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Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Bulgaria

ILO
TECHNICAL
NOTE

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List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. Eurostat indicators	2006	2010	2013	2014	2015
At-risk-of-poverty threshold (40%, single person)	€553	€1,207	€1,170	€1,324	€1,333
At-risk-of-poverty threshold (50%, single person)	€692	€1,508	€1,462	€1,655	€1,666
At-risk-of-poverty threshold (60%, single person)	€830	€1,810	€1,754	€1,987	€1,999
At-risk-of-poverty rate –(40%, of median equivalised income)	7.73%	9.2%	9.7%	10.7%	10.0%
At-risk-of-poverty rate –(50%, of median equivalised income)	12.6%	15.2%	15.1%	15.8%	15.5%
At-risk-of-poverty rate after social transfers –(60%, of median equivalised income)	18.5%	20.7%	21.0%	21.7%	22.0%
At-risk-of-poverty rate before social transfers, pensions excluded –(60%, of median equivalised income)	24.7%	27.1%	26.7%	27.3%	28.4%
At-risk-of-poverty rate for pensioners after social transfers (60%, of median equivalised income)	18.3%	30.0%	25.9%	21.1%	30.0%
Aggregate replacement ratio	0.37	0.43	0.39	0.44	0.41
Severe material deprivation (% of total population)	57.7%	45.7%	43.0%	33.1%	34.2%
Persistent at-risk-of-poverty rate –(60%, of median equivalised income)	n/a	16.4%	13.4%	16.5%	16.2%
Gini coefficient	31.2	33.2	35.4	35.4	37.0

Table 2. National indicators of guaranteed minimum resources, MISSOC (2015)	
Guaranteed Minimum Income (GMI)	BGN 65 (€33)/month
Beneficiary	Differentiated guaranteed min
Person over the age of 75 living alone	165%
Person over the age of 65 living alone	140%
Person over the age of 65	100%
Person cohabiting (with spouse and/or other adult person)	66% each
Person under the age of 65 living alone	73%
Reduced working capacity of 50% or more	100%
Reduced working capacity of 70% or more	125%
Child aged between 0-16 (up to 20 when studying)	91%
Child aged between 7 and 16 with 5 or more unexcused absences from school	30%
Child aged between 7 and 16 and not attending school	20%
Orphan or child accommodated in a host family	100%
Child with permanent disabilities	100%
Lone parent taking care of a child under 3 years of age	120%
Single parent with a child or children under 16 years of age (under 20 years of age for children attending school)	100%
Pregnant woman 45 days before the term and parent taking care of a child under 3 years of age	100%

Table 3. MISSOC (2015)

<i>Social Security branch</i>	Compensation rate/Level of benefit	Qualifying period
Sickness benefit	70% of the average daily gross salary for the month of occurrence of the incapacity; 80% if the gross salary is lower than the minimum contributory income	6 months' insurance against temporary reduced working capacity and temporary change of work place due to medical reasons (reassignment).
Unemployment benefit	60% of the average daily contributory income for the last 24 months preceding the month of the termination of the insurance, but not less than the fixed minimum amount.	At least 9 months of insurance during the last 15 months before the unemployment (insurance against all risks).
Employment injury benefit	90% of the average daily gross remuneration or the average daily contributory income on which insurance contributions have been paid for the period of 18 calendar months preceding the occurrence of the incapacity for work	No qualifying period required
Family benefit	<p>Benefits for a child till completion of secondary education: for the first child BGN 35 (€18), for the second child BGN 50 (€26) and for the third and each subsequent child BGN 35 (€18) per month. In case of multiple birth, the benefit for each child born amounts to 150% of the benefit for the second child.</p> <p>Benefit for raising a small child: BGN 340 (€174) per month.</p> <p>Benefit for adoption of a child between 2 and 5 years of age: amount, determined under the procedure for pregnancy and birth benefit, paid for a period of 365 days.</p> <p>One-off benefit for raising twins until completion of 1 year of age: BGN 2,400 (€1,227), i.e. BGN 1,200 (€614) per child.</p> <p>One-off benefit for raising a child until completion of 1 year of age for mothers who are regular tertiary students: BGN 2,880 (€1,473).</p>	Means tested
Maternity benefit	90% of the daily average contributory income for 24 calendar months preceding the leave	Insurance record of at least 12 months against the risks sickness and maternity
Invalidity benefit	<p>* degree of disability over 90%: 115% of the minimum amount of the contributory old-age pension - BGN 181.06 (€93);</p> <p>* degree of disability between 71% and 90%: 105% of the minimum amount of the contributory old-age pension - BGN 165.31 (€85);</p> <p>* degree of disability between 50% and 70.99%: 85% of the minimum amount of the contributory old-age pension - BGN 133.82 (€68).</p> <p>The minimum amount of the contributory pension - BGN 157.44 (€80).</p>	Minimum period of insurance varies according to the age of the claimant (0-5 years of effective coverage)
Survivor's benefit	The minimum amount of the total of all survivor's pensions may be no less than 75% of the minimum amount of the contributory old-age pension, which is currently BGN 157.44 (€80).	

Table 4. ISSA (2014)

GMI	65 leva		
Social Security branch	Min amount of benefits	RR	Qualifying conditions
Sickness benefit		80% of the basic income (insured's average daily gross wage)	Must have at least six months of coverage for sickness benefits
Unemployment benefit	7.20 leva a day	60% of the insured's average earnings in the last 24 months	At least nine months of contributions within the last 15 months before the termination of employment
Old-age benefit (social insurance)	150 leva	1.1% of taxable income for each year of coverage	Age 63 and 8 months (men) or age 60 and 8 months (women) with at least 37 years and 8 months (men) or 34 years and 8 months (women) of contributions.
Old-age benefit (income tested)	110 leva		Aged 70 or older with monthly income in the last 12 months of no more than the guaranteed minimum monthly income for each family member.
Family benefit	35 leva a month is paid for the first child, 50 leva for the second, and 35 leva for each subsequent child (240 leva if disabled)		Income tested
Family benefit (child-raising allowance)	100 leva a months		Income tested
Maternity benefit		90% of the insured's average daily covered earnings is paid for 410 days, beginning 45 days before the expected date of childbirth.	Must have at least 12 months of coverage for maternity benefits.
Employment Injury benefit		90% of the insured's earnings	No minimum qualifying period
Invalidity benefit (social insurance)	127.5 leva	85% - 115% of the minimum old-age pension, according to the assessed loss of working capacity.	No min qualifying period for persons younger than age 20 or for assessed as blind; one year of contributions for those aged 25 to 29; three years for those aged 30; five years for those older than age 30.
Invalidity benefit (income tested)	121 leva	120% of the old-age social pension is paid for a loss of working capacity greater than 90%; 110% for a loss of working capacity of 71% to 90%.	Age 16 or older with an assessed loss of working capacity greater than 71%.
Survivor's benefit (one survivor)	112.5 leva	50% of the deceased's old-age pension	
Survivor's benefit (two survivors)		75% of the deceased's old-age pension	
Survivor's benefit (three survivors or more)		100% of the deceased's old-age pension	

