by the National Assembly (arts. 2 (2) and 12).

45. **The Committee recommends that the State party recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and that it promptly adopt the draft Natural Persons and Support Measures Act. It also recommends that the State party raise awareness about the law upon its adoption and train the judiciary and health-care and social protection professionals on its provisions.**

Drug users

46. The Committee is concerned about the very high prevalence of HIV among people who inject drugs, in comparison with the low general prevalence in the State party. It is further concerned that fear of stigmatization and discrimination prevents persons who inject drugs and people living with HIV/AIDS from seeking life-saving care and treatment. Moreover, the Committee notes with concern that resources have not been allocated to fill the gap left by the termination in 2017 of funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria (arts. 2 (2) and 12).

47. **The Committee recommends that the State party pursue its efforts to secure sustainable funding for HIV prevention activities and harm reduction programmes that cover the needs of drug users. It also recommends that the State party raise the**

awareness of medical personnel about misconceptions, stigmatization and discrimination against people living with HIV and drug users, and that it ensure they receive adequate medical treatment, including antiretroviral medication.

Right to education

48. The Committee is concerned about the decreasing net enrolment rate at the preschool and primary school levels and at the sharp increase in dropout rates in the State party. It notes with concern that the number of Roma children and young people who drop out of school, in particular Roma girls, is disproportionately high. The Committee is also concerned that despite the existing legal prohibition of school segregation, a large proportion of Roma children attend de facto segregated schools, which constitutes a barrier to their integration. The Committee is further concerned about the low rate of enrolment of children with disabilities in mainstream schools (arts. 2 (2) and 13).

49. **The Committee recommends that the State party:**

(a) **Remove the financial and material barriers to enrolment of children in preschool and primary school, particularly in marginalized and disadvantaged communities;**

(b) **Pursue its efforts to address school dropout within the framework of the Strategy for Reducing Early School Leavers and the related action plan, including by enhancing the participation of civil society, parents, mediators and members of the Roma community in the existing interministerial mechanism;**

(c) **Enforce the legal prohibition of school segregation, with a view to promoting the integration of Roma children into society; in particular, address de facto school segregation by encouraging the enrolment of Roma children in mixed schools and raise awareness among parents belonging to different ethnic groups of the benefits of ethnic diversity;**

(d) **Facilitate the access of children with disabilities to inclusive education, including by improving the physical accessibility of schools, providing adequate transportation, equipping schools with adapted learning materials and providing teachers and educators with adequate training.**

Cultural rights of minorities

50. While the Constitution of the State party recognizes the right of everyone to develop their own culture in accordance with their ethnic self-identification, the Committee is concerned about actions of the authorities aimed at discouraging persons belonging to minorities from freely self-identifying with a specific minority group, and that unclear criteria are applied by the authorities for granting access to minority rights (art. 15).

51. **The Committee recommends that the State party ensure, in practice, that:**

(a) **Actions taken by authorities are not aimed at discouraging persons belonging to minorities from freely self-identifying as belonging to a specific minority group;**

(b) **The criteria applied for granting access to minority rights are not construed or defined in such a way as to limit arbitrarily the possibility of the members of these communities to have access to the Covenant rights, in particular the right to education;**

(c) **The implementation of minority rights is not a source of arbitrary or unjustified distinction among communities in respect of access to the Covenant rights.**

D. Other recommendations

52. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee also encourages the State party to consider ratifying the**

International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

53. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

54. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).

55. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the National Ombudsman, the National Commission for Protection against Discrimination, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

56. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 36 (forced evictions), 45 (legal capacity of persons with disabilities) and 49 (c) (de facto school segregation) above.

57. The State party is invited to submit its seventh periodic report by 31 March 2024. For that purpose and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its seventh periodic report under article 16 of the Covenant. In addition, the Committee invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).