

LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the European Parliament

Additional questions

Regarding:

the exchange of opinions on the most recent developments in Bulgaria

in the area of democracy, rule of law and fundamental rights,

held on August 28, 2020 (Friday), 09.00 a.m.–1.30 p.m.

To the Deputy Prime Minister:

1. How are you going to assess the anti-corruption reforms in Bulgaria after October 2019? What concrete actions have been taken from the government in this regard? In addition – as regards the reform of the judiciary – how the government will address the Venice Commission recommendations, specifically on the functions of the Prosecutor General?

In 2017 and 2018, Bulgaria implemented a comprehensive reform of its legal and institutional anti-corruption framework. By consolidating the fragmented legislation and uniting the existing anti-corruption structures, the Commission for Counteracting Corruption and Illegal Assets Forfeiture was established. For the purpose of greater specialisation and better detection of crimes, the competence on high-level corruption cases was transferred to the Specialised Criminal Court, while supervision and investigation of such cases is carried out by the specialised prosecutor's office.

The powers and the capacity of the General Inspectorate and the inspectorates in the ministries were enhanced by means of amendments to the Administration Act. Their competences include exercising supervision and performing verifications with respect to the conflict of interests and the contents of the mandatory declarations of assets and interests submitted by civil servants, as well as reporting to the prosecutor's office, if they come across evidence of a crime. The declarations have a broad content – income, bank deposits, transportation vehicles, real estate, stock and shares in companies, liabilities and receivables, whereas also those of their connected persons (spouses and de facto cohabitants) must be declared. The inspectorates also assess corruption risks and propose measures to limit them. In 2019, the inspectorates verified 109,195 declarations of civil servants. The rise in the number of verifications performed by the inspectorates speaks for the greater capacity, the focus on countering corruption and the increased control in the administration – 1,365 in 2017; 1,485 in 2018; and 2,039 in 2019.

However, the fight against corruption was always on the agenda and we continue our work in this respect. Bulgaria continues to be engaged towards the improvement of its regulatory framework and the attainment of permanent and irreversible results.

The adoption of a new anti-corruption strategy for the period 2021–2027 is forthcoming and will take place after a public discussion. A working group consisting of representatives of the executive, judiciary and independent bodies, as well as the non-governmental sector, is carrying out an analysis of the implementation of the current strategy and is developing the draft of the new strategy.

The executive branch is developing measures against corruption in the activities of the administrative penal bodies, who perform control and sanctioning functions with respect to all sectors of the economy and almost all areas of public life. On this occasion, after wide consultations with business, citizens and institutions and implementing a report prepared by the former Centre for Prevention and Countering of Corruption and Organised Crime, which merged

into the Commission for Counteracting Corruption and Illegal Assets Forfeiture, the Council of Ministers adopted a draft amending the Administrative Offences and Penalties Act, which is under debate in the National Assembly. The draft foresees a number of preventive anti-corruption measures to make the activity of the controlling bodies more transparent and effective, to improve their accountability, to reduce subjectivism and to eliminate the preconditions that could result in corrupt behaviour. Work will be undertaken with the Structural Reform Support Service not only on the application of the best European practices in administrative penal proceedings, but also on other preventive anti-corruption measures in the area of the supervising bodies and administrative sanctions.

Bulgaria will continue to work with the European Commission, GRECO, the Organisation on Economic Co-operation and Development and the UN on the development of policies for prevention and countering of corruption and their implementation.

As far as the liability of the Prosecutor General is concerned, in December 2019, the Council of Ministers adopted a draft law amending the Criminal Procedures Code. The draft law has not been examined by the National Assembly yet, as there was a question to the Constitutional Court regarding the powers of the Prosecutor General, which delivered a ruling. The ruling states that the supervision of legality and methodological guidance of the activities of all prosecutors, which is exercised by the Prosecutor General, does not include cases where the prosecutors perform verifications, investigations and other procedural steps based on reports against the Prosecutor General. The Prosecutor General may not exercise supervision with respect to investigations against him or her.

Bulgaria has the firm intention to comply with the Kolevi judgement and in connection with the excellent cooperation between the Bulgarian authorities and the Council of Europe that has always been of benefit to our efforts to reform the institutions in line with the international democratic standards and the Rule of Law we commit to initiate a procedure to request an expert opinion from the Venice Commission on the draft amendments to the Criminal Procedure Code and to the Judiciary Act in compliance with the constitutional framework.

2. Rule of law concerns not only questions about the anticorruption and judiciary but also about media freedom. But the situation concerning media freedom in Bulgaria is very worrying. In April this year the Council of Europe published its annual report on the media freedom which reads the following on Bulgaria: "Bulgaria has seen a worsening working environment for journalists, due to the polarising character of public debate, open hostility of elected politicians and sustained attacks on independent media through administrative and judicial harassment, as well as physical threats. Media ownership is opaque and characterised by the capture of the media market by oligarchs who use their media power to exert political influence and attack and denigrate rivals and critics. A major share of the country's newspaper distribution business is under the control of a single conglomerate, owned by a politician. Independent journalists and media outlets are regularly subject to intimidation in person and online." Could you please comment on this with special regard to the findings about the single conglomerate, owned by a politician. How does this impact the media freedom and what actions does the government plan to address this situation?

For us, freedom of speech is a supreme value and a sign of a strong democratic society. Moreover, through freedom of speech not only the media, but also the citizens, are able to exercise control over the actions of those in power. The government does not limit the freedom of speech in any way. On the contrary, the criticisms serve as a corrective in decision-making.

We welcome the fact that under the new common European mechanism for the rule of law, media pluralism is one of the four pillars subject to evaluation. This will provide a possibility to improve the regulatory framework and law enforcement and will indicate the best European practices.

Bulgaria has adopted and implements regulatory rules on declaring media ownership. Pursuant to the Compulsory Deposit of Copies of Printed and Other Works and for Announcement of the Distributors and Suppliers of Media Services Act, suppliers and distributors must declare the actual owner of the relevant media service or printed publication, any financing received over the previous year and access to public funds through contracts with the relevant contracting authorities. The declarations are submitted to the Ministry of Culture, which maintains a public register of this information. The Ministry of Culture also has administrative penal powers to ascertain offences, to draw up statements and issue penal decrees against media services suppliers and distributors of periodic publications, which have not fulfilled their obligation to declare the above circumstances. In the event that the offender cannot be identified, the law allows the Minister of Culture to request the assistance of the bodies of the Ministry of Interior. The first of these proceedings revealed procedural problems and therefore, as of 2020, the verifications are performed based on a new algorithm with the assistance of the Ministry of Interior.

Suppliers of media services also declare and register information on their actual ownership according to their shares in the Commercial Register and the Register of Non-profit Legal Entities. The information in the register is publicly available.

The independent regulator for audio-visual media CEM (Council for Electronic Media) applies the provisions of Directive (EU) 2018/18 (Audio-visual Media Services Directive) on greater transparency concerning actual media ownership and as of the beginning of 2020, it published a link to the Commercial Register, with the information on the suppliers of media services. This gives the user another method of access to information on the ownership. One more mechanism for declaring exists under the Measures against Money Laundering Act.

Bulgaria applies legislation for protection and conditions for expansion of competition and free initiative in business activities. The Protection of Competition Act regulates protection against agreements, decisions and concerted practices, abuse of monopolistic and dominant positions on the market, and any other actions and operations which may result in prevention, restriction or distortion of competition in Bulgaria and/or affect trade between the Member States of the European Union, as well as against unfair competition or against abuse of dominant position when contracting. The Act also provides for control over concentrations between undertakings. The Commission for Protection of Competition is the national authority of the Republic of Bulgaria in charge of the application of Community Law in the field of competition.

The Commission gives opinions whether a transaction is a concentration. The Commission permits a concentration between enterprises, if it does not lead to the establishment or reinforcement of a dominant position, which would significantly impede the effective competition on the markets, in which the participants in the concentration operate. In these proceedings, by means of an announcement in the electronic public register, all concerned parties are invited by the CPC to present within a specific deadline opinions regarding the effect of the concentration on competition. The Commission also requires opinions and information concerning the effect of the transaction on the competitive environment in the affected relevant markets.

Pursuant to the law, CPC decisions may be appealed on the grounds of their legality before two court instances – before the Administrative Court – Sofia Region and before the Supreme Administrative Court as a cassation instance. Not only the parties to the proceedings, but any person that has a legitimate interest is entitled to appeal.

In connection to the distribution of daily printed publications, at the end of May 2020, the Council of Ministers adopted Decree No. 113 of 28.05.2020, by which it assigned the state company Bulgarian Posts EAD to provide services of a common economic interest – distribution of periodical printed publications (newspapers and magazines) with wholesale and retail discounts,

directly or based on subscription, on the territory of the Republic of Bulgaria. The measure is intended to promote pluralism of the press and freedom of speech. The objective is also to guarantee the right to receive information on matters of public interests. Expectations are that by taking over the distribution activity, Bulgarian Posts EAD will be a guarantor for the right to free access to the relevant publications and that this access will not be subject to unwarranted suspension for reasons related to possible corporate or competitive interests, which could lead to a distortion of the media environment and the violation of freedom of speech in the country.

3. PM Borissov announced Constitutional amendments several weeks ago. During the four days between the PM announcement that there will be a new Constitution and the submission of the draft itself, what kind of public consultations have you performed, if any? Is there an impact assessment of the proposed changes?