Exchange rate: US\$1.00 = 1.42 leva

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

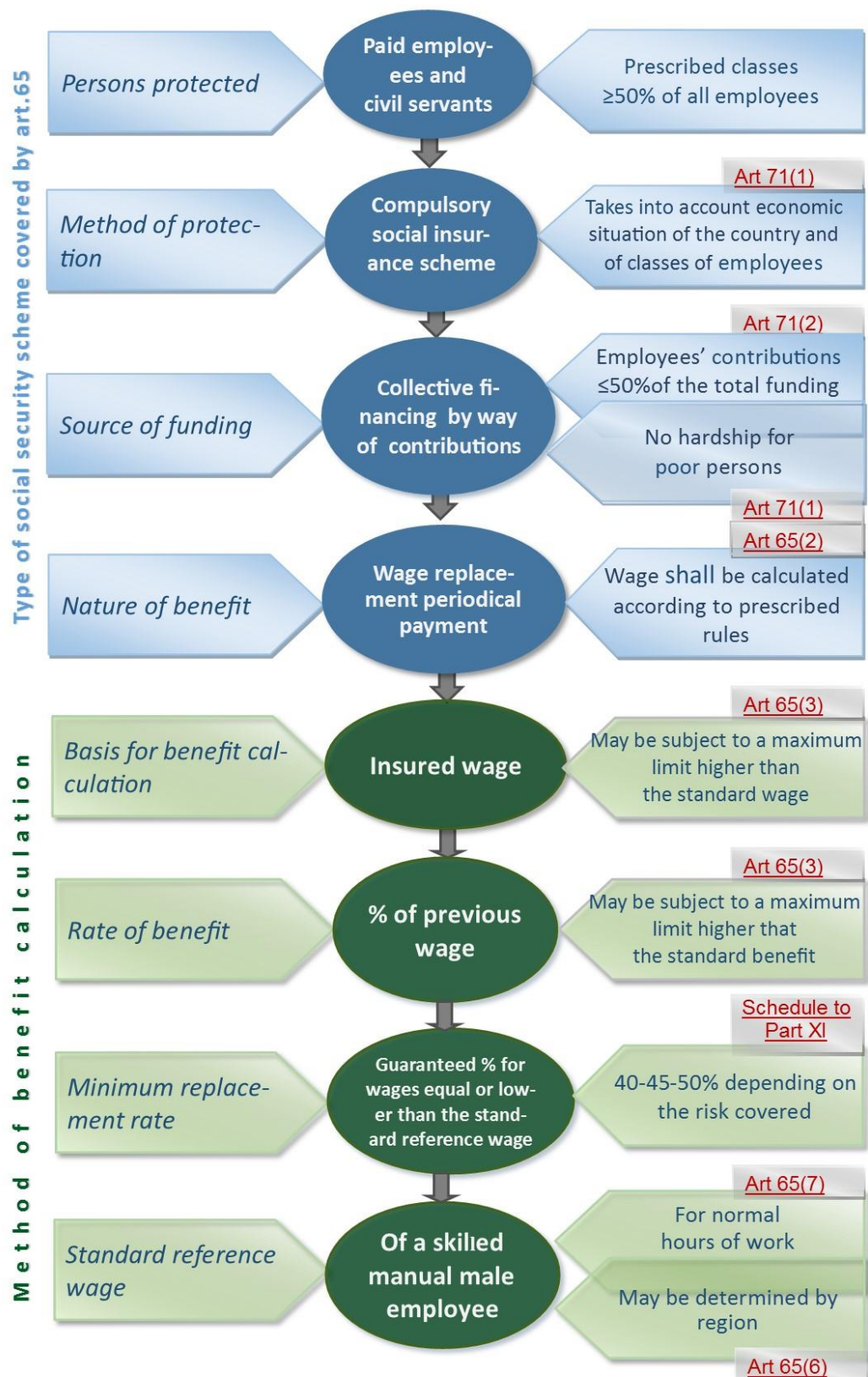


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

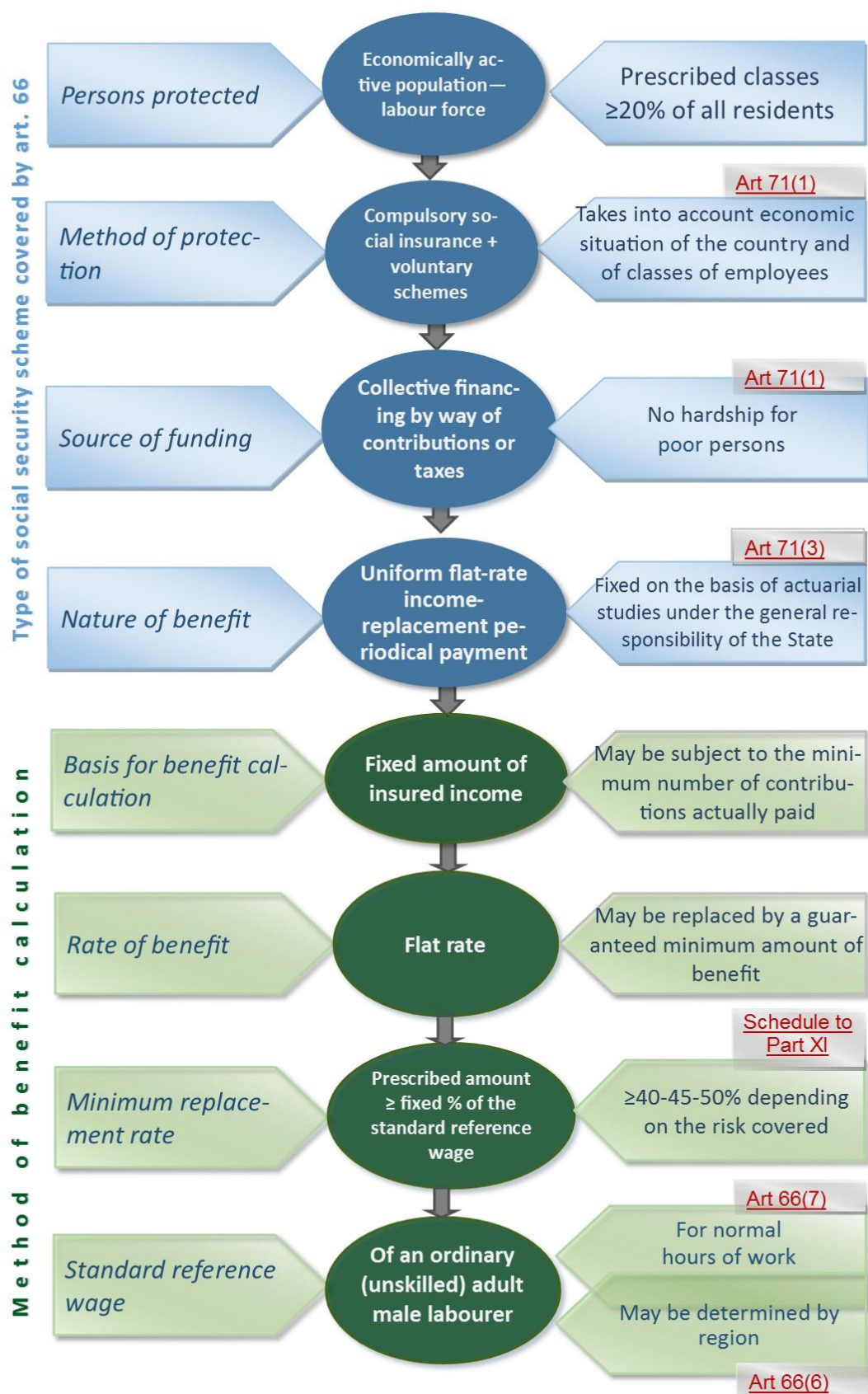


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

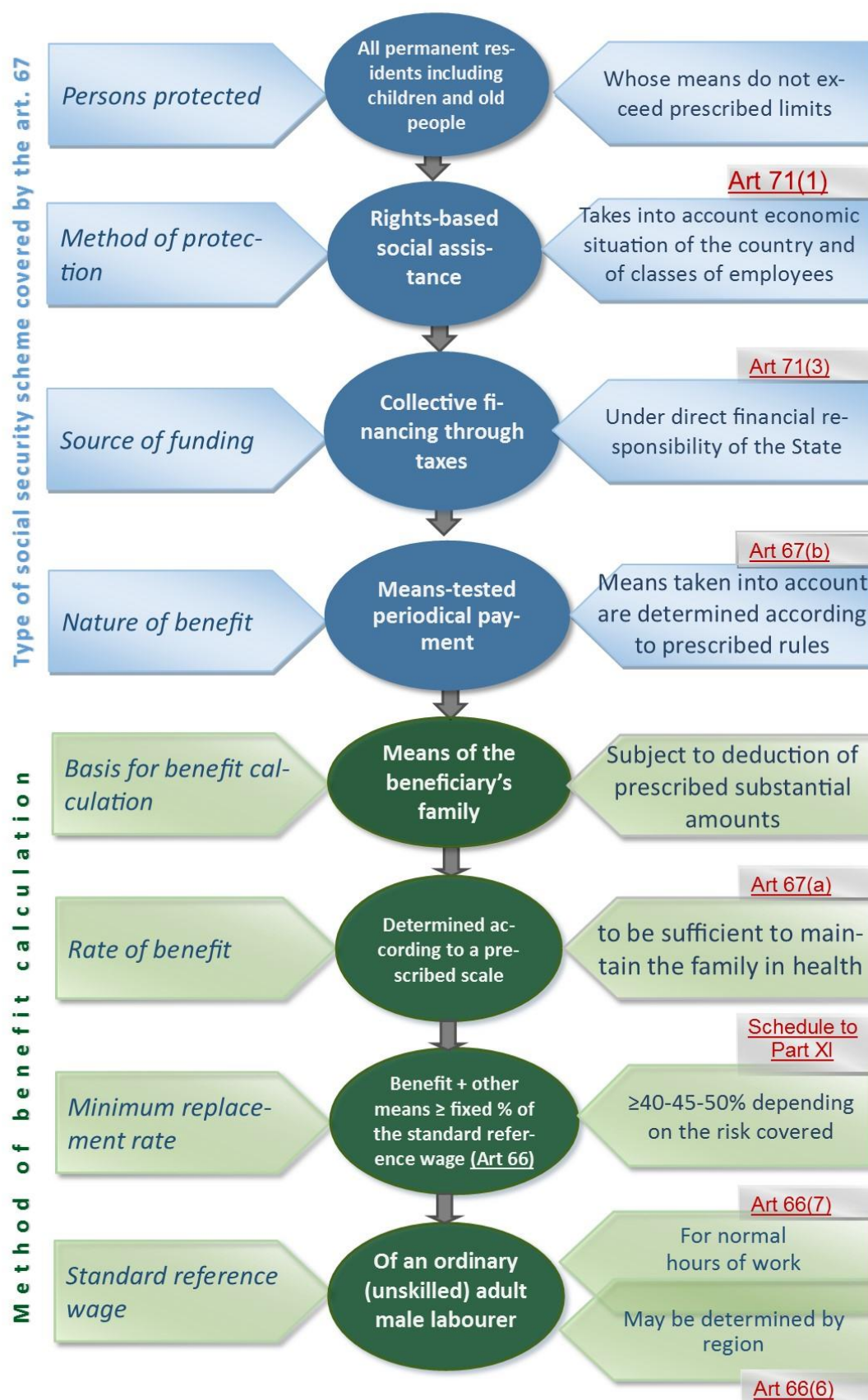


Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	305 euros	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	428.8 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	213 euros	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

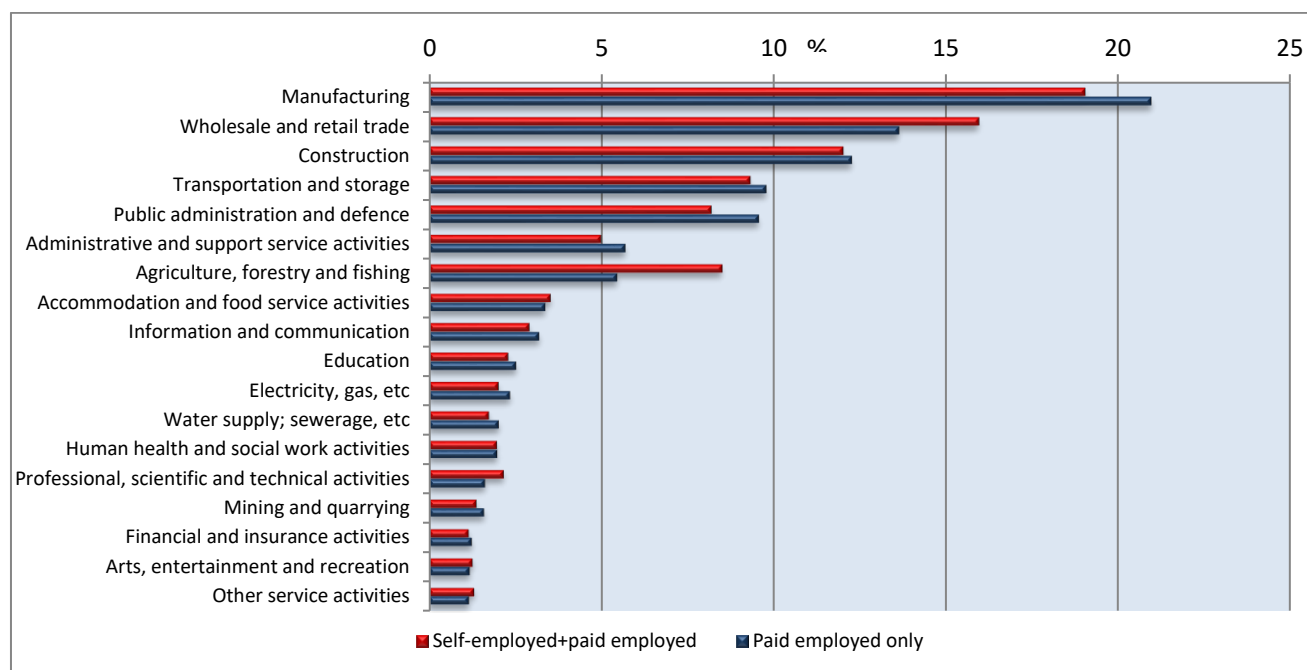
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig.4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5.: The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08		
ISIC rev.4	ISCO 08	Total	7. Craft and related trades workers	9. Elementary occupations
	Total			
	...			
	C. Manufacturing		skilled	unskilled
	...			

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group **require skills** at the second ISCO level.

