

ASSOCIATION FOR GBV LOGO



NGO and DPO Joint Submission

For Consideration at the 20th Session of the

United Nations Committee on the Rights of Persons with

Disabilities

And the First Periodic of

BULGARIA

Additional Information

List of Issues

ORGANISATIONS

Alliance for Protection against Gender Based Violence (APGV)
Bulgarian Centre for Not-for-Profit Law (BCNL)
Centre for Inclusive Education (CIE)
Centre for Independent Living (CIL)
Validity Foundation – Mental Disability Advocacy Centre (MDAC)

INDIVIDUALS

Anet Marinova, school psychologist and inclusive education expert
Georgi Tsenov, survivor of long-term residential institutionalisation

This report provides follow-up information to the United Nations (UN) Committee on the Rights of Persons with Disabilities (CRPD Committee) with respect to its First Periodic Review of Bulgaria at its forthcoming twentieth session. The report has been designed to provide information in respect of the List of Issues adopted by the CRPD Committee (CRPD/C/BGQ/Q/1) and the Government's response (CRPD/C/BGR/Q/1/Add.1 and Annexes). We have prepared an Annex to this report which sets out proposed recommendations for consideration by the CRPD Committee. The report and accompanying recommendations have been jointly developed and supported by the following **DPOs, NGOs, and individuals**:

1. The Validity Foundation (VF) – formerly the Mental Disability Advocacy Centre (MDAC) is an international non-governmental human rights organisation which uses the law to advance the human rights of people with psychosocial disabilities and people with intellectual disabilities worldwide. Validity is actively involved in promoting implementation and understanding of the CRPD in Europe and Africa and provides support to DPOs, NGOs and wider civil society to advocate for equality, inclusion and justice. Validity holds observer status at ECOSOC.¹

2. The Center for Independent Living (CIL) is an organisation run and controlled by disabled people. The main focus of CIL activities is on policy research, advocacy and empowerment of disabled Bulgarians. In recent years attention has been paid to the process of deinstitutionalisation and legislative changes enabling disabled people to live independently in the community.²

3. The Bulgarian Center for Not-for-Profit Law (BCNL) is an independent non-governmental organisation, whose mission is to support the development of the legal environment for NGOs in Bulgaria. BCNL was among the main leaders in Bulgaria advocating for ratification of the CRPD and participated in the preparation of the Concept for amending the national legislation concerning legal capacity in compliance with article 12 and CRPD standards (adopted by Council of Ministers in November 2012) and a draft Law on Natural Persons and Support Measures (adopted by Council of Ministers in August 2016 and introduced during the 43rd National Assembly).³

4. The Alliance for Protection against Gender Based Violence (APGV) is a leading network of NGOs providing interdisciplinary services in the field of protection against violence against women, including specialised crisis intervention, counselling – legal and psychological – and accommodation in Bulgaria. The network was created in 2009 and currently encompasses NGOs from 11 cities and towns in Bulgaria. Since 2014 the organisations provided specialised support against domestic violence and other forms of GBV for over 6000 victims, predominantly women and children. The Alliance of NGOs conducts research and monitoring, proposes suggestions for legislative and policy changes, and conducts education and training for professionals – including representatives of institutions and magistrates – through the Academy for Prevention of Violence.⁴

5. The Centre for Inclusive Education (CIE) is a non-governmental organisation whose main aim is to promote an inclusive school environment as a quality standard in education. We support schools in their development towards communities of shared values and vision so that children are encouraged to develop their capacities and overcome difficulties, so that teachers feel supported and confident that they are efficient and can face the challenges, and so that parents assume their responsibilities in partnership with schools.⁵

¹ See more at: <http://validity.ngo>.

² See more at: www.cil.bg.

³ See more at: <http://bcnl.org/en>. The organisation supports the part related to paragraph 17 of the list of issues.

⁴ See more at: <http://www.alliancedv.org/>. The organisation supports the part related to paragraph 21 of the list of issues.

⁵ See more at: <https://www.cie.bg/en>.

6. Anet Marinova – school psychologist and expert of inclusive education working at the “Child and Space” Association has provided her professional input in the preparation of this report in a personal capacity.