Over the years, a debate on the need for a new Constitution began to develop and to ripen. It evolved not only into a topic of discussion in television studios and the media, but also found its permanent presence in the political realm and the rhetoric of leading politicians and political forces. By gathering citizens' signatures and based on a direct initiative, two national referenda were held on Constitutional matters – in 2015 on the matter of electronic voting and in 2016 on the matters of a majority voting system, mandatory voting and subsidies for political parties. The initial questions for the 2016 referendum included also a reduction of the number of Members of Parliament, however under the Constitution this cannot be decided by referendum due to the exclusive competence of the Grand National Assembly, and was therefore rejected. Demands for a new Constitution and the convening of a Grand National Assembly have been heard in the country for several years. In the context of the public demands and debates concerning the adoption of a new Constitution over the years, on September 2, 2020, we launched a legitimate procedure in accordance with the Constitution in force, based on the initiative of 127 Members of Parliament. The draft of the new Constitution, signed by more than half of the Members of Parliament, is an absolutely necessary prerequisite for the National Assembly to adopt a decision to hold elections for a Grand National Assembly with a majority of two-thirds of the total number of Members of Parliament.

We should note that the convening of a Grand National Assembly opens a genuinely wide debate, because it is not bound to the adoption of the draft submitted by the regular National Assembly. The participation of 400 Members of Parliament in it guarantees very wide representation of citizens and political forces. The draft will be subject to wide public consultations, experts from the academia, persons of a high public standing, civil society, business, the nongovernmental sector, etc. will be involved. Moreover, whilst the governing majority is prepared to defend its proposals, it will also be open to talks and discussions on each point of the draft Constitution.

According to the current legislation in force since 2016, proposed amendments to the Constitution are not a subject for an impact assessment. The procedure and requirements for amendments to the Constitution and the adoption of a new one are regulated at the constitutional level.

4. In the new draft Constitution you propose legislative initiative to be given to the judiciary. In most of the Member States the judiciary enforces the law and does not create it. This is part of the separation of powers. So what necessitates this reform, what problems are you trying to address with this?

No such proposal is contained in the draft Constitution submitted to the National Assembly.

5. In the new draft Constitution you propose significant limitations of the powers of the President of the Republic, especially when it comes to appointments in the judiciary. The President's role in this process has never been subject of any recommendations or analysis

under the Commission evaluations of the judiciary within the CVM or Venice Commission recommendations. What was the aim of proposing changes to his role?

The aim of the changes with respect to the judiciary is to guarantee its full independence. Over the years, judiciary independence has been the subject of Constitutional and legislative amendments, discussions, significant public debates. This is namely what the amendments aim to guarantee. For example, a position of the Venice Commission (CDL-AD(2007)028) states that young democracies, where there is no longstanding tradition in the procedures, should have Constitutional and legal provisions guaranteeing the authorities' impartiality in judge electoral matters. Providing the judiciary with the opportunity to decide on all of its matters independently and free from external intervention is a guarantee in this direction.

To the Deputy Prime Minister and the Deputy Minister of Justice:

6. While the Bulgarian government has consulted the Venice Commission on previous occasions, this is not the case for the latest reforms, in particular the recently announced constitutional reform. Will the Bulgarian government request the Venice Commission to issue an Opinion on this matter?

On 18 September 2020 the President of the National Assembly, Mrs Tsveta Karayancheva has sent to the President of the Venice Commission, Mr Gianni Buquicchio, a letter containing official request for providing expert support and issuing an Opinion of the Venice Commission on the Draft new Constitution of the Republic of Bulgaria and with respect to the convening of Grand National Assembly.

7. The Kolevi vs Bulgaria ruling dates back to 2009. As indicated by the Venice Commission and by GRECO, some reforms have been taken to implement this ruling, but considerable gaps remain in the accountability of the Prosecutor General. When will the government fully and unreservedly implement the Kolevi ruling and the recommendations and opinions of the Venice Commission and GRECO? Will the Bulgarian government commit to request another Opinion of the Venice Commission on reform proposals regarding the Prosecutor General?

On 1-3 September 2020, the Committee of Ministers to the Council of Europe held its 1377bis meeting, at which it considered the implementation of the group "S.Z./Kolevi v. Bulgaria" rulings. The Committee of Ministers adopted a ruling¹, assessing in particular the steps taken by the authorities to address the issues set out in its interim resolution of December 2019.

In this context, it should be noted that a number of steps have been made in the last year that have been taken into account by the Committee of Ministers:

- Draft law from June 2019 before the interim resolution of the Committee of Ministers;
- Request for an opinion from the Venice Commission on this bill;
- Second draft law from December 2019;
- Request for an interpretative ruling to the Constitutional Court, following the advice of the Venice Commission and the priority issuance of this ruling on 23.07.2020;
- The announced intention for constitutional reforms.

Special mention should be made of the fact that the Constitutional Court of the Republic of Bulgaria ruled with Decision № 11 of 23.07.2020 of the Constitutional Court in constitutional case № 15/2019, formed at the request of the Council of Ministers of the Republic of Bulgaria for giving a mandatory interpretation of Art. 126, para. 2 of the Constitution on the following

¹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809e7ac5

interpretative issue: *"Does the supervision of legality and methodological guidance over the activity of all prosecutors carried out by the Prosecutor General pursuant to Article 126, paragraph 2 of the Constitution include cases when a prosecutor carries out inspections, investigations and other procedural actions on signals against the Prosecutor General, given the generally accepted legal principle of "no one is judge in his own cause" /nemo iudex in causa sua/ being an element of the rule of law?"* The Decision states that the supervision for legality and the methodical guidance over the activity of all prosecutors, carried out by the Prosecutor General in the sense of Art. 126, para. 2 of the Constitution, do not include the cases when a prosecutor carries out inspections, investigations and other procedural actions on signals against the Prosecutor General.

Bulgarian authorities were called upon to complete the legislative amendments and if necessary the constitutional amendments, to fully comply with CM/ResDH (2019) 367 Interim Resolution or, if a new Constitution is adopted, to ensure that it establishes a framework that complies with the requirements of the Convention.

Bulgaria has the firm intention to comply with the Kolevi judgement and in connection with the excellent cooperation between the Bulgarian authorities and the Council of Europe that has always been of benefit to our efforts to reform the institutions in line with the international democratic standards and the Rule of Law we commit to initiate a procedure to request an expert opinion from the Venice Commission on the draft amendments to the Criminal Procedure Code and to the Judiciary Act in compliance with the constitutional framework.

8. Does the Bulgarian government consider that introducing a major constitutional reform and Grand National Assembly just months before an election allows for a careful, transparent, inclusive, democratic process?

Now is the time to convene a Grand National Assembly and to hold a broad and democratic public debate. The Grand National Assembly has the widest range of public representation - 400 MPs elected directly by Bulgarian citizens. The convening of a Grand National Assembly is determined on the one hand by the view that the demands of protesters should be answered, and on the other hand - on the specifics of the Bulgarian constitutional model. In order to convene a Grand National Assembly, the parliamentary forces in an ordinary National Assembly must be ready to terminate their powers and mandate. This is a constitutional consequence and there has never been a procedural proposal to convene a Grand National Assembly and dissolve the current ordinary National Assembly. The protests in the country showed that many people desire a change, which is deep in nature and seeks answers to questions lying at the foundations of legal order, namely the Constitution. The idea to convene a Grand National Assembly goes in this direction – it is not some detached demand of the government, but it is a way to address people's demands. Resolving matters related to the independence of the judiciary once and for all, the application of new European standards in this and other areas, the reduction of the number of Members of Parliament, can be carried out directly through the instrument of the Grand National Assembly. The Grand National Assembly is a democratic and constitutionally regulated procedure that has very high representation. The ruling majority is ready to take this step and engage in a transparent and democratic dialogue on the legal foundations of the state.

The procedure for the adoption of a new Fundamental law is regulated in Chapter 9 of the Constitution of the Republic of Bulgaria. According to Art. 159, para. 1, the right of initiative for the adoption of a new Constitution belongs to at least one half of the Members of Parliament (i.e. at least 120 deputies) and to the President. In accordance with the cited provision, on September 2, 2020, a draft of a new Constitution was submitted, signed by 127 MPs, which started the constitutionally regulated procedure for the adoption of a new Fundamental law.

According to Art. 159, para. 2 of the current Constitution, the draft of a new Constitution shall be considered by the National Assembly not earlier than two months and not later than five months after its submission. The Seventh Grand National Assembly, in its capacity as a body of the original constituent power (*pouvoir constituant originaire*), has assessed this term as sufficient and allowing for a transparent, inclusive and democratic process. As can be seen from the above, the earliest possible deadline for consideration of the draft new Fundamental law, in which the government has expressed its determination to fit, is 2 November 2020 and it falls within the mandate of the current legislature. In this sense, the fact that the procedure took place relatively soon before the date of termination of the powers of the current new National Assembly (end of March 2021), does not raise concerns about its legitimacy and democracy, insofar as it is within the time limits set by the constitutional legislator.

An additional argument in this direction is the fact that the draft of a new Constitution is published on the website of the National Assembly (<https://www.parliament.bg/bills/44/070-00-1.pdf>), where anyone can get acquainted with it and express their opinion on the draft.

9. There are serious worries about media ownership concentration, as indicated in the Media Pluralism Monitor 2020. Bulgaria comes at the 111th place in the media freedom index. In addition, individual journalists are reporting threats and intimidation. What will the government do to increase transparency of ownership, promote the plurality of media ownership and ensure the safety of journalists?

The Act on the Obligatory Deposition of Printed and Other Matters, and on Disclosing the Distributors and Providers of Media Services introduced the obligation for every media service provider to submit to the Ministry of Culture, annually by June 30th, a form declaration approved by the Minister of Culture identifying its actual owner, and containing information as to whether that actual owner holds a public office, as well as information about any financing received during the previous calendar year, its amount and grounds for this, including data on the person who has made the financing. Where the person who actually controls the content of the media service and/or the editorial policy is different from the actual owner of the media service provider that is stated in the declaration.

The declaration must indicate all contracts and their value concluded by the media service provider in the course of the preceding calendar year with state or local authorities, or companies with state or municipal participation in the capital, including as a result of public procurement, with political parties, advertising contracts with persons performing activities subject to regulation, as well as those contracts which have received funding from the European Structural and Investment Funds or from other international financial institutions and donors.