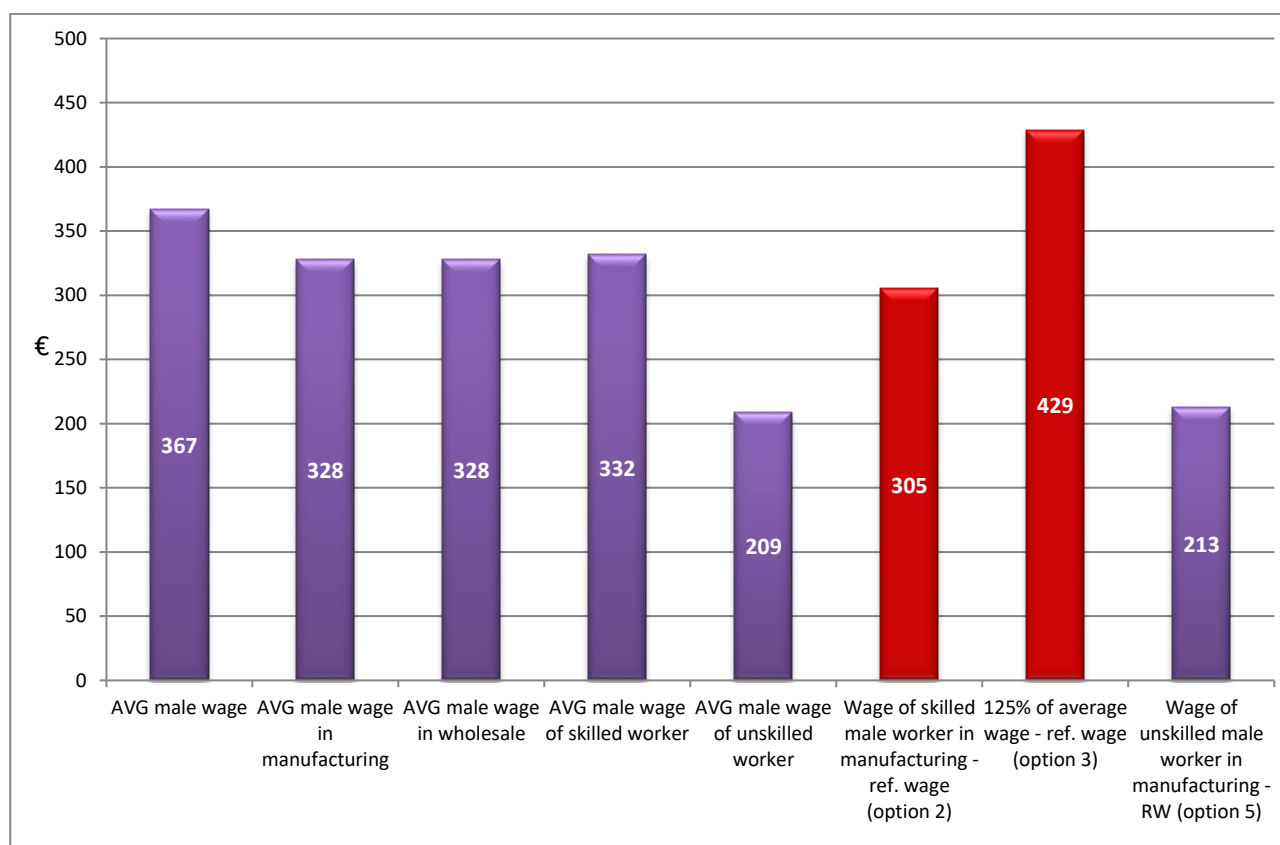
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Bulgaria, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (include both full-time and part-time employees)

*CHAPTER II. Checklists of the main provisions
of the ILO Social Security (Minimum
Standards) Convention, 1952 (No. 102) and
corresponding national legislation*

- [Table 1. Medical Care \(Part II\)](#)
- [Table 2. Sickness benefit \(Part III\)](#)
- [Table 3. Old-Age benefit \(Part V\)](#)
- [Table 4. Employment Injury benefit \(Part VI\)](#)
- [Table 5. Family benefit \(Part VII\)](#)
- [Table 6. Survivors' benefit \(Part X\)](#)

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 7 State guarantees :	<ul style="list-style-type: none"> • <u>Preventive</u> medical care + • Curative medical care 			Yes, under the Health insurance Act	
Article 8 Risks covered	Any morbid condition (sickness), whatever its cause? + Pregnancy and confinement and their consequences?			Any person covered by compulsory health insurance shall be entitled: to receive medical care within the scope of the basic package of health-care activities guaranteed by the budget of the National Health Insurance Fund; to choose a physician from a primary medical care institution that has concluded a contract with the RHIF; to receive emergency care wherever he or she may be	
Article 9 Persons protected => prescribed classes of:	<u>Employees</u> in paid employment which represent 50% of all employees + their wives and children? OR <u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents, + their wives and children? OR <u>Residents</u> which represent 50% of all residents.			All nationals, foreigner with a residence permit, all refugees and persons with right of asylum, students, persons in respect of whom the legislation of the Republic of Bulgaria is applied according to the rules for coordination of social security schemes.	

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 10(1) Types of medical care to be provided: a) in case of sickness: b) in case of pregnancy and confinement and their consequences:	(i) general practitioner care, including <u>domiciliary visiting</u> ; (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available <u>outside hospitals</u> ; (iii) the <u>essential</u> pharmaceutical <u>supplies as prescribed</u> by medical or other <u>qualified</u> practitioners; and (iv) hospitalisation <u>where necessary</u> ; and (i) pre-natal, confinement and post-natal care either by medical practitioners or by <u>qualified</u> midwives; and (ii) hospitalisation <u>where necessary</u> .			- maternity care during pregnancy, childbirth and maternity, nursing care at home - non-hospital and hospital medical care for the purpose of disease detection and treatment - procedures performed by physicians and dentists - urgent medical care - prescription and dispensation of medicinal drugs, licensed for use, provided for treatment at home	
Article 10(2) Possibility of sharing in the cost of medical care received	By the beneficiary or his breadwinner in case of sickness? Are there any <u>special rules</u> aimed at avoiding hardship for poor persons?			Section 45 of the Health insurance lists the types of medical care paid by the National Health Insurance Fund Prophylactic examinations of pregnant women are guaranteed free and regular. Article 82a of the Health Act provides that by own means municipalities can support activities in the prevention and treatment of the poor, unemployed and other persons who are currently registered for permanent residence in the municipality.	

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 10(3) Objectives of medical care	<ul style="list-style-type: none"> ✓ Maintaining (preventive care) ✓ Restoring (curative care) ✓ Improving <ul style="list-style-type: none"> • the health of the person protected + • ability to work and to attend to their personal needs 			According to Article 81 and Article 83 of the Health Act, each Bulgarian citizen shall be entitled to accessible medical aid under the terms and conditions of this Act and the Health Insurance Act.	
Article 10(4) Promotion of general health services	What general health services are placed at the disposal of protected persons?			NO INFORMATION	
Article 11 Maximum qualifying period	What period of contribution, employment or residence shall be completed to receive medical care? Is this period necessary to preclude abuse of health insurance?			The health insurance obligation shall arise: <ul style="list-style-type: none"> - as of the date of birth - as of the date of receipt of a long-term or permanent residence permit - as of the date of initiation of a procedure for recognition of refugee status or for affording a right of asylum - as of the date of payment of the health insurance contribution 	
Article 12 Minimum duration of benefit	<ul style="list-style-type: none"> • Is medical care provided until the end of sickness (risk covered)? • Is medical care provided for at least 26 weeks in each case of sickness? 			The cash benefit for temporary incapacity through general sickness, employment injury and occupational disease shall be paid from the first day of occurrence until working capacity is regained or until invalidity is established.	

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> What diseases are recognised as entailing longer care? 				

Table 2. Sickness benefit (Part III)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 14 Risk covered =>	Incapacity for work for work due to any morbid condition + <u>suspension of earnings</u>			State Social Security provides benefits, allowances and pensions for temporary working incapacity; temporary reduced working capacity. The funds for risks of temporary working incapacity due to <u>general sickness</u> and maternity are secured in a separate General Sickness and Maternity Fund.	
Article 15 Persons protected => Prescribed classes of:	<u>Employees</u> in paid employment which represent 50% of all employees OR <u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR <u>All residents</u> whose means are below a prescribed limit			All employees in the economy in general should be secured in that Fund, while the self-employed persons should be secured at their request. In Republic of Bulgaria, there are no special regimes for social security in the Sickness and Maternity Fund depending on the economic activity where the person is employed.	
Article 16(1) and (2) Amount of cash benefit	The benefit is a <u>periodical</u> payment? <ul style="list-style-type: none"> <u>Article 65</u> : Calculated as a percentage of previous earnings $\geq 45\%$ OR <ul style="list-style-type: none"> <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate $\geq 45\%$ of the reference wage of an unskilled male labourer OR <ul style="list-style-type: none"> <u>Article 67</u>: Means-tested benefit: calculated according 			Sickness benefits are calculated in accordance with <u>Article 65</u> of the Convention. The daily cash benefit for temporary working incapacity due to general sickness shall be calculated at the rate of 80% and for temporary working incapacity due to employment injury or occupational disease at the rate of 90% of the daily average remuneration or of the average social security income on which social security	

	Table 2. Sickness benefit (Part III)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	to a fixed scale.			contributions have been remitted or are due.	
<i>Article 17</i> Maximum qualifying period	Does the national legislation prescribe a qualifying period for entitlement to sickness benefit?			<p>A right to cash benefit for the period of leave due to temporary working incapacity shall be acquired under the following conditions:</p> <ul style="list-style-type: none"> - The person should have at least six months of service as secured against general sickness and maternity. This requirement does not apply to persons under 18 years of age and for entitlement to cash benefit for employment injuries and occupational disease. <p>The six-month service may be interrupted or uninterrupted, be affixed at various employers, as it is not necessarily to be carried out just before the release of the person on leave due to sickness.</p>	

	Table 2. Sickness benefit (Part III)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 18</i> Minimum duration of benefit	Is sickness benefit paid until: <ul style="list-style-type: none"> recovery of working capacity? for at least 26 weeks in <u>each case of sickness</u>? 			The cash benefit for temporary incapacity through general sickness, employment injury and occupational disease shall be paid from the first day of occurrence until working capacity is regained or until disablement is established. (Section 42 of the social security code)	
<i>Article 18(1)</i> Waiting period of 3 days	Is there a waiting period before the start of payment of sickness benefit?			No waiting period	