Summary of the responses:

7. There has been limited progress in implementation of the UN CRPD in Bulgaria. While a lot of paper work has been done – strategies, action plans and programmes – most of the action sustains the *status quo* and continues to imply a medical approach to persons with disabilities, based on old-fashioned institutional care and dependence on family support. This is one of the reasons that Bulgaria has yet to ratify the Optional Protocol.

8. Poverty, low educational and employment levels, extensive use of guardianship and mass institutionalisation continue to be the key characteristics of the population of persons with disabilities in the country despite the increased resources allocated to disability in recent years. The definition of ‘disability’ and ‘person with disabilities’ remains entirely medical and is expressed as a ‘percentage of lost ability to work’ on the grounds of a medical diagnosis. This definition shapes all other “support” measures regulated by law, including low disability benefits, outdated technical aids, excessive institutional placements and deprivation of civil rights.

9. The overall environment – built, institutional and cultural – is predominantly exclusive and there is no political will to change this situation through interventions aiming at promotion of social model, inclusive policies and mainstreaming of disabilities on all sectors of public life.

A. Purpose and general obligations

Response to issues raised in:

- **Paragraph 1 of the list of issues:**⁶

1. The ratification of the OP to the CRPD was a strategic objective of the Action Plan for 2013-2014⁷ to be finalised by December 2014. The translation of the Protocol was completed though no public information on that fact was made available.⁸ Apparently, the ratification is prevented by a lack of initiative of various Ministries to amend necessary legislation in conformity with the CRPD.⁹

- **Paragraph 2 of the list of issues**¹⁰

2. According to the Constitution all people are equal before the law. Article 6 p. 2 explicitly prohibits all kinds of restrictions on rights and privileges on the basis of protected grounds, however disability is missing from this list. According to Article 42 p. 1 of the Constitution, persons who are placed under guardianship have no right to vote. In many cases, the prohibition of discrimination has only a declarative effect, which does not make any real change for persons with disabilities. In terms of access to justice, there is a lack of accommodating measures for persons with disabilities, including with respect to procedures before the Equality Body (EB). The Body has right to start a case for protection from

⁶ Author: VF.

⁷ Available at: <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=784>.

⁸ The Report for the execution of the Action plan for 2013-2014 is available at: www.strategy.bg/FileHandler.ashx?fileId=5615

⁹ The information is published in the report cited above.

¹⁰ Author: VF.

discrimination on behalf of a person or group of persons exposed on discrimination, but this happens rarely.

- **Paragraph 3 of the list of issues**¹¹

3. It is hard to say that there is any promotion of the Committee's general comments in Bulgaria. The Ministry of Justice has published one translation of General Comment 1 on its website.¹² No public information or promotion activities have taken place in respect of General Comments 2, 3, 4 and 5.

- **Paragraph 4 of the list of issues**¹³

4. New disability legislation is in the process of development. The draft provided to the Expert Working Group (as referenced at p. 7 of response of Bulgaria to the List of Issues) sets out a definition of "*persons with disabilities*" directly taken from the Convention; however, the definition of "*person with permanent disability*", which is the real subject of support in operational terms under the law, refers to impairments "*which prevent the person to perform in a way and to the level typical for a healthy person, provided that the person has a statement of a medical panel for lost ability to work or 50 and more percent by type and level of disability*". This is exactly the definition in the current Law on the Integration of persons with disabilities, is medicalised in nature, and restricts access to support and services on the basis of a functional assessment.

B. Specific rights

Response to issues raised in:

- **Paragraph 7 of the list of issues**¹⁴

5. Persons with disabilities face significant obstacles in seeking protection from discrimination, in particular because **the law itself is discriminatory**. This includes in respect of persons who are placed under guardianship, who are denied the ability to exercise their rights, are prohibited from getting married (the same is prohibited to persons with disabilities with any kind of psycho-social or intellectual disability, which can be used as a reason for placement under plenary guardianship). There is no effective remedy for protection from this kind of discrimination. In addition, **persons with disabilities are frequently denied access to justice**: persons who are under guardianship cannot act independent or initiate any legal steps to protect their own rights without the consent of a guardian. **Children with disabilities deprived of parental care** are also denied access to justice due to a lack of **procedural or age-appropriate accommodations**.¹⁵

- **Paragraph 9 of the list of issues**¹⁶

6. Plans to close down large institutions were developed and implemented along with measures to provide support services for the transition from institution to community.