In the event that a change of its beneficial owner has occurred, the media service provider declares the change and indicates whether the beneficial owner holds a public office. The media service provider must also publish up-to-date information about its beneficial owner on its website.

Regardless of whether journalists or representatives of other professions are targeted, every report is handled professionally and thoroughly by the Ministry of Interior and is reported to the Prosecutor's Office. As regards the capacity of officials, all of them undergo training under approved topical plans for conducting vocational training, with particular attention paid to the requirements of the investigation activity. Measures are being implemented to strengthen the administrative capacity, with a particular focus on investigative capacity, aimed at quality, objective, impartial and comprehensive conduct of the investigation in cooperation with other police and state authorities with powers in this area.

We highly appreciate the opinion and the contribution, which the European Commission will provide in its first annual report on the rule of law in member states. This report will give us the opportunity to study the good practices of the other states in this area and to provide the necessary solutions. Freedom of speech and media are basic values in any democratic state and we are ready to take the necessary steps to guarantee them.

10. What is the current legal and practical set up and situation of Bulgaria's citizenship by investment scheme? What have been recent changes and how have announced changes actually been implemented? Is Bulgaria willing to follow up on the EP position that all Member States should phase out such schemes or is it at least willing to support EU action to regulate this?

On October 8, 2019, the Council of Ministers approved and submitted to the National Assembly proposals for changes in the regime for acquiring Bulgarian citizenship by investment scheme. The changes envisage the elimination of the opportunities for acquiring Bulgarian citizenship in the cases of short-term foreign investments.

The changes are dictated by the practice of applying the law, which showed that applicants for acquisition of Bulgarian citizenship against investments have received a permanent residence permit due to investments made mainly in the purchase of government securities worth over one million levs or have invested more than one million in a licensed credit institution under a trust management agreement, respectively have increased the investment under the same conditions to two million levs. Subsequently, cases have been identified in which at the time of filing the application for acquisition of Bulgarian citizenship or at any of the next stages of the proceedings the investment is not available due to the sale of securities shortly after purchase or maturity due of the issue. There are also cases in which, when making an investment through a trust management agreement, the person does not have bank accounts and is not registered as an investor in the respective bank, specified by him for investment of its capital, as well as cases of termination of trust management agreements with the respective bank due to the expiration of their term even before the acquisition of Bulgarian citizenship. The lack of a mechanism in the law for control of the made short-term investments was also ascertained.

Precisely because of the identified problems, the government proposed repealing two of the provisions of the Bulgarian Citizenship Act, as well as tightening control over the acquisition of Bulgarian citizenship, including through long-term investments.

At the same time, in accordance with analyses and proposals of the Ministry of Economy, the government proposed to encourage long-term investments in cases where investors implement projects involving economic activity of companies registered in Bulgaria, acquisition of fixed assets and long-term employment. At the same time, an enhanced control mechanism is envisaged regarding the maintenance of investments and the possibility to cancel naturalization if they are not maintained.

The government's proposals are to be discussed and voted in the National Assembly. Due to the declared state of emergency in the country, and subsequently due to the declared state of emergency epidemic situation, the consideration of the draft law could not be carried out in a short time.

Meanwhile, proposals for changes aimed at expanding the opportunities for acquiring citizenship in exchange for investments were made by MPs. The government does not support these proposals. They have also not yet been considered by the National Assembly.

In conclusion on this issue, we would like to point out that the Republic of Bulgaria is ready to support actions at EU level to regulate the issue.

To the Deputy Minister of Justice:

11. According to the report of the EU Fundamental Rights Agency (FRA), reports emerged in several countries of politicians using racist and xenophobic language. Amnesty International noted in April that the introduction of quarantine measures in Roma neighbourhoods in Bulgaria and Slovakia was accompanied by "an increasingly hostile anti-Roma rhetoric, frequently stoked by politicians". What is the Bulgarian government's position regarding these findings? How is the situation of Roma neighbourhoods at the moment?

The introduced quarantine measures in connection with COVID - 19 have absolutely nothing to do with the ethnicity of the citizens, but are dictated by the sole purpose of protecting the health of every Bulgarian citizen. The first mass quarantine was imposed on an entire city - a winter resort.

After the declaration of the state of emergency on March 13, 2020, a number of legislative measures were taken - the Act on the Measures and Actions during the State of Emergency was adopted, announced by a decision of the National Assembly on March 13, 2020 and to overcome the consequences, which was subsequently amended and supplemented. Transitional and final provisions amended the Criminal Code in order to contribute to preventing, limiting and overcoming the spread of COVID - 19. These regulations are general in nature, apply to all Bulgarian citizens and are non-discriminatory. They do not contain provisions targeting the Roma community.

In practice, during the state of emergency, as well as in the period after its abolition, the Bulgarian authorities consistently applied an approach in which quarantine restrictions, and especially those affecting individual regions, neighbourhoods and settlements, were not discriminatory and were imposed with clear and objective criteria.

12. The Constitutional Court of Bulgaria admitted the complaint against a law allowing the police to access location data of identified individuals for tracking people in quarantine. What is the latest state of play here?

By order of the Constitutional Court (CC) of 9 June 2020, the Minister of Justice was constituted as an interested party in constitutional case № 4 for 2020, instituted on 22 April 2020 at the request of sixty-three MPs from the 44th National Assembly to establish the unconstitutionality of the provisions included in the amendments to the Electronic Communications Act (ECA) in relation to the Act on the Measures and Actions during the State of Emergency (AMASE), envisaging:

- that data retained by legal entities operating public electronic communications networks or services, necessary to identify the cells used, to be stored for a period of 6 months also for the needs of the compulsory execution of the mandatory isolation and the hospital treatment of persons under Art. 61 of the Health Act, who have refused or do not perform mandatory isolation and treatment;
- authorization of the General Directorate "National Police", the Sofia Directorate of the Interior and the regional directorates of the Ministry of Interior to have the right to request inquiries regarding these persons.
- that in case of granted immediate access, the heads of the respective structure shall immediately notify the president of the district court. The order of the president of the court confirms the actions performed so far.

- the data provided in this way shall be immediately destroyed by the respective structures, if within 24 hours a refusal is issued by the president of the district court or by a judge authorized by him.

In the course of the proceedings before the Constitutional Court the Ministry of Justice has presented an opinion in which it has expressed its position on the request to establish the unconstitutionality of the provisions.

The adopted AMASE regulates the measures and actions during the state of emergency on the territory of the Republic of Bulgaria and overcoming the consequences after the lifting of the state of emergency. The provisions of the ECA essentially introduce an obligation for legal entities operating public electronic communications networks or services to store all data created or processed in the course of their activities, related to the traffic of messages, the terms and conditions for access to such data and the persons who have the right of access to them. The storage period and the needs for their application have been established, and the goals have been formulated, in fulfilment of which the disputed legal texts have been created. In this way a legitimate goal is achieved, related to protection, limitation and overcoming of the consequences of the infection with COVID-19 both during the declared state of emergency on the territory of the Republic of Bulgaria and after its abolition.

This case concerns rules adopted in accordance with the constitutionally enshrined function of the state to protect the health of citizens. The legislator has extended the scope of the provision for granting immediate access to data only in respect of persons, who are explicitly defined and specified in the law, thus achieving the mandatory isolation of persons suffering from infectious diseases of infectious agents, as well as mandatory quarantine of persons in contact with them in accordance with the epidemic risk of the spread of the contagious disease. It is explicitly provided that this immediate access is applied until the need for compulsory execution of the obligatory isolation and hospital treatment of persons is eliminated.

13. The Supreme Court of Cassation of Bulgaria dismissed the government's appeal against Jock Palfreeman's parole saying that "the request for reopening the case is procedurally inadmissible and all proceedings should be terminated". Yet, this Australian citizen continues to be unable to leave the country, under an order from the Ministry of Interior. Could you explain why the Court is being ignored and, if there are no proceedings against this individual, what is the basis for his ongoing detention in the country?

Jock Palfreeman was released early from serving the sentence of "imprisonment" imposed on him by a ruling of the Sofia Court of Appeal of September 19, 2019, which entered into force at the time of its ruling. Early release means that the convicted person will not serve the rest of the sentence imposed by an effective sentence. It puts an end to the criminal execution procedure on the person.

The conditions for the parole of a person deprived of liberty are set out in the Criminal Code: the convicted person must have given evidence of his correction and have actually served at least one-half of the sentence (Article 70 of the Criminal Code).

The court procedure for early release is regulated in the Code of Criminal Procedure. In the provision of Art. 439 a of the Criminal Procedure Code (entitled "Evidence for correction of the convict") it was established that facts for a positive change in the convict during the serving of the sentence should be submitted to the court. For example, the circumstances that may represent such a positive change are listed as: good behaviour, participation in work, educational, training, qualification or sports activities, in specialized impact programs, community service.

Following amendments to the Code of Criminal Procedure in 2017, the convicted person may also apply for early release himself. The application is submitted through the head of the prison,

who must give an opinion on it. It should be noted that in the case of Jock Palfreeman, the opinion of the head of the prison is negative on the grounds that there is currently no completion of the goals and objectives set in the execution plan. Nevertheless, the court has ordered Palfreeman to be released on parole.

On September 24, 2019, the Prosecutor General submitted to the Supreme Court of Cassation a request for reopening of the case on parole and annulment of the court ruling. On May 28, 2020, the Supreme Court of Cassation ruled that the Prosecutor General's request for reopening of the case had not been considered and terminated the proceedings.

According to the current regulations and practice, after receiving the court ruling of the Sofia Court of Appeal of September 19, 2019 for the early release of Jock Palfreeman, the prison administration has handed over the person on September 20, 2019 to the Migration Directorate of the Ministry of Interior, as he is not an EU citizen.

