



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

REFERENCE: 2022-14/CESCR/FU

14 April 2022

Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the sixth periodic report of Bulgaria at the Committee's sixty-fifth session, held in 2019. In the concluding observations (E/C.12/BGR/CO/6), the Committee requested Bulgaria to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 36, 45 and 49(c) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/BGR/FCO/6) received in October 2021 under its follow-up procedure. The Committee examined the report at its seventy-first session, held from 14 February to 4 March 2022, and wishes to communicate the following assessment:

Paragraph 36: Forced evictions – Assessment: Partial progress. The Committee notes with appreciation the adoption of a National Strategy for Reduction of Poverty and Promotion of Social Inclusion covering the period until 2030 to improve the housing and living conditions of disadvantaged and marginalized groups, including Roma, and to support persons in homelessness. It also welcomes the elaboration of programmes for improving housing conditions and providing social housing, including the Operational Programme “Region in Growth” 2021-2027, Assessment of the urban housing situation of the most marginalized and vulnerable communities in Northwest Bulgaria and the Programme for the Development of the Regions 2021-2027. However, the Committee is of the view that most of the measures are still in the early stage of implementation or planning and therefore it is yet too early to assess the effectiveness of the measures and the progress made thereby.

His Excellency
Mr. Yuri Borissov Sterk
Permanent Mission of Bulgaria to the
United Nations Office and other international organizations in Geneva
Email: info@mission-bulgaria.ch

As regards the legislative framework on evictions, the Committee notes the detailed information provided by the State party on the legislation that is meant to monitor the removal of illegal constructions. It also notes the explanation regarding the established practice according to which the National Construction Control Directorate (NCCD), assesses whether the illegal construction is the only dwelling available to the occupiers and that, in the absence of any alternative accommodation, the NCCD does not proceed with enforcement of the eviction. The State party has added that evictions are not carried out at night and that it is the responsibility of the municipalities, together with the competent central government authorities, to provide alternative housing to evicted persons in cases of inevitable removal of illegal occupation.

However, the State party has failed to provide information demonstrating that the measures have been effective to curb forced evictions and to ensure that the demolition of illegal dwellings are carried out with appropriate procedural protection, including adequate and reasonable notice given in advance. There is no indication of any measures taken to ensure that forced evictions are not conducted in winter or during the school year. There is no information of significant steps taken by the State party to provide alternative adequate accommodation to persons affected by forced evictions and to provide such persons with effective remedies.

Accordingly, the Committee assesses that there has been partial progress as regards the implementation of the recommendation and requests the State party to provide in its next periodic report detailed information on further measures taken to implement the recommendation and the progress made thereby.

Paragraph 45: Legal capacity of persons with disabilities – Assessment: Partial progress. The State party has indicated in its follow-up report that Article 65 of the current Persons with Disabilities Act regulates the right to assisted decision-making by a person with disabilities who is facing difficulty in the independent exercise of his/her legal rights. The Committee notes with regret the information provided by the State party that the draft legislation on Natural Persons and Support Measures Act, which was prepared in 2016, remains to be finalized. The draft is subject to a wide consultation process with academia to settle questions as regards the constitutionality of the draft act envisaging the abolition of the institution of placement under injunction the electoral rights of the persons under injunction, which arose during the preliminary impact assessment.

The Committee thus assesses that there has been partial progress in implementation of this recommendation and requests the State party to provide in its next periodic report information on the measures taken to implement the recommendation and the progress made thereby.

Paragraph 49(c): de facto school segregation - Assessment: Partial progress. The Committee notes information provided by the State party that the inclusive education ensuring access to education for all Bulgarian citizens including Roma children is a priority policy of the State party. The Committee also notes with appreciation the measures taken by the State party, which may potentially provide access to quality education through the implementation of an inclusive education process. They include the Act on Amendment to the Pre-school and School Education Act (2020), the National Programme “Support for Municipalities for the Implementation of Activities for

Educational Desegregation (the National Programme)”, the National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021- 2030” and the “Strategic Framework for the Development of Education, Training and Learning in Bulgaria 2021-2030.” The State party also has indicated that there are mediators and professionals working with parents to encourage inclusion in the educational system.

The Committee, however, notes with regret the lack of information demonstrating the effectiveness of the existing and the new measures to address de facto school segregation and to improve the enrolment of Roma children in mixed schools. It notes the increased number of schools participating in the National Programme, which is the only information provided by the State party as to the results of the measures undertaken. Unfortunately, this information does not suggest whether there has been any improvement in terms of prevention of Roma children from dropping out of school and integration of Roma children in those schools.

The Committee thus assesses that there has been partial progress in the implementation of this recommendation and requests the State party to provide in its next periodic report information on the measures further taken to implement the recommendation and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurances of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural Rights



Mikel Mancisidor

Mohamed Ezzeldin Abdel-Moneim

Chair

Committee on Economic, Social and Cultural Rights