Table 3. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> Article 26 <p>Risk covered = Old age</p>	<ul style="list-style-type: none"> Pension age ≤ 65 years OR > 65 years if elderly persons maintain their working ability 			<p>Section 68 of the social security code: 60 years of age for women and 63 years of age for men (increasing progressively to 63 years of age for women and 65 years of men at the end of 2020)</p> <p>The exercise of a gainful activity is not a cause for termination of the pension.</p>	
<p>Article 27</p> <p>Persons protected =</p> <p>Prescribed classes of:</p>	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>All residents whose means are below a prescribed limit</p>			<p>All workers hired for more than five days or 40 hours in a calendar month are insured.</p> <p>Section 4 of the social insurance code: are also insured government employees, persons in judiciary position, military personal, cooperative members, contractors, sole traders, unincorporated companies, syndics and liquidators, elected officials, clerical positions and seafarers.</p>	
<p>Article 28</p> <p>Amount of pension</p>	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: ≥ 40% <p>OR</p> <ul style="list-style-type: none"> <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the reference 			<p>Old-age benefits are calculated in accordance with Article 65 of the Convention.</p> <p>According to Article 70 of the Social Security Code the amount of the contributory-service and retirement-age pension shall be determined by multiplying the income on the basis of</p>	

	Table 3. Old-Age benefit (Part V)				
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	<p>wage of an unskilled male labourer</p> <p>OR</p> <ul style="list-style-type: none"> • <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			<p>which the pension is calculated by a sum total formed of: 1.1 per cent, for each year of contributory service and the respective proportionate part of the percentage for the months of contributory service.</p> <p>as of 31 December 2011: BGN 136.08</p>	
<p>Article 29</p> <p>Maximum qualifying period</p>	<ul style="list-style-type: none"> • Employees and Economically active persons: 30 years of employment or contributions? • Residents: 20 years of residence? • Reduced benefit after 15 years of employment or contribution? 			<p>Section 68 of the social security code: 34 years of contributory service for women and 37 years of contributory service for men. The length of the required contribution period will gradually increase to 37 years for women and 40 years for men.</p>	
<p>Article 30</p> <p>Minimum duration of benefit</p>	<p>Benefit granted until death?</p>			<p>Section 96 of the social insurance code: old-age benefits terminate with the death of the beneficiary.</p>	

	Table 4. Employment Injury benefit (Part VI)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 32</i>	<ul style="list-style-type: none"> The following due to an accident or a prescribed disease resulting from employment: 			the following risks have been covered, if they are due to an employment injury or a specific disease as a result of employment:	
Risks covered =	<ul style="list-style-type: none"> 				
Sickness	<ul style="list-style-type: none"> (a) a morbid condition (sickness); 			1. Sickness;	
Temporary incapacity for work	<ul style="list-style-type: none"> (b) incapacity for work involving suspension of earnings; 			2. Working incapacity, including the suspension of income;	
Permanent total incapacity	<ul style="list-style-type: none"> (c) total loss of earning capacity likely to be permanent or corresponding loss of faculty 			3. Total permanent loss of opportunity for income or partial loss due to this cause (at least 50 % of the working capacity)	
Permanent partial incapacity	<ul style="list-style-type: none"> Partial loss thereof What is minimum degree of loss prescribed by law? 			the working capacity itself is determined by the medical expertise bodies	
Death of breadwinner	<ul style="list-style-type: none"> d) loss of support suffered by the widow or child as the result of the death of the breadwinner; 			4. Loss of support for the widow or the child as a result of the death of the person providing the support.	
<ul style="list-style-type: none"> Article 33 Persons protected : 	<ul style="list-style-type: none"> <u>Employees</u> in paid employment which represent 50% of all employees? 			All workers hired for more than five days or 40 hours in a calendar month are insured.	
Classes of Employees	<ul style="list-style-type: none"> Wives and children of deceased breadwinners? 			Section 4 of the social insurance code: are also insured government employees, persons in judiciary position, military personal, cooperative members, contractors, sole traders,	

	Table 4. Employment Injury benefit (Part VI)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Surviving family members	•			unincorporated companies, syndics and liquidators, elected officials, clerical positions and seafarers.	
Article 34 Types of medical care to be provided: Generalists - home visits	(a) general practitioner and specialist in-patient care and out-patient care, including <u>domiciliary visiting</u> ; +			Treatment by physicians and specialists, in patient and out-patient care, emergency care, nursing care, dental care, medical goods and pharmaceutical products in hospitals, rehabilitative care and long-term treatment are all provided under section 45 of the Health Insurance Act.	
Specialists . in hospital . outside hospital Massage Physiotherapy Osteopathy	(b) dental care; +				
	(c) nursing care <u>at home</u> or in hospital or other medical institutions; +				
	(d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions; +				
	(e) dental, pharmaceutical and other medical or surgical supplies, + (g) prosthetic appliances, <u>kept in repair</u> , and +				

	Table 4. Employment Injury benefit (Part VI)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	(h) eyeglasses;				
	(f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.				
<i>Article 34(4)</i> Objectives of medical care	<ul style="list-style-type: none"> ✓ Maintaining (Preventive care) ✓ Restoring (Curative care) ✓ Improving the health of the person protected <div style="text-align: center;">+</div> his/her ability to work and to attend to personal needs				
Article 35 Re-establishment in suitable work	Public medical care institutions co-operate with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in <u>suitable</u> work? Do these institutions ensure provision for the vocational rehabilitation of disabled persons?			Rehabilitative care and long-term treatment are provided under section 45 of the Health Insurance Act. - Funding projects of employers from the common and specialized work environment to provide access to employment for people with disabilities, adaptation and equipment of the same.	
Article 36 Type and calculation of	Periodical payment afforded in case of: - incapacity for work?			Secured persons are entitled to cash benefit instead of a wage for the period of leave due to temporary working incapacity.	

	Table 4. Employment Injury benefit (Part VI)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
benefit Permanent total invalidity Conversion into a lump sum	- total loss of earning capacity likely to be permanent or corresponding loss of faculty? - partial loss thereof?			Secured persons who have lost 50 per cent, or over 50 per cent, of their working capacity shall be entitled to an employment injury or occupational-disease invalidity pension regardless of their contributory service.	
	- death of the breadwinner?			In case of death of the secured person, his/her heirs (spouse, children and parents) shall receive a survivor pension and lump sum benefit in amount of two minimum wages.	
	<ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: ≥ 50% OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: ≥ 50% of the wage of an unskilled male labourer 			Amount of benefit due to employment injury or occupational disease: 90 per cent of gross wage	
	May the periodical payment be commuted for a lump sum where the degree of incapacity is slight?			NO INFORMATION	
	If so, does the national legislation provide that lump sum needs to be properly utilized?			NO INFORMATION	
	The benefit for loss of support due to death of the breadwinner is a periodical payment?			Section 12 of the social insurance code provides that spouses, children and parents are entitled to a survivors benefit in case of death of the insured	

	Table 4. Employment Injury benefit (Part VI)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: $\geq 40\%$ of the earnings of breadwinner OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the wage of an unskilled male labourer 			person.	
Qualifying period ?	There is no qualifying period.			No qualifying period	
Article 38 Minimum duration of medical care	Benefit until recovery from sickness or as long as incapacity exists?			Benefits are payable from the first day until the restoration of the ability to work or the establishment of disability.	
Waiting period	<p>Medical care as of the first day of incapacity?</p> <p>In case of incapacity for work, benefit paid during first 3 days?</p>			In case of temporary incapacity for work there may be a maximum waiting period of 3 days.	

Table 5. Family benefit (Part VII)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> Article 40 Eventuality covered = responsibility for the maintenance of children 	<ul style="list-style-type: none"> Does the legislation provides for benefits for families with children? 			Family Allowances for Children Act provides for several types of family benefits in the form of periodical payments or lump-sums.	
<p>Article 41</p> <p>Persons protected =</p> <p>Prescribed classes of:</p>	<p>Employees constituting not less than 50 per cent of all employees</p> <p>OR</p> <p>Economically active population constituting not less than 20 per cent. of all residents</p> <p>OR</p> <p>All residents whose means are below a prescribed limit</p> <p>OR</p> <p>Employees constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more (Article 3)</p>			Family allowances are provided to families of Bulgarian nationals, families of relatives, foster families and families of foreigners permanently residing in Bulgaria.	
<p>Article 42</p> <p>Nature of the benefits</p>	<ul style="list-style-type: none"> a periodical payment the provision to or in respect of children, of food, clothing, housing, holidays or domestic help 			Benefits in cash and in kind are provided: partial or full payment of kindergarten or nursery taxes, payment of canteen expenses and the purchase of clothing, shoes, teaching aids, etc.	

	Table 5. Family benefit (Part VII)				
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	OR <ul style="list-style-type: none"> a combination of both 				
Article 43 Maximum qualifying period	<ul style="list-style-type: none"> three months of contribution or employment OR <ul style="list-style-type: none"> one year of residence 			NO INFORMATION	
Article 44 Amount of the benefit	<ul style="list-style-type: none"> 3 % of the wage of an unskilled adult male labourer multiplied by the total number of children of persons protected; OR <ul style="list-style-type: none"> 1.5 % of the said wage, multiplied by the total number of children of all residents 			Several amounts are specified.	The CEACR requested information regarding the wage of an unskilled adult male labourer and to calculate the total value of family benefits under this article
Article 45 Minimum duration of benefit	Benefit granted until the child reaches his majority?			Where the circumstances surrounding the monthly allowances have changed, family benefits can be suspended the month following this occurrence, except where family benefits are provided in kind.	

Table 6. Survivors' benefit (Part X)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 60 Risk covered = Death of the breadwinner	<p>Are widows and dependent children protected in case of loss of death of the breadwinner?</p> <p>In the case of a widow, is the right to conditional benefit on her being incapable of self-support?</p>			Children, surviving spouses and parents are entitled to a lump-sum benefit amounting to 2 minimum wages and a survivor's pension	
Article 61 Persons protected = Prescribed classes of :	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>Residents whose means are below a prescribed limit</p>			<p>All workers hired for more than five days or 40 hours in a calendar month are insured.</p> <p>Section 4 of the social insurance code: are also insured government employees, persons in judiciary position, military personal, cooperative members, contractors, sole traders, unincorporated companies, syndics and liquidators, elected officials, clerical positions and seafarers.</p>	
Article 62 Type and Calculation of benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: $\geq 40\%$ <p>OR</p> <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the wage of an unskilled male labourer <p>OR</p> <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			<p>The survivor pension is granted for all persons who are entitled to it, and is divided equally between them.</p> <p>The minimum amount cannot be less than 75 per cent of the minimum amount under Article 70(7) contributory service pension, which for the period 1 January to 31 May 2012 was BGN 136, 08.</p>	

	Table 6. Survivors' benefit (Part X)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 63 Qualifying period	<ul style="list-style-type: none"> 15 years of contribution or employment OR <ul style="list-style-type: none"> 10 years of residence of the breadwinner Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 			NO INFORMATION	
Article 64 Duration of benefit	When does the benefit stop for: <ul style="list-style-type: none"> The widow? The children? 			Children are entitled until the age of 18 or 26 if they are studying (even more in case of disability or the child) Widows/ers is entitled until he/she remarries	

CHAPTER III. Integrated Management of compliance and reporting obligations of Bulgaria under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2017](#)
- [Table 4. Up-to-date standards on which reports are due in 2018](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards](#)
- [Fig. 2. Example of time management for reporting on social security standards](#)