Jock Palfreeman has imposed a coercive administrative measure "Prohibition to leave the Republic of Bulgaria on a foreigner who has been convicted with an effective sentence and has not served the sentence of" imprisonment ". This measure was imposed by an order of 1.09.2011 of the Director of the Migration Directorate of the Ministry of Interior at the suggestion of the Sofia City Prosecutor's Office in connection with the effective sentence on 27.07.2011 and in order to prevent deviation from serving the sentence. The Sofia City Administrative Court annulled the coercive administrative measure by a ruling of 24 January 2020. This ruling was appealed to the Supreme Administrative Court, and the court hearing was scheduled for 29 September 2020.

14. A large number of foreign property owners in Bulgaria have sought the protection of the Condominium Act, which excludes them from having to pay management fees if they reside less than 30 days per annum in their property. However, many have failed to have this law upheld in local courts. There is a perception of close links between the judiciary and property developers, resulting in cases being lost in the lower courts and having to be appealed, at substantial time and financial costs, to higher courts. Are you aware of this and do you have plans to address it?

The Condominium Ownership Management Act (COMA) stipulates that the owners are obliged to pay the costs for the management and maintenance of the common areas of the building (Art. 6, para 1, item 10). According to the provision of Art. 51, para. 2 of the COMA, the costs of management and maintenance of the common areas of the condominium (EU) shall be distributed equally according to the number of the owners, users and occupants and the members of their households, regardless on which floor they live, without paying costs for children up to 6 years of age, neither to an owner, user or occupant, residing in the condominium for not longer than 30 days within one calendar year.

In connection with the above, it is necessary for the owner, occupant or user who resides in the condominium for no more than 30 days within one calendar year to notify in writing the manager / management board of the respective condominium, i.e. these are facts that are subject to declaration, insofar as the provision of Art. 51, para. 2 of COMA is imperative. In the absence of such notification (declaration), the general meeting of the condominium shall be obliged to accept the circumstances under Art. 51, para. 2 of COMA for unfulfilled. Ignorance of the COMA, as well as other relevant acts, is often observed, which creates contradictions between the owners of individual sites in residential buildings and leads to litigation, which burdens the judiciary and does not always lead to the expected result by the person wishing not to pay a management and maintenance fee.

In addition, the fact should be noted that the majority of foreign nationals have purchased individual sites in condominium buildings built in a gated residential complex. Pursuant to Article 2 of the COMA, the management of the common parts of condominium buildings built in a gated residential complex is regulated by a written contract with notarized signatures between the investor and the owners of individual sites, and the contract must be entered on the account of each independent object and is opposed to its subsequent acquirers. This means that in the case of gated residential complexes the general provisions of the COMA are inapplicable and specifically Art. 51, para. 2 of the COMA. The contracts that should be signed between the investor and the owners of individual sites in residential complexes are bilateral consensus agreements and the parties to the concluded contracts are free to negotiate all clauses with each other, in compliance with the Bulgarian legislation. However, it is noteworthy that often foreign nationals try to refer to the provisions of the COMA in the case of gated communities, without this being given as an option in their management contracts concluded under Article 2 of the COMA.

It should be borne in mind that it is clear from the foregoing that these are civil disputes, the resolution of which is within the jurisdiction of the courts. The Minister of Justice does not have the powers to exercise any intervention, including control over the judicial activity of the judiciary.

15. Are there any plans to regulate the operation of management companies with particular reference to extortionate fees being increased at a whim, no requirements for proper audited accounts, or to ensure financial demands are linked to the provision of services?

The Ministry of Regional Development and Public Works, as a result of received proposals and submitted signals, has identified the need to change the COMA and has taken action in this direction. It is envisaged to regulate the activity of the companies managing properties by introducing control mechanisms and a special registration regime. At the same time, a change is planned in the obligations of the owners of individual sites regarding their obligations for maintenance and management of their individual sites in condominium buildings, insofar as the lack or poor maintenance and management deteriorate the overall condition of the building stock and affect the appearance of the living environment.

16. Regarding the recruitment of seasonal workers from Bulgaria through recruitment agencies in Bulgaria for mainly agricultural workers across Europe: Are you aware of the number of such agencies? Are there any concerns that the rights of these workers are being violated by the imposition of costs and fees associated with them getting the job? Are any of these agencies currently under investigation?

According to Art. 28, para. 1 of the Employment Promotion Act, natural or legal persons may carry out employment mediation activities in the Republic of Bulgaria, in other countries and of seafarers after registration with the Employment Agency. The Minister of Labour and Social Policy or an official authorized by him shall issue to the persons a certificate of registration for the performance of employment mediation activity, which shall be entered in a register kept by the Employment Agency.

According to the register of the Employment Agency, to date there are 440 intermediary companies with valid registration for employment mediation in other countries. According to the intermediaries themselves, in the period from January 1, 2020 to September 14, 2020, 320 seasonal workers were employed in agriculture in Member States of the European Union.

According to Art. 28, para. 7, item 2 of the Employment Promotion Act, the employment mediation activity is carried out free of charge - without collecting directly or indirectly, in full or in part of fees or other payments by the job seekers. It is illegal to claim amounts to cover

administrative or other costs related to mediation. Accommodation costs may be incurred at the expense of job applicants, as well as transport costs, unless otherwise provided in the employment contract signed by the employer or under the legislation of the host country.

According to Art. 75, para. 2 of the Employment Promotion Act, the specialized control activity is carried out by the General Labour Inspectorate Executive Agency (GLI EA). Natural and/or legal persons performing mediation activity and services in violation of the requirements for carrying out the activity shall be fined, respectively a property sanction, in the amount of BGN 1,000 to 2,500, and in case of repeated violation - from BGN 2,500 to 5,000.

When establishing violations of the law, which contain data on a committed crime, the control bodies have the obligation to immediately notify the prosecutor's office. The Ministry of Labour and Social Policy does not have information on natural and/or legal persons performing mediation activities, which are currently under investigation.

GLI EA monitors the lawful compliance and application of working conditions of seasonal Bulgarian workers, in cases where they work in another EU Member State as posted or sent by companies that provide temporary work in a user company, after a contract with Bulgarian employer or through the mediation of an intermediary company, after a contract with a foreign employer.

This control concerns the observance and application of working conditions in accordance with the law of the Member State in which the work is performed.

With the introduction in the Bulgarian legislation of the pan-European norms for protection of the rights and working conditions of the posted and/or sent workers, within the provision of services, the efficiency in the fight against violation of the labour rights of this type of workers has increased.

The signals received by the agency are used to inspect the companies that offer/provide cross-border employment, and administrative penalties are taken for the established violations, and for those that are outside its powers, the relevant institutions of competence are notified.

The administrative cooperation carried out by the General Labour Inspectorate Executive Agency (GLI EA) with the control bodies of the Member States contributes to the fight against the misuse of workers sent abroad. Such is the administrative cooperation through the Internal Market Information System (IMI), which allows to counter attempts at misuse in a timely manner, e.g. when employers try to evade the requirements of labour legislation, or when providing false documents, incl. Form A1, or to ensure the social protection of workers in the event of labour exploitation, social dumping, false posting, etc. vicious practices. In these cases, controls are often carried out in parallel in both countries in order to better protect workers' rights. Exchange through IMI in connection with the cross-border enforcement of financial administrative sanctions and fines largely leads to disciplining companies.

GLI EA carries out activities for activating cross-border partnerships within the framework of concluded bilateral agreements and through participation in international projects, events and happenings.

The implementation of the partnership initiatives focuses not only on the inspection activity, but also on activities for raising the awareness of the workers about their rights as seasonal and mobile workers, (including for their more effective protection, for identifying the specific features of this employment, to upgrade the knowledge regarding the specific normative provisions, to provide feedback, to overcome the language barrier, etc.) as well as to raise the awareness of the employers about their commitments when hiring such workers.

Pursuant to the concluded in 2017 "Operational implementation of the Agreement on administrative cooperation between the Government of the Republic of France and the Government of the Republic of Bulgaria for combating undeclared work and compliance with social legislation in cases of cross-border movement of workers and services", the labor inspectorates of Bulgaria and France are implementing joint actions for more effective protection of cross-border workers, including. by optimizing the exchange of information and identifying the specific features of the processes of posting and sending employees within the provision of services, by upgrading the knowledge about the specific features of the regulations and the legal framework.

In the framework of the Eurodetachement project - "Increasing transnational cooperation in the posting of workers", in 2019 information meetings were held for Bulgarian workers posted or directly employed in the agricultural sector in France, in order to promote the requirements of French legislation, to provide adequate feedback on the real working conditions of Bulgarian workers.

The above activities contribute to monitoring the flows and patterns of labour mobility in a dynamic manner and have their added value in establishing lasting links of trust, cooperation and mutual assistance, which allows to seek assistance to take action to investigate violated rights of mobile Bulgarian workers in cases where they are outside the scope of competence of the Labour Inspectorate.

During the pandemic, we witnessed cases in which the rights of Bulgarian and not only Bulgarian workers were violated in EU countries and they were exposed to a higher risk of infection. Bulgaria called on the authorities to take all necessary measures to ensure that employers provide the necessary working conditions for their employees in accordance with the anti-epidemic requirements, in connection with the most striking case in a slaughterhouse in Germany, the state of North Rhine-Westphalia.

We need to work together and have a common European approach to ensuring workers' rights.

To the Deputy Minister of Justice and the Deputy Chief Prosecutor:

22. As indicated in the latest CVM report and the GRECO reports, the structures to fight corruption have been strengthened, but a solid track record of investigations leading to results, including sentences for perpetrators, is still lacking. How will the Bulgarian government and the prosecution make sure that the reforms formally undertaken actually translate into real results regarding the fight against corruption?

The fight against corruption is among the main priorities of the Bulgarian government and is an important prerequisite for ensuring the basic principles of the rule of law and good governance policy - rule of law, responsibility, transparency, accountability, efficiency, cooperation and coordination between the institutions of the legislature, the executive and the judiciary.