¹¹ Author: VF.

¹² Available at: <http://www.justice.government.bg/48/>.

¹³ Author: CIL.

¹⁴ Author: VF.

¹⁵ In 2018, a case of severe violations against children in a group home became publicly known. The Equality Body started a proceeding on its own initiative, and in May 2018 delivered a decision confirming that the children had been subjected to discrimination on the basis of their disabilities (Decision 185/2018). However, the children themselves did not participate at all in any of the cases established, even though independent lawyers specifically asked for this and to ensure independent representation of the children.

¹⁶ Authors: CIL and VF.

The end result, however, for the moment is a high prevalence of group homes. These settings remain as congregate living settings for persons with disabilities where housing and services are tied, residents have limited autonomy and personal independence, and where they frequently remain isolated from the wider community. Although Bulgarian efforts at DI have frequently been pointed to as an example of promising practice, numerous reports on the subject clearly show that real DI has not happened yet and, in many cases, is resulting instead in *transinstitutionalisation*. There is no support in the community for potential leavers of institutions, which makes children and young adults stuck there for life. It is important to measure the result of DI not only by the number of institutions closed and people moved but to look at the outcomes for people, in terms of inclusion and quality of life.

- **Paragraph 10 of the list of issues¹⁷**

7. No data is available on independent investigations on deaths which take place during the transition from institutions to other forms of residential care. The lack of the independent investigations which take proper account of specific vulnerabilities of children with disabilities, their personal stories and their real needs, frequently results in official findings that every death is “natural” and caused by “the disability”.

- **Paragraph 11 of the list of issues¹⁸**

8. Briefly, Bulgaria is one of the most inaccessible countries in Europe despite the comprehensive legislation on the subject. Accessibility of the built environment is well regulated in legislative terms but poorly implemented and enforced. The Territorial Development Act (TDA)¹⁹ regulates all issues with regard to the built environment in the country; the Law on the Integration of Disabled People²⁰ reconfirms the requirement for all public sites to be accessible for disabled people, and finally, the Anti-Discrimination Act²¹ (Article 5) states that “*building and maintaining inaccessible environment is direct discrimination*”. In addition, there is clear regulation with technical norms for accessibility. Article 169 of the TDA requires all authorities – local and national – to develop annual plans for adaptation of the environment in line with the technical norms for accessibility. A recent CIL research (2017) across 28 Municipalities (regional administrative centres) and the Council of Ministers (for national agencies) showed that no such plans are actually in existence.²²

9. In 2012 a Petition was filed with the European Parliament on the accessibility of the railway and bus transport, which continues to be inaccessible for disabled passengers. Following a two-year process of evaluation and consultations with the Bulgarian Government the petition was closed and another extension of grace period was granted to the Government. Still, neither buses nor bus stations are accessible; the same goes for trains.

- **Paragraph 13 of the list of issues²³**

10. There has been no development in real terms and people with physical impairments (wheelchair users or mobility challenged) have no access to railway transport.

¹⁷ Author: VF.

¹⁸ Author: CIL.

¹⁹ Available at: <https://www.lex.bg/laws/ldoc/2135163904>.

²⁰ Available at: <https://www.lex.bg/bg/laws/ldoc/2135491478>.

²¹ Available at: <https://www.lex.bg/bg/laws/ldoc/2135472223>.

²² Requests under the Access to Public Information Act were submitted and responses have been processed. Moreover, three court trials are pending for denial to provide required data against the Council of Ministers, Greater Sofia (Metropolitan) and Stara Zagora Municipality.

²³ Author: CIL.

- **Paragraph 14 of the list of issues**²⁴

11. No public information exists on criminal investigations of cases of medical neglect of children and adults with psycho-social or intellectual disabilities.