Table 1. Up-to-date social security standards in force

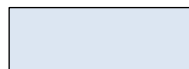
<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3	Art.16	Art.8§1	Art.15		Art.4§1,30	
					15§2	Art.27§1b,c				Art.13§1§2§3, Art. 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21, C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26, C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C103									



Social Security Standards in force for Bulgaria



Denounced standards



Social Security Standards not in force

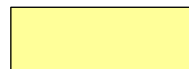
C056 - Automatic Denunciation on 20 Aug 2013 by MLC

Table 2. Pending comments of the supervisory bodies

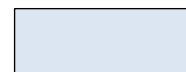
Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11		😞 Art.1§1	Art.23	😞 Art.3	Art.16	Art.8§1	Art.15		Art.4§1,30	
	😞 Art.13§1		Art.1§3		15§2	Art.27§1b,c				😞 Art.13§1§2§3, Art. 14	
	😞 Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21, C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26, C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C042			C103		C44 Art.10				



Social Security Standards in force for Bulgaria



Pending comments of the supervisory bodies



Social Security Standards not in force



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2017

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW*	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3	Art.16	Art.8§1	Art.15		Art.4§1,30	
					15§2	Art.27§1b,c				Art.13§1§2§3, Art. 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21, C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26, C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C056			C018		C103				



Social Security Standards in force for Bulgaria



Social Security Standards not in force



Report in 2017

***CEDAW – State party report due on 01 Jul 2016, not submitted, expected in 2017**

Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15		Art.4§1,30 Art.13§1§2§3, Art. 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21, C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26, C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14



Social Security Standards in force for Bulgaria



Social Security Standards not in force



Report in 2018

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

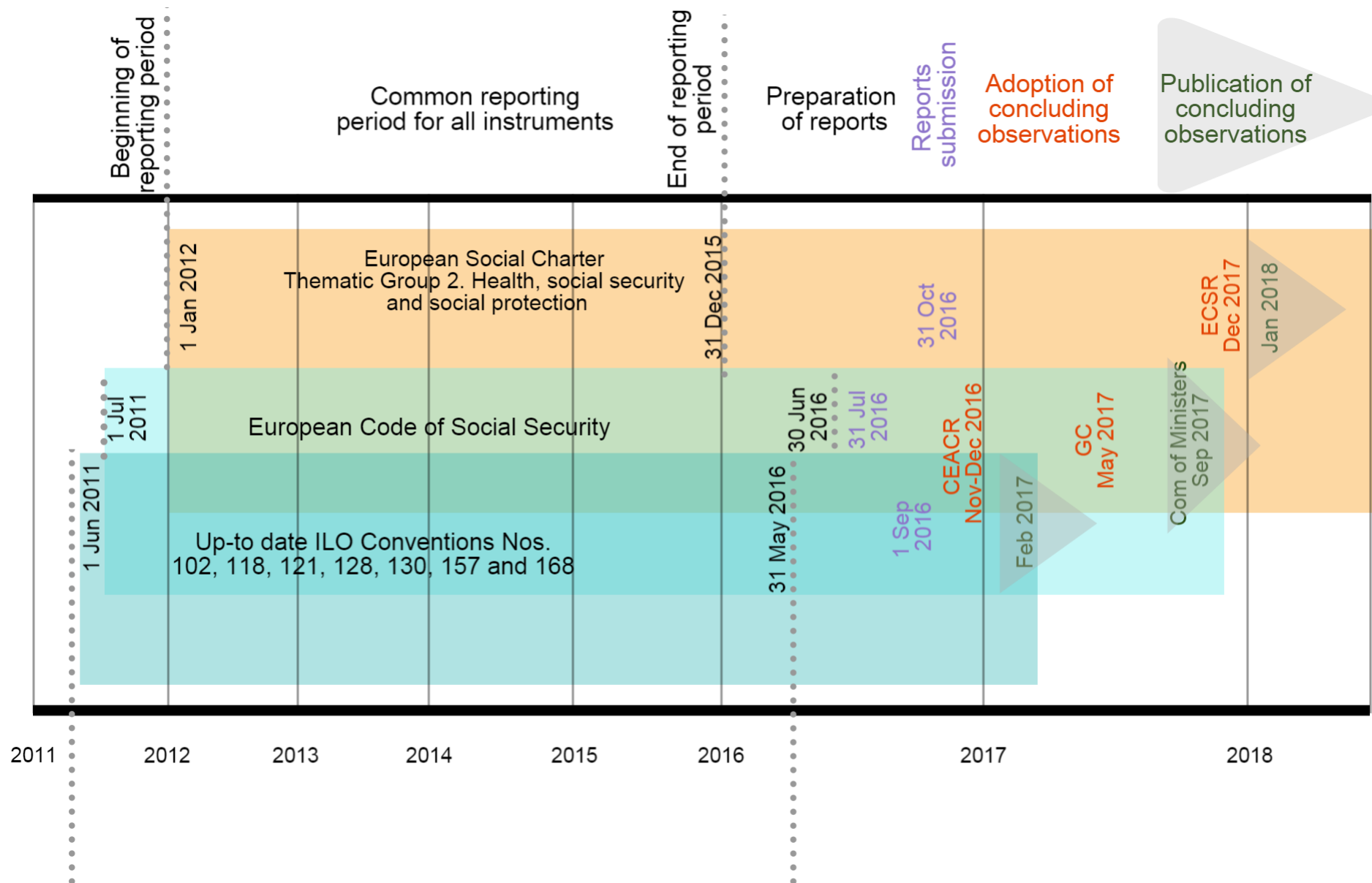
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards



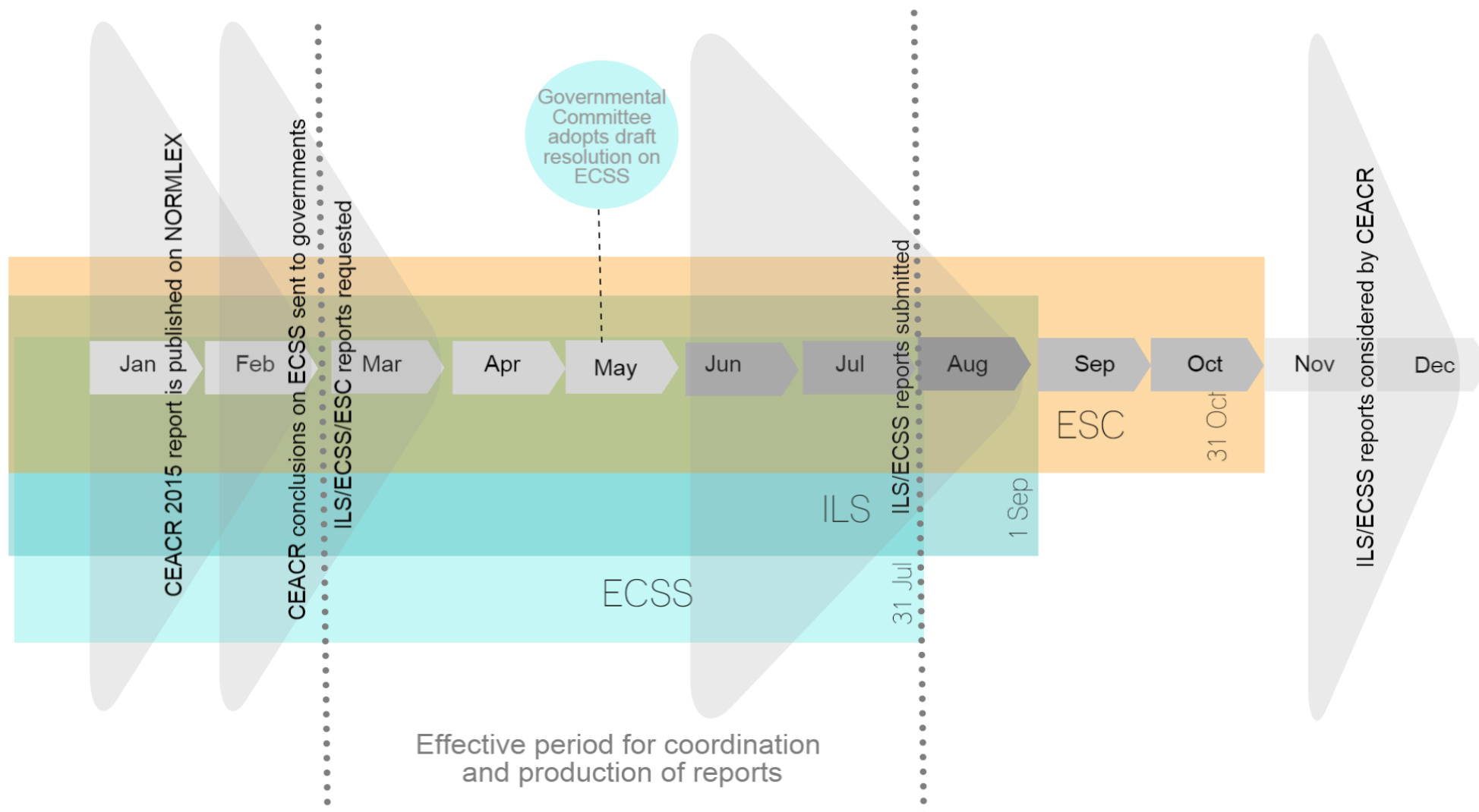


Fig. 2. Example of time management for reporting on social security standards

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Bulgaria](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [**United Nations**](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [**Council of Europe**](#)

- [European Social Charter](#)

3. [**International Labour Organization**](#)

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
- [Maternity Protection Convention, 2000 \(No. 183\)](#)
- [Workmen's Compensation \(Occupational Diseases\) Convention \(Revised\), 1934 \(No. 42\)](#)
- [Unemployment Provision Convention, 1934 \(No. 44\)](#)

4. [**EU Country-Specific Recommendations**](#)

Table 1. In force international treaties on social rights ratified by Bulgaria

Body	International Treaty	Entry into force for Bulgaria	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	21 Sep 1970	30 Nov 2017
	Convention on the Rights of the Child	03 Jun 1991	02 Jan 2022
	Convention on the Elimination of All Forms of Discrimination against Women	08 Feb 1982	01 Jul 2016
	Convention on the Rights of People with Disabilities	22 Mar 2012	Submitted 21 Jul 2014
Council of Europe	European Code of Social Security		
	European Social Charter	07 Jun 2000	31 Oct 2016
International Labour Organization	Convention 102	04 Jul 2008	1 Jun - 1 Sep 2017
	Convention 103		
	Convention 121		
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183	06 Dec 2001	1 Jun - 1 Sep 2018
	Convention 003	14 Feb 1922	1 Jun - 1 Sep 2018
	Convention 012	06 Mar 1925	1 Jun - 1 Sep 2017
	Convention 017	05 Sep 1929	1 Jun - 1 Sep 2017
	Convention 018	05 Sep 1929	-
	Convention 024	01 Nov 1930	1 Jun - 1 Sep 2017
	Convention 025	01 Nov 1930	1 Jun - 1 Sep 2017
	Convention 035	29 Dec 1949	-
	Convention 036	29 Dec 1949	-
	Convention 037	29 Dec 1949	-
	Convention 038	29 Dec 1949	-
	Convention 039	29 Dec 1949	-
	Convention 040	29 Dec 1949	-
	Convention 042	29 Dec 1949	1 Jun - 1 Sep 2017
	Convention 044	29 Dec 1949	1 Jun - 1 Sep 2017
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2012

[*UN Office of the High Commissioner for Human Rights website link, Treaty bodies database*](#)

C. Principal subjects of concern and recommendations

7. The Committee is concerned that minorities, particularly the Roma and the Turkish populations, continue to be the victims of widespread discrimination in the areas of education, employment, health and housing (arts. 2, 6, 11, 12 and 13).