- Bulgaria implements the main international instruments in the field of anti-corruption of the Council of Europe, the UN, the OECD, as well as the relevant conventions and acts of the EU, which confirms the desire to pursue an effective anti-corruption policy in all its forms. The country also participates in the mechanisms established to the above-mentioned international organizations for monitoring the implementation of anti-corruption standards: the Group of States against Corruption (GRECO) of the Council of Europe; the review of the implementation of the UN Convention against Corruption; and the OECD Working Group on Combating Bribery of Foreign Public Officials in International Business Transactions.

- In response to a recommendation of the EC from 2017, the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act (CCUAAFA) was adopted (promulgated, SG, issue 7 of 2018), which consolidated the fragmented legislation and created a single anti-corruption body - Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission.
- The newly established independent specialized permanent state body ensures the necessary link between the functions of prevention of corruption, verification of property declarations, establishment of conflicts of interest and unlawfully acquired assets forfeiture, as counter-corruption activities are strengthened by collecting, analyzing and inspecting information at and on the occasion of information about manifestations of corruption of persons holding senior public positions.
- As a result, in the next annual report of the EC, published on November 13, 2018, the most significant achievement was the development and adoption of a comprehensive legal framework for counter corruption at the highest levels of government. The high degree of continuity with regard to both the legislative framework and the smooth merging of the various structures in the new committee was explicitly emphasized. The conduct of a transparent procedure for the election of the management of the new body is indicated.
- In November 2017, again in the framework of cooperation with the European Commission under the Cooperation and Evaluation Mechanism, amendments to the Code of Criminal Procedure entered into force. With them, the jurisdiction for criminal prosecution in cases of high-level corruption was transferred to the specialized bodies for combating organized crime established in 2012. Thus, specialization in this matter was achieved, greater speed of production and greater efficiency of procedures.
- In the period after the adoption of legislation, the establishment of the new specialized body and the regulation of the jurisdiction, effective results in the field of counter corruption at the highest levels of government are reported.
- In order to identify and measure the real consequences of the reforms implemented and specifically the ones of the implementation of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act (CCUAAFA), in May 2019, on assignment by the Commission for Combating Corruption, Conflict of Interests and Parliamentary Ethics of the 44th National Assembly, pursuant to Article 28, Paragraph 2 of the Rules of Procedure of the National Assembly, a subsequent assessment of the impact of the act was made. The evaluation report clearly stated that the goals of the statutory instrument were long-term and it was methodologically incorrect to expect a strategic goal to be achieved in the short period of validity of the act.
- In order to strengthen the strategic framework in the field of prevention and counteraction of corruption, a National Council for Anti-Corruption Policies at the highest governmental level has been established and is currently functioning. Its Chairman is the Deputy Prime Minister for Judicial Reform, its Deputy Chairman is the Minister of Justice, and its members are the heads of key bodies competent in the field. The Council coordinates the development and implementation of the national policy, reports on the implementation of the National Strategy for Prevention and Counteraction of Corruption in the Republic of Bulgaria.
- Due to the expiring term of the current anti-corruption strategy, the Bulgarian government is also working on creating a new Anti-Corruption Strategy. In this regard, by order of the Prime Minister, a working group was established to analyse the effectiveness of the

measures undertaken in the implementation of the National Strategy for Prevention and Counteraction of Corruption 2015-2020.

To the Deputy Minister of Justice and the Commission for Protection against Discrimination:

23. How will the Bulgarian government and the Commission for Protection against Discrimination ensure the full protection of all minorities? This includes Roma, LGBTI persons, as well as ethnic and linguistic minorities in Bulgaria? We have reports of arbitrary quarantine and blocking measures targeted specifically at Roma, widespread hate speech against Roma and LGBTI persons, as well as attempts to obstruct work, e.g. of NGOs working with the Macedonian-Bulgarian minority (termination of registration and NGOs). To the Commission for Protection against Discrimination specifically: what investigations have been conducted in these cases over the past year and what decisions have been made regarding them?

Bulgaria pursues a consistent policy aimed at preventing and eliminating all forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population.

a) Legislative framework:

Internationally, Bulgaria has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. The requirements of Framework Decision 2008/913/JHA on combating certain forms and manifestations of racism and xenophobia through criminal law have also been introduced into the Bulgarian legislation.

The Bulgarian Criminal Code (CC) regulates the criminal prosecution of hate speech in Article 162 - Article 164 of Chapter III "Crimes against the Rights of Citizens" of the Special Part of the Code, including penalties for:

- inciting and preaching discrimination, violence or hatred on the grounds of race, nationality or ethnicity through speech, the press or other mass media (including the Internet);
- any act of violence or damage to property of persons based on race, nationality, ethnicity, religion or political beliefs;
- the establishment or management of organisations or groups performing activities described above;
- membership in such organisations and groups.
- Punishment for persons participating in mobs gathered to attack groups of the population, individual citizens or their property in connection with their national, ethnic or racial affiliation is envisaged, whereas the punishment will be more severe if the crowd or some of the participants are armed or if an attack has taken place and has resulted in grievous bodily harm or death;
- Persons who preach or incite discrimination, violence or hatred on religious grounds through speech, press or other mass media, through electronic information systems or in any other way are to be punished.

b) Initiatives to counteract and prevent hate speech through counter-narratives:

In recent years, a number of public events have been organised, which gave a clear sign of intolerance to hatred and discrimination and confirmed the vision of Bulgaria as a country of

tolerance, ensuring equal participation of all communities, regardless of ethnic, religious or other identity. In 2018 and 2019, a march of tolerance "Together for Bulgaria, Together for Europe" was held with over 1500 participants and a public campaign "Sofia - a City of Tolerance and Wisdom" was organised, where the manifesto "Together Against Statements Inciting Hatred" was signed by many government officials, local authorities, and the public. In 2018, a memorandum of cooperation was signed between the government and the Jewish community to ensure the security of the members of this community and to counter all forms of anti-Semitism.

A number of measures are also being undertaken to increase the capacity and efficiency of the work of law enforcement and police authorities for the prevention and counteraction of hate crimes. A number of trainings and seminars were organised for police officers and prosecutors in cooperation with the European Commission, the EU Fundamental Rights Agency (FRA) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). On 20 and 21 June 2019, a high-level awareness-raising event was held in Sofia with the ODIHR and the FRA on the need to strengthen Bulgaria's response to hate crimes, as well as a technical seminar with practitioners of the police, the prosecution, the judiciary and the relevant ministries, with the participation of the civil society, on the effective prosecution and punishment for these crimes.

c) Measures to support victims of hate speech:

The Crime Victim Assistance and Financial Compensation Act (CVAFCA) explicitly provides for the right of victims to be informed about the authorities before which they can file applications for crimes committed against them and about the procedures and opportunities they have at their disposal afterwards. On notifying them, the competent authorities are obliged to consider the condition and age of the victim. In the course of the pre-trial proceedings, the supervising prosecutor monitors the fulfilment of the obligations of the investigative bodies to provide information.

Second, victims of hate crimes and hate speech crimes can benefit from several forms of assistance, which benefit victims who have suffered pecuniary and non-pecuniary damages from crimes of general nature, including by safeguarding the confidentiality principle:

- medical care in case of emergencies under the Healthcare Act;
- psychological consultation and assistance;
- free legal aid under the Legal Aid Act;
- practical assistance - providing information, shelter or other appropriate temporary accommodation ect.

Third, victims of hate crimes and hate speech crimes are also entitled to financial compensation if they have suffered cumulative pecuniary damages from any of the following crimes:

- terrorism; premeditated murder; attempted murder; intentional grievous bodily harm; fornication; rape; human trafficking;
- crimes committed following the instructions or in execution of a decision of an organised criminal group;
- other serious intentional crimes, by which death or grievous bodily harm have occurred as constituent consequences.

If a victim has died as a result of a crime, the right to assistance and financial compensation shall pass to their heirs or to the person with whom they have been in actual cohabitation.

The financial compensation is in the form of an amount provided by the state, and its maximum amount cannot exceed BGN 10,000. When the financial compensation is intended for the support of persons under 18 years of age, the amount is of BGN 10,000 for each person.

In 2019, a draft Act amending and extending the Criminal Procedure Code was prepared aiming to fully implement the requirements of Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing the minimum standards on the rights, support and protection of victims of crime, and for replacing the Framework Decision 2001/220/JHA of the Council in the Bulgarian legislation. The purpose of the proposed amendments was to provide appropriate measures to protect victims leading to the reduction of the risk of secondary and repeated victimisation, intimidation and retaliation by the perpetrator, and to provide adequate support tailored to the needs of the victims and their relatives.

d) In relation to the allegation of “attempts to obstruct the work, e.g. of NGOs working with the Macedonian-Bulgarian minority (termination of registration and NGOs)” the Ministry of Justice would like to indicate the following:

The issues related to the registration of non-governmental associations, mainly formed by “UMO Ilinden” activists, are subject to the control, executed by the Council of Europe’s Committee of Ministers. This control is carried out in the context of the implementation of the European Court of Human Rights’ decisions. The implementation itself is related to the need of creating conditions for easy registration after the successful completion of the necessary legal requirements. The ECtHR decisions do not contain the obligation for the registration of the above-mentioned associations. It should also be emphasised that the cancellation of the registration of existing associations presents a different legal context than the one regarding their initial registration.

The progress in the implementation of the ECtHR decisions regarding the “UMO Ilinden Group” will be reviewed at the forthcoming Committee of Ministers on September 29, 2020.

24. Regarding women's rights, how does the Bulgarian government and the Commission for the Protection Against Discrimination ensure their full protection? How does it respond to criticism that the current legal and policy framework does not ensure effective protection against violence for women? According to EIGE, Bulgaria has one of the lowest reporting rates on domestic violence. How will this be addressed? Why would the Bulgarian government not counter misrepresentations of the Istanbul Convention, and rather work towards the protection of women by ratifying the Convention?

With regard to women's rights, in recent years, the Republic of Bulgaria has made significant improvements of its legislative framework.