- **Paragraph 17 of the list of issues**²⁵

12. The draft law related to the implementation of Art 12 CRPD – a *Natural Persons and Support Measures Act* was created after an extended process of discussion and consultation with NGOs, legal practitioners and academics, persons with disabilities and their supporters. The process extended from 2012 to 2016, with three official public consultations taking place. The proposed legal instruments in the draft law are based on practical examples that introduce a new formula for legal capacity, in compliance with the standards of Article 12, and would abolish the system of guardianship for persons with disabilities. Unfortunately, after the establishment of the 44th National Assembly, there was no political will to reintroduce the law in Parliament. It is the first time since 2012 (when the CRPD was ratified and work on the draft law began) when State authorities expressed strong resistance to the implementation of Article 12. Due to the lack of progress, a nationwide petition campaign led by civil society was initiated on 27 March 2018 calling for adoption of the draft law. Till 27 of June 2018, when the campaign finished, approximately 12,000 individuals supported the initiative.²⁶ However, State authorities have not taken any steps to adopt the draft legislation.

13. An amendment to the Social Assistance Act (SAS) was promoted as a part of the execution of general measures indicated by the European Court of Human Rights (ECtHR) in the case of *Stanev v. Bulgaria*. In most of the cases the new rules, which relate to court procedures for placement in residential facilities of persons placed under guardianship, are executed in a formalistic manner. SAS requires that the court must hear the person under guardianship during the procedure for placement in residential care. The formal attitude to this hearing leads to formal decisions. Instead of guaranteeing the right for persons with disabilities under guardianship to choose where and with whom they live, courts instead end up justifying deprivation of liberty due to a lack of any alternatives. In addition, the judicial procedures themselves lack procedural accommodations and rules to guarantee accessibility of court procedures, a situation which is compounded by the lack of availability of reasonable accommodations during procedures. The result is that the SAS has brought in procedural safeguards which are neither effective nor which prevent institutionalisation.

- **Paragraph 18 of the list of issues**²⁷

14. The amendment of the Social Assistance Act (SAS) related to the court review of the placement in residential care is not capable of solving the problems with violation of human rights of the persons with psychosocial and learning disabilities. The lack of procedural accommodations leads to a formal attitude in such cases whereby severe violations of human rights are justified, rather than prevented.

15. The legal system is ill-equipped respond to cases of persons with disabilities. For example, if a person who survives institutional care seeks for justice, procedures are long,

²⁴ Author: VF.

²⁵ Authors: VF and BCNL.

²⁶ Information regarding the initiative is available at: <https://7000.world/>. The legal ground of the initiative is the Law for the Direct Participation of Citizens in the State Government and the Local Government.

²⁷ Author: VF.

complicated, highly formal and inaccessible²⁸ Briefly, there are not any procedural accommodations in place available for persons with disabilities in any kind of court proceedings.

- **Paragraph 19 of the list of issues**²⁹

16. In 2017, the European Committee for the Prevention of Torture (CPT) carried out a visit to Bulgaria. The CPT visited state psychiatric hospitals and social care institutions for persons with psychosocial and/or intellectual disabilities. The CPT's main observation³⁰ was that a number of patients in the psychiatric hospitals are *de facto* deprived of their liberty due to reasons such as the lack of adequate care and accommodation in the community resulting in much longer than practically needed hospitalisation. A significant proportion of patients, formally regarded as voluntary, are locked up in hospital wards and subjected to paternalistic control by the staff, including illegal detention.³¹ The lack of alternative social services in the community creates similar problems for the persons placed in state social care institutions. Even new group homes which are part of the deinstitutionalization process tend to be located away from bigger towns. This, along with the lack of adequate transportation, deprives persons with disabilities access to quality health and social services, as well as of any real integration in the community, meaning that group homes operate like small closed institutions.³²

17. As for the number of persons with mental disabilities in prisons, the Bulgarian Helsinki Committee interview 16 of them within a project³³ from 2016-2017, a project which concerned the procedural rights of persons with mental disabilities within criminal proceedings. The CPT report found a high prevalence of "inmates with mental health issues".³⁴