The Committee recommends that the State party pursue its efforts to eliminate any forms of discrimination against its minorities, particularly the Roma and Turkish populations, stating clearly and officially that it does not tolerate any form of discrimination or violence against persons because of their national or ethnic origin, and promoting the involvement of the population at large in this process. The State party should also guarantee the access of all to employment, education, adequate housing and health services, and should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's national or ethnic identity. In this regard, the Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

9. The Committee is concerned about the situation of asylum seekers who are not allowed to work during the first year of their stay in the State party, and therefore only have access to the monthly allowance in application with the Social Assistance Act, highly prejudicing their access to the rights set out in the Covenant. The Committee is also concerned that the assistance provided to newly recognized refugees does not give them access to adequate housing, food, clothing and education needs (art. 3).

The Committee recommends that the State party take the appropriate steps to amend its legislation, allowing asylum seekers to obtain a work permit within the year of their arrival to the State party. The State party should also reinforce its National Programme for the Integration of Refugees throughout its territory, including through the implementation of language training courses more adapted to the persons in need, of social orientation and vocational training programmes, and providing special attention to vulnerable persons, including older persons and persons with disabilities.

11. The Committee is concerned, particularly in the context of the economic and financial crisis, about the recent rise in unemployment and long-term unemployment rates, which negatively affect the population of the State party, especially young persons, immigrants, Roma persons and persons with disabilities, and increases their vulnerability in violation of their rights set out in the Covenant (arts. 2, para. 2 and 6).

The Committee recommends that the State party strengthen its programmes and adopt effective strategies to reduce unemployment rates and move progressively towards the full realization of the right to work, avoiding any retrogressive step with regard to the protection of workers' labour rights. The Committee recommends that high-quality vocational training, especially for the long-term unemployed, continue to be prioritized taking into account the needs of disadvantaged and marginalized individuals and groups. The Committee further recommends the adoption of employment strategies and plans of action targeting regions where unemployment is most severe. It also requests the State

party, in its next periodic report, to submit tables of annual statistics on the general employment situation, disaggregated by sex, age, nationality, disability, and by urban or rural region. In that regard, the Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work. The Committee also draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis.

12. The Committee is concerned that the minimum wage, the unemployment benefits and old age benefits set in the State party are not sufficient to meet the living costs and to ensure a decent standard of living to the recipients and their families (arts. 7 and 9).

The Committee recommends that the State party establish an effective system of indexation and regular adjustment of the minimum wage, unemployment benefits, pensions and other social assistance for older persons, to the cost of living, providing the recipients and their families with a decent standard of living.

14. The Committee is concerned about the reduced impact of existing plans and strategies on children with disabilities who are in institutions, and about the lack of services to prepare the integration into society of persons who leave institutional care. The Committee is also concerned at the lack of clarity on the legal status and on available alternatives for children without a family who leave institutional care (art. 10).

The Committee recommends that the State party ensure the full implementation of the reform of the residential care system for children, focusing on the integration of children who leave institutional care, including those with disabilities. The Committee recommends that the State party clarify the legal status of children without family who leave institutional care, and provide them with adequate family substitute and family support services, as well as community-based services. In this regard, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children, annexed to General Assembly resolution 64/142, and it requests the State party to include in its next periodic report disaggregated data, by sex, year, family status and disability, on progress made in the reintegration of children who leave institutional care.

18. The Committee is concerned about the fact that a significant proportion of the population still lives below the poverty line, especially within the most disadvantaged and marginalized groups of its population, including Roma. The Committee is further concerned about the regional disparities in that regard (art. 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including Roma, and to reduce disparities between regions. In that respect, the Committee draws the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

19. The Committee is concerned that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including Roma, still do not have access to adequate housing. The Committee is also particularly concerned about the numerous forced evictions affecting Roma (art. 11).

The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly Roma. The Committee draws the State party's attention to

its general comment No. 4 (1991) on the right to adequate housing. It also recommends that the State party prevent forced evictions of Roma from taking place until they have been consulted and offered alternative accommodations or compensation. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.

20. The Committee is concerned at the high frequency of teenage pregnancies, often leading teenage girls to drop out of school. The Committee is also concerned at the information received on high rates of infant and maternal mortality, and at the lack of detailed information on the causes of this problem (arts. 10 and 12).

The Committee calls on the State party to intensify its efforts aimed at preventing teenage pregnancy and to provide the necessary support services for pregnant adolescents, including measures to enable them to continue their education. The Committee also urges the State party to ensure that sexual and reproductive health services are effectively accessible to adolescents, and that all pregnant women and girls have access to specialized medical care. Finally, the Committee recommends that the State party thoroughly assess the causes of all cases of maternal and infant mortality in order to develop specific and adapted strategies in that regard.

21. The Committee remains concerned, despite the information provided on the related reform to be enforced from January 2013, about the difficulties faced by persons living with HIV/AIDS and by Alzheimer patients in accessing treatment through the social security scheme. In both cases, the Committee also regrets the absence of information on the accessibility of the relevant treatments and care (art. 12).

The Committee recommends that the State party ensure that treatment and care is available to and accessible by persons living with HIV/AIDS, and by Alzheimer patients, and that the referred treatments are effectively covered by the social security scheme.

List of Issues Prior to Reporting (LOIPR) 2016

List of issues prior to submission of the sixth periodic report of Bulgaria*

A. Issues of particular relevance

1. Please provide information on the progress achieved towards closing the gaps between rural and urban areas and addressing inequalities based on ethnic or national origin and on health status in the enjoyment of economic, social and cultural rights in the State party, notably in the areas of standard of living and access to health and education.
2. Please provide information on positive results achieved through the implementation of the National Roma Integration Strategy (2012-2020). Please also update the Committee on the impact of the measures taken, including but not limited to the Roma Strategy, to improve housing conditions for Roma and to put an end to de facto Roma-only settlements.
3. Please provide information on the measures taken to address the rising rate of young people not engaged in employment, education or training, especially Roma youth and young people living in remote areas.
4. Please provide information on the measures taken, and their impact, to combat poverty and social exclusion, especially among disadvantaged and marginalized groups and individuals, including Roma, families with three or more children, persons with disabilities and older persons.

5. Please provide information on the impact of the National Strategy on Migration, Asylum and Integration (2011-2020) and on the financial and administrative resources allocated to it.

B. Ongoing implementation of the Covenant

6. Bearing in mind that the Covenant is an integral part of Bulgaria's domestic law and that it has primacy over conflicting domestic legislation, please provide information on cases in which the Covenant provisions were invoked before, or applied by, domestic courts. Please also provide information on any case in which rights protected under the Covenant were successfully invoked before domestic courts, through the equivalent provisions of chapter 2 of the Bulgarian Constitution (particularly arts. 46-55) or of the European Social Charter.

7. Please provide up-to-date data for the period 2012-2016 on the levels of public spending as a percentage of gross domestic product in the various sectors related to economic, social and cultural rights, notably social protection, health and education, and also indicate whether the levels of such spending were reduced during that period.

8. Please update the Committee on the remaining obstacles to combatting corruption in the State party, including within the judiciary. Please also provide information on the number of prosecutions brought and sentences handed down, if any, against high-level officials found guilty of corruption.

9. Please indicate the steps taken to implement the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions, based on the Paris Principles. Please also indicate if economic, social and cultural rights are covered under the mandates of the Ombudsman's Office and the Commission for Protection against Discrimination, and if so, please provide examples on how these rights were taken up by either body.

10. Please update the Committee on the legislative and policy measures taken to ensure gender equality and to shift the traditional and prevalent understanding of gender roles and responsibilities in the State party.

11. Please provide up-to-date data on the prevalence of unemployment, in particular long-term unemployment, in the State party since 2013, disaggregated by sex, age, ethnicity, nationality and health/disability status. Please also provide information on the impact of the steps taken to address unemployment.

12. Please provide information about the steps taken to amend the Labour Code in order to ensure that the provisions permitting employers to "opt out" of the general standard of 8 hours of work a day and 48 hours a week are tightened to avoid the risk of abuse and generally to ensure compliance with the International Labour Organization's Hours of Work (Industry) Convention (No. 1) (1919).

13. Please provide information on the measures taken or envisaged to raise the national minimum wage and to ensure that it is indexed to the cost of living so as to allow an adequate standard of living for workers and their families.

14. Please inform the Committee whether the State party intends to undertake the necessary legal revision aimed at: (a) removing the restrictions to the right to strike, stipulated by the Collective Labour Disputes Settlement Act; (b) modifying the general ban to strike for civil servants; and (c) relaxing the restrictions imposed on the right to strike by railway transport workers. Please also update the Committee on the steps taken to ensure that trade union rights can be fully exercised by all workers, including foreign workers, without fear of discrimination or repercussion.

15. Please provide information on impediments reportedly faced by asylum seekers and refugees in accessing social rights, particularly as regards social assistance, health care, education and social housing, and about the measures taken to address that situation.

16. Please provide information on the measures taken to ensure that unemployment and social assistance benefits are adequate and allow beneficiaries and their families to enjoy an adequate standard of living.
17. Please update the Committee on the progress achieved in the process of deinstitutionalization of children. In doing so, please provide information on the alternative living settings provided to deinstitutionalized children and the types of support offered to families with the aim of preventing family separation.
18. Please update the Committee on the prevalence of child labour in the State party. Please also indicate the measures taken to identify and assist children who are at a greater risk of being engaged in underage (child) labour, including in hazardous work.
19. Please provide data on the extent of homelessness in the State party, disaggregated by sex, age, ethnic origin, health status and describe the measures taken to address homelessness. Please provide information on the frequency of, and the reasons behind, forced evictions in the State party and indicate whether alternative housing and compensation are provided in such cases to those affected by forced evictions.
20. Please provide up-to-date data on infant and maternal mortality in the State party, disaggregated by ethnic origin, urban/rural areas and socioeconomic background.
21. Taking into account the still high rates of abortion and teenage pregnancy in the State party, please provide information on the steps taken to enhance access to sexual and reproductive health care, services and education.
22. Please update the Committee on the progress achieved in revising the legal regime governing the deprivation of the legal capacity of adults with intellectual and psychosocial disorders. Please also describe the steps taken to provide these persons with alternatives to institutionalization, such as community-based services, and the impact of such measures.
23. Please update the Committee on the measures taken to enhance access to medical care and treatment by persons with dementia and Alzheimer's, and to raise awareness about these diseases among the public at large.
24. Please update the Committee on the measures taken, and their impact, to improve access to quality education by all children, including asylum seeking and refugee children, and to reduce dropout rates, especially of Roma children.
25. Please indicate the steps taken, and their impact, to ensure that children with disabilities, including those currently enrolled in special and boarding schools, can access inclusive education.