First, the Constitution of the Republic of Bulgaria prohibits all restrictions of the rights or privileges based on race, nationality, ethnicity, **sex**, origin, religion, education, beliefs, political affiliation, personal and social status or property status.

This constitutional principle is enshrined in all aspects of our domestic legislation. In 2003 The Law on Protection against Discrimination was adopted, in 2004 - the Law on Combating Trafficking in Human Beings, in 2005 - the Law on Protection from Domestic Violence, and in 2016 the Law on Equality of Women and Men were adopted.

The Protection against Discrimination Act protects against discrimination all natural persons on the territory of the Republic of Bulgaria, without distinction, based on 19 protected features, including race, ethnicity, **sex**, disability, nationality, personal and social status, sexual orientation and any other feature established in a law or in an international agreement to which the Republic of Bulgaria is a party (Article 4, Paragraph 1 of the PDA). Harassment based on the above

grounds, sexual harassment, incitement to discrimination, harassment and racial segregation, as well as construction and maintenance of architectural environments that hinders the access of persons with disabilities to public places, are also considered discrimination.

Pursuant to the specialised Protection against Discrimination Act (PDA), an independent specialised state body has been established in the Republic of Bulgaria - the Commission for Protection against Discrimination (CPD). The Commission has significant powers to prevent, protect against discrimination and promote equality of treatment and opportunities for participation in public life and effective protection against discrimination against persons.

The proceedings for protection against discrimination can be carried out by the CPD, as well as by the court. No state fees are collected for such proceedings, whereas the costs incurred in the course of the proceedings are covered by the budget of the CPD or of the court.

At the same time, the Code of Criminal Procedure (CCP) explicitly stipulates that all citizens who participate in criminal proceedings are equal before the law. No restrictions on rights or privileges based on race, nationality, ethnicity, sex, origin, religion, education, beliefs, political affiliation, personal and social status or property status are permitted. The court, the prosecutor and the investigating authorities shall apply the laws accurately and equally to all.

In view of the above, we believe that real actions have been undertaken to ensure the full protection of women's rights.

24.2. How would you respond to the criticisms that the current legal and strategic framework does not provide effective protection against violence against women?

In the Republic of Bulgaria there is a legislative framework for counteracting domestic violence, under which victims can receive protection from such violence. It includes the following instruments:

- 1. Protection against Domestic Violence Act** - in case of domestic violence, the victim has the right to ask the court for protection. When there is evidence of danger to the life or health of the victim, she or he may submit a request to the bodies of the Ministry of Interior (MoI) to take measures under the MoI Act. At the request of an injured person, each and every physician is obliged to issue a document in which to certify in writing the injuries or traces of violence found by them. In view of the urgency, quick access to justice has been arranged - the court proceedings start no later than 1 month as from the receipt of the application. No state fee is paid upon submission of the application. Immediate execution of the protection order is envisaged, and its execution is monitored by the bodies of the MoI.
- 2. Rules for Implementation of the Protection against Domestic Violence Act** - regulate the implementation of measures for protection against domestic violence, the interactions of the state authorities and the legal entities working for protection against domestic violence and financing projects of non-profit legal entities for development and implementation of programs for prevention and protection from domestic violence and programs providing assistance to victims by programs and training.
- 3. Criminal Code** - with the amendments to the Criminal Code from 2019, all forms of domestic violence are criminalised, thus ensuring adequate and comprehensive criminal protection against all acts of violence against women, including domestic violence. All forms of domestic violence that lead to a more serious violation of physical integrity are prosecuted *ex officio*, which is an essential element of providing justice for victims of domestic violence by ensuring their access to court.

4. **Legal Aid Act (LAA)** - in order to ensure equal access of persons to justice by ensuring and providing effective legal aid, the LAA also provides for free legal aid before all courts at the expense of the state budget to victims of domestic or sexual violence who do not have the means but wish to seek assistance by a lawyer.
5. **European Protection Order Act (EPOA)** - regulates the terms and conditions for: recognition and enforcement of European protection orders in criminal matters issued in other Member States; issue of European protection orders in the Republic of Bulgaria in criminal cases and sending them for recognition and execution to other Member States.
6. **Crime Victim Assistance and Financial Compensation Act (CVAFCA)**, from 2006 - under the terms and conditions of the law, assistance may be provided to victims who have suffered pecuniary and non-pecuniary damages from crimes of general nature, whereas financial compensation can receive victims who have suffered pecuniary damages from: terrorism; premeditated murder; attempted murder; intentional grievous bodily harm; fornication; rape; human trafficking; crimes committed following the instructions or in execution of a decision of an organised criminal group; other serious intentional crimes, of which death or grievous bodily harm have occurred as constituent consequences. The forms of assistance to the victims of crimes are: medical care in case of emergencies under the Healthcare Act, psychological consultation and assistance; free legal aid under the LAA; practical assistance.
7. **Arms, Ammunition, Explosives and Pyrotechnic Articles Act** from 2010) imperatively prohibits the issuing of permits for acquisition and/or storage of explosives and pyrotechnic articles, permits for acquisition, storage and/or carrying and use of firearms and ammunitions for them to persons against whom measures have been imposed for protection under PDVA in the last three years.

Over the last five years, the adoption of additional measures to counteract and combat domestic violence can be cited as an important achievement and, to some extent, a challenge in the progress towards equality.

8. **The Amendments to the Criminal Code** from 2019 criminalised all forms of domestic violence, and the main changes are in the following directions:
 - a definition was introduced for the cases in which crimes have been committed "under conditions of domestic violence", whereas these are the cases of systematic exercise of physical, sexual or mental violence, economic dependence, forced restriction of personal life, personal freedoms and personal rights of spouses, ex-spouses, descendants or ascendants, persons with whom they live or have lived in one household;
 - qualified corpora delicti were added, introducing more severe criminal liability for murder and bodily harm in order to criminalise all forms of domestic violence that escalate to encroachment on the life or health of individuals;
 - in the system, domestic violence has risen as a qualifying feature in a number of criminal encroachments - kidnapping, unlawful deprivation of liberty, coercion, threat of crime;
 - all forms of systematic stalking of another person were recognised as crimes aiming to arouse the victim's well-founded fear for their safety or the safety of their relatives;
 - for moderate bodily injury caused to an ascendant, descendant, spouse, brother or sister, the criminal proceedings will be of general nature and will be initiated based

on an application of the victim submitted to the prosecutor whereas terminating it at their request afterwards will not be possible.

- higher sanctions were introduced for non-compliance with a court decision or an order for protection from domestic violence; more severe criminal liability was introduced in cases of repetition of acts related to the hindrance of execution of court decisions and disobeying to orders for protection from domestic violence and European protection orders.

9. The Code of Criminal Procedure (CCP) contains measures for protection of the victims. Following a proposal of the prosecutor, with the consent of the victim or at the request of the victim, the relevant court of first instance may prohibit the accused person:

- to directly approach the victim;
- to contact the victim in any form, including by telephone, e-mail or regular mail or fax;
- to visit certain settlements, regions or sites where the victim resides or visits.

The court is to inform the victims of the possibility of issuing a European protection order.

10. In 2017, the concept of "specific protection needs" was introduced in the CCP. According to the law, such needs exist when it is necessary to apply additional means to protect the victim from secondary and repeated victimisation, intimidation and retaliation, emotional or mental suffering, including to preserve their dignity during interrogation.

11. In 2019 the CCP was supplemented with two new provisions which provide for immediate notification of the victim with specific protection needs in cases where the detained perpetrator has escaped or is being released temporarily or permanently.

12. In 2019 an interdepartmental working group was established in the Ministry of Justice with the task to prepare a draft Amendment and Supplement Act of the Protection from Domestic Violence Act, which aims to improve the legislation in the field of protection from domestic violence and social support for victims, and to synchronise it with the European legislative practices. As a result of the work, in 2020 a draft was prepared, the main provisions of which envisage:

- Expanding the circle of victims of domestic violence who can seek protection under the PDVA;
- Increasing the measures for protection against domestic violence that may be imposed by the competent authorities;
- Expanding the circle of persons who can initiate proceedings before the court for issuing a protection order;
- Establishing a national body for coordination, monitoring and evaluation of the policies and measures for prevention of domestic violence and improvement of the interactions between the various state bodies and the organisations, engaged with the issue;
- Establishing a coordination mechanism that provides for clear rules of action and coordination between the competent authorities and the organisations, thus ensuring reliable, timely and adequate protection of victims of violence;
- Creating a database and systematic collection of statistical information on domestic violence;

- Regulating the prevention and protection programs and specialised services, providing protection from the period of domestic violence to the full recovery of the victims and their social inclusion in society;
- Optimising and improving the court proceedings for imposition of measures for protection from domestic violence in the direction of speed, effective law enforcement and creating guarantees for protection of the interests of the victims;
- Defining the terms "economic violence", "psychological violence" and "de facto cohabitation" in order to cover and protect from all forms of domestic violence;
- Amendments to the provisions of the Criminal Code criminalising domestic violence in accordance with the recommendations of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). In line with these recommendations legislative amendments are proposed aiming to eliminate the requirement for systematic order of the definition of crimes committed under the conditions of domestic violence in the Criminal Code; explicit criminalisation of marital rape and criminalisation of all forms of economic and psychological domestic violence.

The whole package of documents necessary for introducing and approval by the Council of Ministers is ready, except for the approval by the Ministry of Finance of the prepared financial justification is expected, which has not been received yet.

24.3. According to EIGE, Bulgaria has one of the lowest levels of domestic violence reporting. How will this be addressed?

To date, in Bulgaria there is neither unified database in which to systematically collect statistical information on domestic violence and violence against women, nor a national body for coordination, monitoring and evaluation of policies and measures for prevention of domestic violence assigned to carry out international cooperation in the field of violence. In view of this, the draft ASA of the PDVA provides for the establishment of a national body for coordination, monitoring and evaluation of policies and measures to prevent domestic violence and improve the interaction between different state bodies and organisations, as well as the establishment of a Central Register of cases of domestic violence committed on the territory of the state, or in relation to Bulgarian citizens who have sought help and support that are relevant to the problem, containing a generalised database. We believe that this problem will be resolved after the entry into force of the act.