- **Paragraph 20 of the list of issues**³⁵

18. Material conditions at psychiatric hospitals are poor.³⁶ Serious understaffing exists everywhere. The lack of sufficient medical, auxiliary and multi-disciplinary clinical staff often becomes the reason for providing patients with treatment based predominantly on pharmacotherapy with no occupational or recreational opportunities offered.³⁷ Patients are occasionally kicked, slapped and punched by members of the staff or kept in locked wards of hospitals for weeks or even months with limited access to fresh air.³⁸ Mechanical restraints of patients to beds is common practice.³⁹ An individual approach to treatment plans is completely missing.⁴⁰ The same severe problems exist in social care institutions. The poor

²⁸ This paragraph is submitted by Georgi Tsenov, a survivor of long-term institutional care, who makes these observations based on his own experiences with the legal system.

²⁹ Author: VF.

³⁰ Report to the Bulgarian government on the visit to Bulgaria carried out by the CPT from 25 September to 6 October 2017, published on 4 May 2018, p. 57, available at: <https://www.coe.int/en/web/cpt/bulgaria>, and the 2017 Annual report of the Ombudsman acting as National Preventive Mechanism (p. 27, p. 28 and 34), available at: http://www.ombudsman.bg/pictures/file/5751_Annual_Report_NPM_2017_EN.pdf;

³¹ P. 68 of the Report.

³² P. 36 of the 2017 Annual report of the Ombudsman acting as National Preventive Mechanism (NPM).

³³ National report of the BHC "Enhancing Procedural Rights of Persons with Intellectual and/or Psychosocial Impairments in Criminal Proceedings: Exploring the Need for Action", 2017 (p.5-6), available at: http://www.bghelsinki.org/media/uploads/special/2018-natsionalen-doklad-protsesualnite-prava-na-litsa-s-intelektualni-ili-psihosocialni-uvrejdania-v-nakazatelnoto-proizvodstvo_impair.pdf.

³⁴ P. 51.

³⁵ Author: VF.

³⁶ P. 59 and p. 60 of the CPT Report and p. 27 and p. 28 of the 2017 Annual report of the Ombudsman as NPM.

³⁷ P. 61, para 122 and p. 62, para 123 of the CPT Report and p. 27 and p. 28 of the 2017 Annual report of the Ombudsman as NPM.

³⁸ P. 58 and p. 62 of the CPT Report.

³⁹ P. 64 of the CPT Report.

⁴⁰ P. 62, 60, 69 of the CPT Report.

living conditions and the ill-treatment of the residents are serious problems in such institutions. No actual steps towards the de-institutionalization and integration of these persons into the community of residents in such institutions results in total isolation and objectification.⁴¹

19. In prisons, the quality of medical care remains inadequate for all prisoners. Still, it goes without saying that superficial medical examinations on admission, the problems with supply of free-of-charge medication, insufficient access to psychiatric care and psychological assistance have each and all a crucial impact on the treatment given.⁴²

- **Paragraph 21 of the list of issues**⁴³

20. The Protection Against Domestic Violence Act does not contain any specific rules related to the additional vulnerability of women with disabilities who are victims of domestic and gender-based violence. For people placed in any kind of residential care, protection against violence from a person living in the same service or from staff is practically unavailable.

21. Research from 2012 with financial support from the Ministry of Justice shows a high prevalence of domestic violence against the elderly and those who have disability. Despite the results of the research, no additional measures have been taken.⁴⁴

22. There is no clear role or obligations on social workers who play a central role for the protection of persons and women with disabilities. This is evident from their lack of training and their lack of pro-active action to prevent violence. Social workers are not mandated or encouraged by law to be active in exploring and taking into account the whole family and other environment of persons with disabilities for their protection.⁴⁵ Social services provided under the law are not adapted to women with disabilities. The Directorates for Social Assistance do not initiate legal cases on domestic violence against persons with disabilities as provided by the Law on Protection from Domestic Violence: these bodies do not recognise or exercise their competences for protection of persons with disabilities nor those under guardianship.