C. Good practices

26. Please provide information on good practices in policy formulation and implementation, developed by the State party during the last reporting period, that have effectively contributed to the realization of economic, social and cultural rights, in particular of marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations have been taken into account in developing such practices.

Convention on the Rights of the Child – Concluding observations 2016

[*UN OHCHR website link, Treaty bodies database*](#)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

Coordination

10. **The Committee recommends that the State party establish an institutional mechanism at the inter-ministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should ensure that said coordinating mechanism is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

11. The Committee is concerned that the State party's budgeting process fails to stipulate budget allocations for children in the relevant sectors and agencies, including indicators and tracking systems at all levels, as well as targeted budget allocations for children in marginalized and vulnerable situations, such as Roma children, children with disabilities, migrant children and children of refugees and asylum seekers. The Committee is further concerned that Bulgaria continues to have the lowest rate of GDP allocated to public education in the European Union.
12. **In light of its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**
 - (a) **Establish a budgeting process which includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;**
 - (b) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;**
 - (c) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and for proper accountability of the authorities, including at the local level;**
 - (d) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights, and in particular increase substantially the allocations in the areas of education and social assistance to adequate levels.**

Data collection

13. While noting the efforts that have been undertaken to develop a data collection system under the auspices of the State Agency for Child Protection and the National Statistical Institute, the Committee remains concerned that the lack of a unified centralised database, has resulted in a scarcity of disaggregated data on children, particularly on children with disabilities, children living in marginalised situations and Roma children.
14. **In light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**
 - (a) **Expediently improve its data collection system to cover all areas of the Convention. Data should be disaggregated by, among others, age, sex,**

disability, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;

(b) Ensure that data and indicators are shared among relevant Ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human rights indicators: a guide to measurement and implementation* when defining, collecting and disseminating statistical information.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

19. While noting as positive the introduction of a National Strategy of the Republic of Bulgaria for Roma Integration 2012 – 2020, the Committee remains deeply concerned at the persistent discrimination against Roma children. Of particular concern are reports indicating that existing discrimination against Roma in all areas of life is among the principal reason leading to the placement of Roma children in institutions. Further concern is expressed that Roma children, as well as children with disabilities, asylum seeking and refugee children, minority children and children living in remote areas, continue to face discrimination with regard to access to education, health care and adequate housing. The Committee is also concerned that the Commission for the Protection against Discrimination does not have a special unit to deal with cases of discrimination against children.

20. **The Committee urges the State party to:**

(a) Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards Roma children, children with disabilities, minority children and refugees and asylum seeking children;

(b) Ensure that children living in rural areas have access to quality education, adequate health care and housing;

(c) Implement the National Strategy of the Republic of Bulgaria for Roma Integration 2012 – 2020 and ensure the availability of sufficient human, technical and financial resources;

(d) Introduce a specific mechanism within the Commission for Protection against Discrimination to address cases of discrimination against children.

Right to life, survival and development

23. While noting as positive the overall decrease in child mortality since 2008, the Committee is concerned at the high rate of infant mortality in some parts of the country due to a lack of adequate health care, poverty, inadequate nutrition and the existence of harmful traditional practices. The Committee is also seriously concerned at the continuing allegations of serious abuse resulting in a high number of deaths of children between the ages of 0-3 who are deprived of parental care, as well as children with intellectual and psychosocial disabilities in Institutions for Medical and Social Care for Children (IMSCC). The Committee is also concerned that socio-economic inequalities place children from marginalised and deprived areas at particular risk of unintentional injury due to exposure to unsafe home, play and road environments.

24. **The Committee urges the State party to:**

- (a) Introduce a thorough investigative case review procedure in cases when a child has died or was seriously injured as a result of abuse or neglect, and in particular, conduct a full investigation into the allegations of the high number of child deaths in IMSCC institutions;
- (b) Fully investigate all allegations of ill-treatment of children, and ensure that such acts are given an appropriate response through judicial processes, in order to avoid impunity for perpetrators;
- (c) Strengthen efforts to ensure that access to adequate health care, including pre-natal care for uninsured pregnant women, is extended to the most vulnerable families, particularly those living in marginalised and remote areas;
- (d) Intensify awareness-raising and educational campaigns through the National Strategy for the Improvement of Road Safety.

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

34. While the Committee welcomes the progress made through the State party's deinstitutionalization process in considerably reducing the number of children living in institutional care and increasing the number of children entering family based care, it remains seriously concerned that:
 - (a) The number of children, including children up to 3 years, placed in formal care is still significant, with the risk of family separation and institutionalisation remaining high for children from the most disadvantaged groups including Roma children and children with disabilities;
 - (b) Lack of support and inadequate training for social workers and staff in Family Type Placement Centres, along with gaps in the child protection system, has led to the separation of children from their families without proper assessment and planning with the risk of re-institutionalisation remaining high;
 - (c) Implementation of the *I Have a Family too* project is relatively slow due to lack of coordination among relevant agencies, while the lack of capacity and management of foster care services has led to poor placement decisions;
 - (d) Family court judges tend to choose placement of the child in institutional care, rather than prioritising support to the original family to keep their children;
 - (e) Support for reintegration in the society of children and young people leaving care, including those with disabilities, is insufficient.
35. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**
 - (a) Urgently reduce placement of children under the age of 3 years in residential care institutions, including those with disabilities, and expedite the placement in family-based care;
 - (b) Ensure adequate safeguards and clear criteria, particularly for Roma children and children with disabilities, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;

- (c) Ensure institutionalization is used only in the short term, including by providing information to expectant parents and healthcare workers who serve new parents, on the rights and dignity of children with disabilities;
- (d) Ensure implementation of proper preparation procedures, before relocation to the newly established Family Type Placement Centres, including adequate child participation, and develop a monitoring mechanism to ensure that staff receive adequate and regular training and supervision;
- (e) Ensure adequate legal safeguards and clear criteria for determining whether a child should be placed in alternative care, taking into consideration the views and best interests of the child, and enforce such criteria by raising awareness of family court judges;
- (f) Support and monitor regular and appropriate contact between the child and their family, provided that it is consistent with the child's best interests;
- (g) Strengthen support to children and young people leaving care, including those with disabilities, to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities;
- (h) Raise awareness in society to counter the stigmatization and discrimination of children in alternative care.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

38. While the Committee welcomes the State party's ratification of the Convention on the Rights of Persons with Disabilities in 2012, along with the adoption of a number of strategic national plans, it is concerned that:
- (a) The inexistence of a standard legal definition of a child with a disability, combined with a lack of reliable data, hinders the delivery and evaluation of services for them;
 - (b) A disproportionate number of children with disabilities continue to live in institutions, due to, inter alia, the stigmatisation of children with disabilities and a fragmented system of social assistance which does not sufficiently encourage and support families to keep their children at home;
 - (c) Parents may decide that a child with disabilities will not attend inclusive education, without taking into account his/her best interests, resulting in a large proportion of children with disabilities attending special schools;
 - (d) Although the Draft Law on Pre-school and School Education proposes the development of a system of inclusive education, it does not provide for the necessary measures to change teaching methods, or for the provision of specialised training for teachers. It also proposes establishing three categories of alternative support centres for children with disabilities, which may undermine efforts to ensure inclusive education for all;
 - (e) Inclusion of children with intellectual and psychosocial disabilities remains unsatisfactory due to a lack of trained specialists, including, speech therapists, mental health professionals and psychologists.
39. **In light of its general comment no. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, and establish a comprehensive strategy to ensure the inclusion of children with disabilities and:**

- (a) Enhance data collection on children with disabilities and conduct studies and analyses on the effectiveness of the implementation of the Convention and the existing laws and policies;
- (b) Reform the system of social assistance for children with disabilities and their families in order to improve its coherence and coordination and avoid institutionalization;
- (c) Give priority to measures that facilitate full inclusion of children with disabilities, including those with intellectual and psycho-social disabilities, in all areas of public life, such as leisure activities, community-based care and provision of social housing with reasonable accommodation;
- (d) Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities;
- (e) Guarantee all children with disabilities the right to inclusive education in mainstream schools independent of parental consent;
- (f) Train and assign specialized teachers and professionals in integrated classes providing individual support and due attention to children with learning difficulties, and address the shortage of speech therapists and qualified professionals for children with mental and psychosocial disabilities;
- (g) Revise the Draft Law on Preschool and School Education to ensure that the three categories of alternative support centres for children with disabilities do not undermine efforts to ensure inclusive education for all.

Health and health services

40. The Committee notes the efforts to improve maternal and child health services including through the National Programme for Improving Mother and Child Healthcare 2014-2020, however it remains deeply concerned at the high infant and under 5 mortality rates, premature births and pregnancies that are not subject to medical pre-natal services. The Committee is also concerned that Roma mothers and young children are particularly vulnerable and continue to lack access to maternal and adequate health care, resulting in early births, low rates of immunization against childhood diseases and high rates of dental disease. High levels of malnutrition also affect the Roma community with poverty and social isolation further exacerbating their plight. The Committee is further concerned at the lack of information on breastfeeding in the country.
41. **In light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3, target 3.1 on reducing maternal mortality and target 3.2 on ending preventable deaths of new-borns and children under 5 years of age, the Committee recommends that the State party:**
 - (a) Allocate adequate human and financial resources to ensure full implementation of the National Programme for Improving Mother and Child Healthcare 2014-2020, and to strengthen and increase support in Roma communities of newly appointed health mediators;
 - (b) Ensure availability of and equitable access to quality primary and specialised health and dental care for all children in the country, particularly those from socially and economically disadvantaged groups including Roma children and children with disabilities;
 - (c) Strengthen efforts to ensure that access to adequate health care, including pre-natal care for uninsured pregnant women, is extended to families living in the most vulnerable situations, particularly those living in marginalised and remote areas;
 - (d) Implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of

policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(e) Fully implement the International Code of Marketing of Breast milk Substitutes, and develop a national program for the protection, promotion and support of breastfeeding through comprehensive campaigns. Mothers should be appropriately supported through counselling structures in hospitals, clinics and community and the Baby-Friendly Hospital Initiative should implemented throughout the country.