24.5. Why does the Bulgarian government not oppose the misleading interpretations of the Istanbul Convention and does not work to protect women by ratifying the Convention?

According to Article 149, Paragraph 1, Item 4 of the Constitution of the Republic of Bulgaria, the body that decides on the conformity of the international treaties signed by the Republic of Bulgaria with the Constitution before their ratification is the Constitutional Court. Taking into account the judgement of the Constitutional Court of 27 July 2018, by which the Court ruled that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, opened for signature on 11 May 2011 in Istanbul and signed by the Republic of Bulgaria on 21.04.2016, does not comply with the Constitution of the Republic of Bulgaria, Bulgaria is not able to ratify this international instrument, nor to accede to any part of it.

Notwithstanding the above, we believe that the Republic of Bulgaria has significantly brought its legislation in line with the requirements of the international legal instruments in the field of combating violence against women and domestic violence. Legal mechanisms for protection, compensation of victims, protection services, incl. in actions with international

element, have been introduced. All forms of domestic violence are criminalised, thus ensuring adequate and comprehensive criminal protection against all acts of violence against women, including domestic violence. Measures have been undertaken to prosecute and punish the perpetrators, to protect and compensate the victims.

In addition, as noted above, a draft amendments to the PDVA and its reasoning have been presented in order to improve the legislation in the field of protection from domestic violence and social support of victims and its synchronisation with the European legislative practices.

To the Bulgarian government in general:

On the constitutional reform

25. Among the main demands of the recent wave of protests, one of them is a call for new and fair elections to be organized by a care-taker government to be followed by substantial rule of law reforms. Yet, critics say that the government is attempting to short-circuit these demands by proposing the election of a grand national assembly to discuss an already prepared new draft constitution – drafted on its terms – that has already been widely criticized not only for failing to address the majority of issues that have been undermining the rule of law in Bulgaria but also creating new threats, including further strengthening the powers of the Prosecutor General.

What guarantees can the Bulgarian government give that the highest standards of transparency will be respected and that the largest possible societal consultation will be carried out?

Attempts to suggest that a regularly elected government will not hold fair elections are biased and misleading. In Bulgaria, as in any democratic country, there are legal mechanisms to ensure the fairness of elections and mechanisms for challenging them. It cannot be argued that the organisation of early elections by a caretaker government appointed by the President would constitute a greater guarantee of their fairness than that of a government nominated by parliament. This is because, on one hand, the current government was formed by parliament - it was nominated by the National Assembly, elected in free and fair elections, which legitimacy have not been challenged. On the other hand, despite their constitutional obligation to embody the unity of the nation (Article 92, Paragraph 1), the President has repeatedly sided with protesters against the government in public, which calls into question the fairness of elections organised by the government appointed by them.

Second, the allegations of strengthening the powers of the Prosecutor General in the draft of the new Constitution do not correspond to the truth. The opposite is true - the draft provides for a reduction in the term of office of the Prosecutor General from 7 to 5 years. This addresses the concerns expressed by various institutions that the members of the Prosecution Bar, elected from the acting prosecutors, would be dependent on the Prosecutor General, to whom they would be hierarchically subordinated after the expiration of their mandate. Every six months, the National Assembly is authorised to hear and adopt the reports of the Prosecutor General on the application of the law and on the activities of the prosecution and investigative bodies, as well as other reports, on the activities of the Prosecutor General, on the activities of the prosecution in the field of law enforcement, counteracting crime and implementation of penal policies. It is envisaged that the National Assembly will be able to hear the Prosecutor General on issues related to specific criminal proceedings, with the permission of the supervising prosecutor. In this way, the recommendation of the Venice Commission to increase the accountability of the Prosecutor General shall be implemented. As regards to the controversial initial proposal that both the Judicial Council of Judges and the Judicial Council of Prosecutors (in which the Prosecutor

General is to be a member) would be entitled to have the right to legislative initiative, it was dropped from the draft for the new Constitution submitted on 2 September 2020.

Third, the guarantees for the observance of the highest standards of transparency and for the widest possible public discussion are contained in the adherence to the procedure for adoption of a new Constitution, regulated in Chapter 9 of the current basic law and set out in detail in the answer to question 8. It will start within the legitimately elected National Assembly and will continue in the Grand National Assembly (according to Article 158, Item 1 of the Constitution of the Republic of Bulgaria, the adoption of a new Constitution is within the powers of the GNA), which will reflect the existing moods and attitudes in society as to the moment of the elections. It is also important to note that the Grand National Assembly will not be legally obliged to adopt any of the texts proposed in this draft prepared by the ruling majority.

Immediately after the idea of a new Constitution was announced, the draft was published for the wider public and it has been the subject of numerous media discussions, opinions and analyses. Based on the positions expressed in the public space, it was streamlined before its submission to the National Assembly on September 2, 2020. In the framework of the upcoming Constitutional debate that is anticipated to take place in November 2020, the draft will not be discussed solely within the plenary sessions in Parliament among the political forces, but it will also be the topic of public debate with, *inter alia*, representatives of the civil society, academia, nongovernmental sector, business and others. There will also be a debate on the essence of the Constitution upon the adoption of decisions to convene a Grand National Assembly by the regular National Assembly. The Grand National Assembly is a constitutional body, which must produce consensus between the different parts of society on the adoption of a new basic law. We are ready to engage all parties in the debate on a new Constitution and to lead this debate transparently and openly in order to achieve consensus and a new basic law of the country.

Reform of the Prosecution services

26. More than a decade has passed since the Kolevi case, in which the European Court of Human Rights clearly required Bulgaria to change the legislation on the prosecution and on the prosecutor general. Since then the Venice Commission has also called Bulgaria several times to do so.

Without a truly independent prosecution, the fight against corruption cannot be efficient. In a system in which the Rule of Law is undermined cannot respond to high ranking politicians abusing their power. Could the Bulgarian government provide information on how and when it intends to abide by the ruling of the ECHR as a prerequisite to ensure the proper functioning of the rule of law?

See the answer to question No. 7.

On GRECO recommendations

27. During our video conference last week, it was mentioned that Bulgaria has implemented a large part of GRECO recommendations over the past years. Can then the government explain why Bulgaria has been stagnating in the Corruption Perceptions Index, consistently being ranked last amongst EU Member States?

In December 2019 GRECO adopted the Second Report on the Implementation of the Fourth Round Recommendations, which concluded that the Bulgarian authorities had satisfactorily implemented 16 recommendations and partially - 3 recommendations. The GRECO report recommends that the number of members of the SJC in the panel of judges elected by the National Assembly be equal to that of judges elected by their colleagues in order to prevent the risk of undue political influence on the career of judges. The proposed amendments to the Constitution

provide for the establishment of a Judicial Council of Judges, consisting of 15 members. Seven of them will be elected directly by the judges, and six by the National Assembly by a two-thirds majority of the MPs, and the chairmen of the SCC and the SAC will be members by right. The aim is to fully implement the GRECO recommendation that judges elected by their colleagues represent at least half of the panel of judges.

The information on the level of implementation of GRECO's recommendations to Bulgaria from the Fourth Round of Evaluation on the topic "Prevention of Corruption in respect of MPs, Judges and Prosecutors" objectively reflects the conclusions of the Group in the reports on the implementation of the recommendations in this round.

It should be noted that GRECO's monitoring is based on the principle of mutual evaluation and peer pressure, as the assessment concerns the implementation of the anti-corruption instruments of the Council of Europe (Article 1 of the Statute of the Group). Within GRECO, as in other similar intergovernmental anti-corruption monitoring mechanisms, such as the OECD Working Group on Bribery of Foreign Public Officials and the Review of the Implementation of the UN Convention against Corruption, no level of corruption is surveyed by the Corruption Perceptions Index, as done by Transparency International. GRECO's assessment of the implementation of the anti-corruption instruments of the Council of Europe, incl. the relevant conventions and recommendations of the Committee of Ministers, is based on a study of legislative, institutional and organisational measures to prevent and combat corruption. The comparative analysis of GRECO reports does show that Bulgaria is one of the countries undertaking the timeliest and adequate measures to implement the recommendations made within the previous four rounds of evaluation.

At the same time, the efforts of the Bulgarian government to fight corruption continue. In parallel with the implementation of results by the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission, the National Council for Anti-Corruption Policies is also undertaking actions. In order to maintain the progress made, to continue the monitoring at national level, and to report to the public on the rule of law indicators, the judicial reform, the fight against high-level corruption and in general, and the fight against organised crime, a National Monitoring Mechanism has been established by Decree No. 240 of the Council of Ministers from September 2019. It is co-chaired by the Deputy Prime Minister for Judicial Reform and the representative of the Supreme Judicial Council, its Deputy Chairperson is the Minister of Justice, and the members are the heads of key bodies competent in the field.

We understand the importance of the problem of corruption and are making efforts to resolve it. Data from studies indicate an improvement of the quantity and quality indicators for Bulgaria. In 2019 in the framework of the Eurobarometer 482 survey, to the question "How widespread do you consider the problem of corruption to be in Bulgaria?", 85 percent responded that it is widespread. In 2017 it was 89 percent. In response to the question "Has anyone in Bulgaria asked you or expected you to give a gift, favour or extra money for any of the following permits or services?", 12 percent say that they were asked for at least one of these things. It was 16 percent in 2017. 77 percent state that they were not asked to give money, gifts or favours. In 2017 it was 68 percent. In response to the question "In the last three years, do you think that corruption has prevented you or your company from winning a public tender or a public procurement contract?", 46 percent said "no". In 2017, it was 26 percent. 49 percent said that corruption did prevent them. In 2017, it was 62 percent.