23. There are insufficient legal guarantees in penal law for cases of violence against women with disabilities. Their enhanced vulnerability is not taken into account by the system and access to justice is not facilitated, which results in *de facto* deprivation of access to justice.⁴⁶

24. Additionally, women with disabilities are facing lack of environmental and procedural accommodations, both with respect to court buildings and due to court procedures which are very often inaccessible.

⁴¹ P. 8 and p. 9, from the Executive summary and p. 70 of the CPT Report and p. 34 – p. 37 of the 2017 Annual report of the Ombudsman acting as NPM.

⁴² P. 50, 51 the CPT Report.

⁴³ Authors: VF and APGBV.

⁴⁴ The research is available:

http://www.icss-bg.org/wp-content/uploads/2015/07/Analiz_anketno_prouchvane_website1.pdf.

⁴⁵ The conclusions are based on the research conducted by APGBV. More information available at: <http://bgrf.org/articles/brief-overview-of-the-results-of-the-projects-550.html> and

<http://www.alliancedv.org/articles/brief-overview-of-the-results-of-the-projects-422>

⁴⁶ There are some articles in the Criminal Code which are theoretically applicable in the cases of high bodily injury or death but even they are rarely used in cases related to persons with disabilities. The APGBV proposed legislative changes in that direction, but there is a lack of political will from the State Authority to take steps to guarantee the women with disabilities rights.

- **Paragraph 22 of the list of issues⁴⁷**

25. Measures for deinstitutionalisation of services for adults and older people are set out in the Action plan 2018-2021 to the National strategy for Long term care. The Strategy was adopted in 2014 as part of Bulgaria's efforts to fulfil the ex-ante conditionality related to European Union Structural and Investment Funds (ESIF) concerning the shift from institutional to community-based care. The Action plan to the Strategy however, was only adopted at the beginning of 2018.

26. In March 2018 the Bulgarian Government published a call for proposals entitled "*Support for deinstitutionalization of social services for older people and PwD*" (BG16RFOP001-5.002). The calls aims to facilitate the process of deinstitutionalisation by securing "suitable infrastructure, supporting the provision of new quality services for PwD and older people". It is co-financed by the European Regional Development Fund (ERDF), through the 'Regions in Growth' Operational Programme, with 17,981,053.14 EUR, which represents 85% of the total financing available. **This funding will be used for the building, renovation, furnishing and equipment of 6 day-care centres and 68 care centres** for the elderly and persons with disabilities, including people with mental health problems, intellectual disabilities and people with dementia. This example shows that DI of adults will follow the pattern applied in the DI of children. Residential services provided are only of group home type, where support and housing are tied in congregate living settings. No measures are planned, as part of the DI strategy for adults, to provide accessible housing in the community or support to people leaving institutions. It can be expected that, similarly to the DI of children, the DI of adults will simply involve moving people from larger to smaller institutions. DI cannot only be judged on the number of institutions closed and people moved but to look at the outcomes for the people, in terms of inclusion and quality of life. It calls for an explanation here that all types of 'assistants' provided under the Operational Programme have nothing to do with 'personal assistance' as a support measure for disabled people to live independently and being included in the community. These are social services delivered by local authorities - most often - allocating 4 to 6 hours Monday through Friday to a person; the number of hours depends on an individual assessment of the needs. This approach does not provide sufficient support for people with extensive needs who remain dependant on their families, and those who have no relatives around, who are then forced to apply for placement in institutional care.

27. Analysis of the Assistance Services for Disabled People in Bulgaria (2016)⁴⁸ proves that these are not relevant for adults with extensive needs who want to live independently.

28. Currently, a Petition to the European Parliament is under way challenging the misuse of EU Funds for DI of both children and adults.

- **Paragraph 23 of the list of issues⁴⁹**

29. Budget for national financing has been provided with a Council of Ministers' decision.⁵⁰ The problem lies with the type of services, which have not been changed and do not support independent living.

⁴⁷ Author: CIL.

⁴⁸ Available at: <http://www.cil.bg/userfiles/nabliudatelnitsa/Report-PA-Final.pdf>.

⁴⁹ Author: CIL.