The Eurobarometer survey asked the question "Are you personally affected by corruption in your daily life?". In Bulgaria 28 percent of the respondents stated that they are affected by corruption in their daily life. In response to the same question, in another 7 Member States the percentages are 64, 60, 59, 58, 57, 54, 54. Bulgaria is not last, respectively first, in these surveys. Of course,

we are aware that we need to work hard to diminish the sense of corruption among Bulgarian citizens, to see the weaknesses and to focus on resolving them.

On the NGO Law

28. One of the junior coalition partners of the Bulgarian Government has recently handed in a draft bill that would introduce an obligation on NGOs to report within 7 days any donation superior to approximately 500 euros that they would receive from abroad. The personal responsibility of members of the management bodies of NGOs also seems to be engaged. A very similar law enacted in Hungary was recently struck down by the European Court of Justice for being discriminatory, infringing free movement of capital and limiting freedom of association.

Can the government confirm that this bill, which has an intimidating impact on NGOs and chilling effect on critical voices will not receive backing from all coalition parties?

The draft bill was not initiated by the government, but by individual Members of Parliament. It was not examined, nor moved forward in the National Assembly and this is not expected to happen.

29. Under extraordinary measures to contain COVID-19, Bulgarian authorities have been reported to have placed Roma settlements under mandatory quarantines enforced by the police and the military, arguing that such measures were necessary for the protection of public health and safety. The introduction of these measures has been accompanied by an increasingly hostile anti-Roma rhetoric, which has been frequently stoked by politicians and used to stigmatise and impose more repressive measures on Roma communities.

Reports indicate that these measures, as well as forced evictions and demolition of house were selectively targeting Roma settlements and they were not applied to other groups or the general population. Such selective application, in the absence of evidence that less restrictive alternatives were considered, raises questions over compliance of these measures with the obligation to prohibit discrimination.

Can the Government explain how such measures could be authorized and what it intends to do in order to put an end to discriminatory measures against part of the population? Can it highlight its main achievements reached and main shortcomings in the context of the current EU Framework for National Roma Integration Strategies?

We must note that neither the National Operational Headquarters, nor the government, in their everyday information for the public on the spread of the coronavirus infection, have provided information according to ethnicity.

Actually, the restrictive measures, the restriction of the freedom of movement, the quarantine measures and the setting up of temporary checkpoints affected everyone, irrespective of their ethnicity, religion, economic and social status.

The implementation of the quarantine measures is controlled by the regional health inspectors and the police officers. The limitation of free movement was accompanied by measures to slow down the spread of the pandemic and to help control it.

There was mass presence throughout the entire country of police officers, who were controlling the implementation of the prescribed measures. The police officers were in the streets, controlling social (physical) distancing and mask wearing; they were in the parks and on the roads to the mountains – places where people were forbidden to go; they had to guarantee that people would not gather anywhere. And if the prescribed measures were violated, the police officers had to issue warnings, impose financial sanctions on the offenders and other measures (for example, a

group of British tourists violated the quarantine in the town of Bansko and came to the capital; they were quarantined in a hotel guarded by police and escorted by the police to the airport the next day).

As regards the presence of police officers in Roma neighbourhoods, it should be mentioned that Roma activists and NGOs supported the establishment of temporary checkpoints, thus supporting the country's rapid and timely measures to address potential risks to human health and preventing a feeling of insecurity among citizens.

All persons passing through the temporary checkpoints were treated equally and there was no discrimination based on sex, race or ethnicity. The government made additional efforts with respect to the most vulnerable Roma communities in the country that included health consultations for prevention and on symptoms of the illness, healthcare for persons with no health insurance, distribution of sanitary products, food and water.

The health mediators, who were part of the Roma community, rendered invaluable support in this process by providing constant information regarding the situation. They disseminated leaflets, information brochures and discussed the importance of quarantine and hygiene measures with the citizens from the Roma communities.

Temporary checkpoints were set up in a number of Bulgarian cities, such as: Yambol, Vidin, Kula, Bansko, Blagoevgrad and others.

The conditions and procedure for removal of illegal construction are equal for all citizens, irrespective of their ethnicity or the location of the illegal construction. The legal requirements are complied with in all cases. The orders are issued pursuant to the Spatial Planning Act. Where proceedings for execution of such orders are initiated, the Directorate for National Construction Control does not take into consideration the ethnicity of the inhabitants.

All orders for removal of illegal construction are strictly monitored in view of compliance with the relevant legal requirements. All concerned parties, including the legal representatives of minors, must be informed of the impending demolition.

All steps to remove illegal constructions are taken once the due legal procedures have been completed, including legal proceedings, which often take years and allow the concerned parties to find an acceptable solution. The establishment of such illegal housing or illegal settling on other people's property are usually related to the process of internal migration. In such situations, the authorities are obliged to intervene – to restore the property to its rightful owners or to prevent harm to the health of the residents themselves (usually these are unstable structures made mainly of improvised and depreciated materials; there is no water, sewerage; the power supply is illegal and transmitted through dangerous cables). All affected persons are called upon to return to their place of residence, where some of them actually own real estate, or to apply for municipal housing in accordance with established procedures.

The improvement of living conditions in Roma neighbourhoods is a complex issue, requiring long-term planning, consistent efforts and systematic monitoring. Important steps have been taken with regard to the implementation of infrastructure activities and the construction and provision of public housing, but the positive effects take place slowly.

The problem of illegal construction persists and local authorities are often incapable of dealing with it. The limited number of municipal housing cannot meet the needs.

Information on all issued and executed orders for removal of illegal constructions, as well as the steps taken for their execution, is publicly available on the website of the Directorate for National Construction Control. Therefore, in view of transparency, on December 10, 2010, a public register of all active demolitions was created and it is updated on a monthly basis. For example,

as at 2015, according to the published data, based on 6,080 effective orders, 4,530 illegal constructions were removed and 1,550 are pending. Of all 6,080 removal orders, only 530 concern illegal construction occupied by Roma communities.

The Directorate for National Construction Control is obliged to execute all enforceable orders for removal of illegal construction, irrespective of their location and the ethnicity of the perpetrators.

Positive changes and sustainable results, as well as continuing challenges are outlined in the priority areas of the integration policy:

In Bulgarian education, they are linked to the improvement of the education infrastructure, the teaching conditions, greater coverage of children from vulnerable ethnic groups in preschool and school forms of educations. To this end, we should point out the activity of the Mechanism for Cooperation between the Institutions related to coverage, inclusion and prevention of school dropout of children and pupils who are in the mandatory preschool and school age. In 2019, additional measures for the improvement of access to preschool education, schooling and socialisation were undertaken. Such measures included: providing additional Bulgarian language classes for children whose mother tongue is different from Bulgarian, appointment of education mediators (in the 2019/2020 school year, 997 education mediators worked in the kindergartens and schools), working with parents, in some places the kindergarten attendance fees were covered, etc.

The cooperation with health mediators, Roma NGOs, medical specialists, specialists from the regional health inspectorates and public administration in the coverage of children with mandatory vaccines, as well as preventing the spread of tuberculosis, HIV and AIDS in the Roma communities, is a successful model of work in the area of healthcare. In 2019, there were already 245 health mediators in all 28 regions of the country, who were working in the field with persons of the highest degree of health vulnerability.

In the field of employment, measures are being implemented to increase the employability and to promote the employment of disadvantaged groups on the labour market, incl. unemployed persons who identify themselves as Roma. The individual approach, including the services of the “labour intermediaries – Roma mediators” plays an important role in the activation of Roma and their labour market inclusion. In 2019, 78 unemployed persons were appointed to such a position. Integrated services for employment and social assistance to the unemployed, including those from the Roma ethnic group, are provided through a joint approach and interaction between the territorial divisions of the Employment Agency, and the Social Assistance Agency at the Employment and Social Assistance Centres (ESAC).

It is a challenge in the employment area to overcome the regional disproportionality of the labour market. To this end, measures are being implemented to raise the employment and the labour skills of the unemployed persons, including persons who are in a disadvantaged position on the labour market from high unemployment rate areas (above the average for the country over the previous 12 months), stimuli are being provided to hire unemployed persons from vulnerable groups and economically inactive persons. New services are being created, aimed specifically at achieving sustainable employment of unemployed persons, considering that the first few months in a new job are the highest risk ones; mobile services for unemployed persons and employers from small populated areas, labour family consultations for unemployed persons and families who are at risk of poverty, integrated services for employment and social assistance to unemployed persons, etc. Against this background, the trend remains that unemployed Roma are not the favoured workforce and employers seek alternatives to deal with workforce shortage.

The improvement of living conditions for the most vulnerable population groups is part of the draft National Housing Strategy that is currently under development. The housing conditions of the marginalised groups are analysed (with a focus on Roma) in order to establish the potential obstacles to a more effective housing policy, both in view of what is offered (policy development, implementation and supply) and demand (beneficiaries – representatives of marginalised groups with a focus on Roma). Construction of public housing in 10 municipalities in Bulgaria is ongoing.

The development of cadastral maps and cadastral registers of territories including compact Roma population zones, are steps towards the zoning of these territories, improving the infrastructure, reducing illegal construction. At the end of 2019, the territories of 126 (the plan for the 2015–2020 period was 153) populated areas had an improved cadastral map and cadastral registers.

The application of an integrated territorial development approach, based on preliminary mapping of the local specifics and needs and the commitment of all concerned parties, as well as seeking public consensus, is how better results will be achieved, also for overcoming some negative attitudes, for example when building public housing.

In 2019, the integrated approach was implemented in the framework of the Social Economic Integration of Vulnerable Groups Operation, which includes simultaneous local implementation of activities aimed at support for the improvement of the access to education, employment, social and health services, as well as efforts to develop the local communities and overcome negative stereotypes. The lessons learnt from similar activities and projects serve as an important guidance and resources in the planning of measures for the coming 10 years.