⁵⁰ Regulation 332 of 17th December 2017, available at: <https://www.minfin.bg/upload/36135/PMS+izpalnenie+DB+2018.pdf>

- **Paragraph 24 of the list of issues**⁵¹

30. The list of technical aids, appliances, equipment and medical devices (TAAEMD) and the limited prices attached to it **do not** allow disabled people to make choices – age appropriate or otherwise.⁵² Moreover, the time of use and possible replacement of TAAEMD - in cases of adults - is between 6 and 10 years, which places an extra burden on active disabled people.

- **Paragraph 27 of the list of issues**⁵³

31. Regarding funds invested for individualised support, the new Education Act provides that schools in which a student with special educational needs (SEN) is enrolled can receive funding for the additional support according to an individual plan. Although this new amendment is much more progressive in comparison to the previous method of funding, two main issues remain. The *first issue* is that, even though the school has autonomy in spending, in fact it is not the school that decides which students will receive additional support. There is still an external expert opinion about this. Initially, the school identifies the students with SEN which would be entitled to additional support, following which the state owned Regional centre for support of the process of inclusive education validates or refuses to validate this decision. The same Regional centre also provides the specialists - resource teachers and others, for some of these schools. Other schools will be financially more independent and able to hire their own specialists. The new approval system creates conditions for different standards in the evaluation of the additional support of the students in the different schools. The *second issue* is related to the different specialists involved in the support to the students. Their roles are not very clearly stated in the Ordinance for inclusive education, which may create conditions for misunderstanding of the support that they have to provide. Moreover, there is still a lack of specialists in schools in small cities and villages and school principals have to hire specialists which they are able to find, or they have to refer to the specialist from the Regional centre. There is no possibility to search for support from privately operating specialists for example.

32. With regard to the governmental project “*Support for Equal Access and Personal Development*” under the strategy on “*Providing conditions and resources for the creation and development of a supportive environment in kindergartens and schools which provide inclusive education, Phase One*” which took place under the “*Science and Education for Smart Growth*” Operational Programme, over 7,000 children were beneficiaries, which is only part of the students with SEN in the schools. The new Education Act states that inclusive education is part of the right to education, therefore the measures in the cited project in the government reply refers only to those children who were beneficiaries of the project. This project can be considered fully beneficial only if it shares with all the other educational institutions the methodologies, instruments and practices elaborated and applied under the activities.

⁵¹ Author: CIL.

⁵² Analysis of Benefits and Technical Aids for Disabled People (2016):

<http://www.cil.bg/userfiles/nabliudatelnitsa/Report-Benefits-Final.pdf> (last check 9th August 2018).

⁵³ Author: CIE.

- **Paragraph 28 of the list of issues⁵⁴**

33. There is no publicly available analysis of the economic and social benefits of inclusive education. There is lack of research funded by the state on issues related to inclusive education and lack of evidence based decision-making on the matter.

- **Paragraph 29 of the list of issues⁵⁵**

34. The new Education Act that entered in force in 2016 progressively states that inclusive education is part of the right to education. The new Ordinance on inclusive education was adopted later in 2016. In this sense, there is a political will to promote inclusive education as a mainstream policy in schools. However, the reactions of the pedagogical community showed that most teachers do not understand the benefits of inclusive education for all students. International research confirms that attitudes to inclusive education of teachers are important for the successful application of the principles and practices of inclusion. The results from a national representative survey of teachers carried out by the Centre for Inclusive Education, a non-governmental organisation, in 2015 showed that 32.5% of teachers strongly support inclusive education, with a further 32.5% only supporting the principle in part.

35. In practice, there are still some mainstream schools that refuse to enrol children with SEN. This refusal usually comes in informal manner, in order for the parents not to be able to make an official complaint, or even if they do, so that the refusal cannot be officially traced. Concurrently, there are schools that are making targeted efforts to become really inclusive.

36. As a response to these challenges, the Ministry for Education and Science (MES) should take a more proactive role in promoting existing good practices in inclusive education among school principals and teachers. There is a free-of-charge online website with resources for teachers and a free-of-charge online course for teachers, *Introduction to inclusive education*, both created by the Centre for Inclusive Education that could be endorsed by the MES.⁵⁶ In addition, state support could be agreed on and allocated to schools that make additional systemic efforts to introduce inclusive practices.

- **Paragraph 31 of the list of issues⁵⁷**

37. The quality of training provided by the State authorities is under question. The MES has licensed a number of teachers to conduct education related to inclusive education, however some of the experts lack knowledge and understanding of human rights, the CRPD as well as practical application. As such, it is incorrect to call such persons experts. In addition, there is no specific training for judges or lawyers. The lack of specific education for lawyers, especially those who provide legal aid, means that lawyers are generally unable to protect human rights in court procedures.

- **Paragraph 34 of the list of issues⁵⁸**

38. No concrete figures of persons with disabilities involved in employment programs are mentioned in any governmental documents. Active policy measures for training and

⁵⁴ Author: CIE.

⁵⁵ Author: CIE.

⁵⁶ Resources in Bulgarian available at: <http://priobshti.se/>

⁵⁷ Author: VF

⁵⁸ Author: VF

employment of the persons with disabilities are scarce and temporary. The Government's efforts do not seem to be directed to ensuring suitable conditions for employment of persons with disabilities.⁵⁹

- **Paragraph 37 of the list of issues**

39. The income of persons with disabilities in Bulgaria is primarily formed of a disability pension; disability allowances, and in a minority of cases salary from employment. Most persons with disabilities are not in employment, which leaves them with income from a disability pension and disability allowances, both at very low levels.⁶⁰ Every person with more than 50% reduced capacity to work (based on his/her diagnosis) is entitled to have a disability pension. As of December 2017, a total of 455,566 people with disabilities receive disability pensions for 'general health conditions', 50,428 people with disabilities receive only social disability pensions, and 7,903 persons with disabilities receive disability pensions for work accidents.⁶¹ A National Social Security Institute (NSSI) report of December for 2017 revealed that social disability pensions were paid to 420,596 people (plus their other pensions or salaries). The average monthly amount of the disability pension in 2018 was BGN 248 (approx. EUR 124) and the average amount of social disability pension was BGN 173 (EUR 86).⁶²

- **Paragraph 39 of the list of issues**⁶³

40. The proposed *Draft Law on Natural Persons and Support Measures* included provisions guaranteeing access to the political rights of persons with disabilities, including to right to vote. Since the termination of the 43rd National Assembly, the authorities have failed to return to this issue. At the same time, courts do not recognise the deprivation of the right to vote of persons with psychosocial disability who are not under guardianship as a form of discrimination.

C. Specific obligations

Response to issues raised in:

- **Paragraph 42 of the list of issues**⁶⁴

41. There is no publicly available specific national program on the SDGs. To our knowledge, no consultations have been held with organizations of persons with disabilities with regard to Agenda 2030.

- **Paragraph 43 of the list of issues**

42. An amendment of the Establishment Regulation of the Ministry of Labour and Social Policy (MLSP) was made on 20 July 2018. The information of the role of the

⁵⁹ See more in the Country report on the European Pillar of Social Rights (focus topic) Bulgaria, available at: [https://www.disability-europe.net/search?searchword&searchphrase=any&areas\[0\]=documents_search&areas\[1\]=16&areas\[\]=27](https://www.disability-europe.net/search?searchword&searchphrase=any&areas[0]=documents_search&areas[1]=16&areas[]=27)

⁶⁰ See the 2015 ANED country report on social protection: <http://www.disability-europe.net/theme/social-protection?country=bulgaria>.

⁶¹ NSSI, *2017 Pension Yearbook*, p. 6, <http://www.nssi.bg/images/bg/about/statisticsandanalysis/statistics/pensii/STATB42017.pdf>.

⁶² NSSI, *2017 Pension Yearbook*, p. 19.

⁶³ Author: VF.

⁶⁴ Author: CIE

Directorate as a focal point has not been publicly announced, nor is any such informational available on the website of the Directorate.⁶⁵

⁶⁵ Available at: [https://www.mlsp.government.bg/index.php?section=POLICIESI&I=295&lang=.](https://www.mlsp.government.bg/index.php?section=POLICIESI&I=295&lang=)