Mental Health

42. The Committee notes certain measures taken by the State party to address mental health issues and particularly welcomes the combined educational and social measures adopted when treating children with behavioural problems. The Committee is however concerned about the shortage of qualified child psychiatrists and community based mental health services.
43. **The Committee recommends that community based mental health services are made readily available, while preventive work in school, home and care centres should be strengthened. It further recommends that the number of child psychiatrists and psychologists be increased.**

Adolescent health

44. While welcoming efforts to address reproductive health of adolescents through its National Programme for Sexual and Reproductive Health (2013 – 2017), the Committee remains concerned at the high rate of teenage pregnancies and abortions. It is further concerned at the lack of a comprehensive national programme and poor coordination among agencies that undermines the potential to develop a strategic and sustainable response to preventing early pregnancies. The high incidence of drug, tobacco, alcohol and other toxic substances among children is also of concern.
45. **In light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**
- (a) Expand the scope of the National Programme for Sexual and Reproductive Health (2013 – 2017) to provide a comprehensive, age-appropriate education on sexual and reproductive health, including information on family planning and contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases;**
 - (b) Ensure unimpeded access to sexual and reproductive health services, including confidential counselling and modern contraception for adolescent girls and boys and make the conditions for abortion less restrictive and, in relation to adolescent girls, to reflect the right of the child to express her views;**
 - (c) Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse — including tobacco and alcohol —, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

Standard of living

46. While noting as positive the efforts undertaken by the State party to address poverty and social exclusion through the 2020 National Strategy for Reducing Poverty and Encouraging

Social Inclusion, and the National Development Programme: 2020, the Committee remains deeply concerned that:

- (a) Children in marginalised and remote and rural communities continue to be disproportionately affected by poverty, while families with more than three children, Roma families, and families with children with disabilities are at higher risk of experiencing multidimensional poverty;
- (b) Inadequate housing continues to be a problem, particularly for Roma families who are often subjected to forced evictions, leaving children without access to basic services including clean and safe drinking water and sanitation, and therefore vulnerable to serious health problems.

47. The Committee draws attention to Sustainable Development Goal 1, target 1.3 on implementing nationally appropriate social protection systems and measures for all and recommends that the State party:

- (a) Consider holding targeted consultations with families and children, including those in vulnerable situations, particularly Roma families, as well as children's rights civil society organizations, with a view to strengthening the strategies and measures for reducing child poverty;**
- (b) Strengthen the support to children living below the poverty line, in particular single-parent families, families with three or more children and families with children with disabilities, and ensure that social protection measures provide for the real costs of decent living of the children, including expenses relevant to their right to health, nutritious diet, education, adequate housing and water and sanitation;**
- (c) Review its legislation, policies and programmes on housing in order to prevent and eliminate homelessness, taking into account special needs of children, including Roma children, children with disabilities, their families and young people leaving alternative care;**
- (d) Ensure that the policies, projects and practices on development and the governance of land, including those which may entail relocation, are in line with relevant international standards, including the basic principles and guidelines on development-based evictions and displacement (see A/HRC/4/18, annex 1) and with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted by the Committee on World Food Security of the Food and Agriculture Organization of the United Nations in 2012.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Children belonging to minority groups

52. The Committee is concerned that:

- (a) Stigma and discrimination against Roma people, including children, are still widespread, resulting in violence and hate speech against them;
- (b) Roma families with children living in informal settlements face forced eviction;
- (c) Roma families face difficulty in accessing social protection services and social integration programmes.

53. The Committee urges the State party to:

- (a) Conduct campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and take effective measures to prevent violence and hate speech against Roma;**
- (b) Assess the particular situation of Roma children and take measures to facilitate their access to social protection measures and social integration**

programmes, including by improving cultural sensitivity of services provided and readjusting the scope of social programmes.

Administration of juvenile justice

58. While the Committee notes as positive efforts undertaken to reform the juvenile justice system through the adoption in 2011 of the Concept for Public Policy on Justice for Children and the Road Map for its implementation in 2013, along with the adoption of the Strategy for Judicial Reform of the Minister of Justice in 2015, and the training of Magistrates in relation to child rights, it remains deeply concerned that the majority of its previous recommendations have yet to be implemented (CRC/C/BGR/CO/2, para. 69). It is particularly concerned that:

- (a) Children as young as 8 years continue to be deprived of liberty in correctional facilities under the Juvenile Delinquency Act;
- (b) The principle of deprivation of liberty as a last resort, and for the minimum period of time, is not explicitly provided for in legislation;
- (c) Amendments to the Juvenile Justice Act and the Criminal Procedure Act, as suggested by the Committee in its previous concluding observations, have not been implemented;
- (d) The term 'anti-social' behaviour continues to be applied in contravention of international standards;
- (e) A large number of children continue to be placed in juvenile correctional and educational facilities, with inadequate living conditions, often isolated from the wider community and limited contact with family.

59. In relation to the abovementioned concerns the Committee urges the State party to implement its previous recommendations (CRC/C/BGR/CO/2, para. 69) as a matter of priority.

60. The Committee expresses further concern that:

- (a) Children with intellectual and psychosocial disabilities, severe health issues such as HIV/AIDS, and drug addiction continue to be placed in Social-Pedagogical Boarding Schools and Correctional Boarding Schools;
- (b) Pregnant girls placed in correctional facilities are often deprived of adequate living conditions, including a safe environment, adequate food and nutrition and a lack of access to appropriate medical care. Separation of mother and child after birth is apparently common place;
- (c) Legal counsel and representation is not guaranteed for children, while periodic review and monitoring of correctional facilities is lacking. The placement of children in Homes for Temporary Placement of Minors and Adolescents is implemented by administrative order without the possibility of judicial review.

61. The Committee urges the State party to:

- (a) Ensure that children placed in specialised educational facilities have access to protection measures under the Child Protection Act;**
- (b) Ensure the provision of adequate living conditions, including the right to adequate food and nutrition, medical care and a safe environment for pregnant girls placed in correctional facilities;**
- (c) Monitor the implementation of alternatives to deprivation of liberty handed down by courts to ensure that it is only used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**
- (d) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**
- (e) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.**

J. Cooperation with regional bodies

- 70. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.**

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2012

[*UN OHCHR website link, Treaty bodies database*](#)

C. Principal areas of concern and recommendations

Employment

33. The Committee notes with appreciation that the principle of equal pay for work of equal value is embodied in domestic legislation, that sexual harassment is prohibited in the Protection against Discrimination Act and that a national employment strategy (2008-2015) and a national action plan for employment have been adopted. The Committee expresses concern, however, about the continuing vertical and horizontal occupational segregation and the persistent wage gap between women and men, in particular in the public sector, the increased rate of women's unemployment and the exclusion of Roma women from the formal labour market. It is also concerned about the lack of information on complaints related to labour discrimination based on sex, the low number of reported cases of sexual harassment and the low number of men taking paternity leave.

34. The Committee recommends that the State party take measures:

(a) To narrow and close the wage gap between women and men by applying job evaluation schemes in the public and private sectors connected with wage increases in female-dominated sectors, and to strengthen the access of women, including Roma women and women belonging to other disadvantaged groups, to formal employment and entrepreneurship;

(b) To provide information on the enforcement of legal provisions related to labour discrimination based on sex and sexual harassment, and to include such data in its subsequent periodic report;

(c) To encourage men to share parental responsibilities on an equal footing with women, including by taking paternity leave.

Health

35. While welcoming the decrease in maternal mortality and the State party's efforts to provide education on sexual and reproductive health in schools and access to contraceptives, the Committee remains concerned about the increased number of early pregnancies and the high rate of abortion, in particular among teenagers and women aged under 20 years, which indicates that abortion continues to be used as a method of birth control. The Committee is further concerned about the lack of information on the inclusion of Roma women in the reformed compulsory health-care system.

36. The Committee calls upon the State party to step up its efforts to systematically promote education on sexual and reproductive health rights and to target adolescent girls and boys, including in vocational training schools, paying special attention to the prevention of early pregnancy, and to provide adequate family planning services and affordable contraceptives, in line with the recommendations made during the universal periodic review of Bulgaria by the Human Rights Council in November 2010 (A/HRC/16/9, para. 80.30). The Committee requests the State party to provide information on access to health care for Roma women in its subsequent periodic report.

37. While noting the information provided about the recent adoption by the Government of regulations prohibiting illegal requests for additional payments by medical staff and about the

establishment of a working group to design a patients' bill of rights and responsibilities, the Committee expresses concern at the impact on women, in particular, of the unfriendly health-care environment and at the lack of effective complaints mechanisms.

38. The Committee urges the State party to ensure that health-care providers are fully aware of the particular health-care needs of women, to adopt the patients' bill of rights and responsibilities and to establish effective complaints mechanisms to enable women to seek redress in cases of health-care related discrimination and abuse.

Economic and social benefits

39. While noting the target of reducing the number of people living in poverty by 260,000 mentioned in the National Reform Programme (2011-2015), the Committee is concerned about the feminization of poverty, in particular among Roma women, women with disabilities and rural and older women, and about the fact that the State party's anti-poverty strategy does not integrate a gender perspective. The Committee also regrets the lack of information on the impact of the current economic crisis on women and on the continuing welfare reform, including with regard to the pensionable ages for women and men, which are not the same.

40. The Committee recommends that the State party:

(a) Mainstream a gender perspective in all poverty alleviation and development programmes to ensure that women fully benefit from such measures according to their needs;

(b) Ensure that, in the current welfare reform, the levels of social benefits guarantee an adequate standard of living for women and their families, and provide information thereon in its subsequent periodic report.

Rural women

41. While appreciating that the Rural Development Programme (2007-2013) establishes the principle of equality between men and women and includes training activities aimed at improving rural women's technical expertise, the Committee expresses concern about the insufficient information available with regard to rural women's access to social services and retirement benefits, the low percentage of rural women who own land and have access to microcredit and the lack of information on the programme to promote women entrepreneurship in agriculture.

42. The Committee encourages the State party to step up its efforts to enhance the economic and political empowerment of women in rural areas, including by reviewing the causes of the low percentage of women who own land and have access to credit facilities. The Committee also requests the State party to include in its subsequent periodic report information on rural women's access to social services and retirement benefits, and about the results of the implementation of the Rural Development Programme (2007-2013) and the programme to promote women entrepreneurship in agriculture.

Disadvantaged groups of women

43. The Committee notes the extremely limited information and statistics available on disadvantaged groups of women, such as women belonging to ethnic minorities, elderly women and women with disabilities. The Committee is concerned about the vulnerability and marginalization of such women, who often suffer from multiple forms of discrimination, especially with regard to access to education, employment, adequate housing and health care, protection from

violence, access to justice and lack of information on the use of temporary special measures to improve their situation.

44. The Committee requests the State party to provide, in its subsequent report, comprehensive statistical data disaggregated by sex on the situation of disadvantaged groups of women, such as ethnic minorities, elderly women and women with disabilities, in all areas covered by the Convention, in addition to information on specific programmes. The Committee recommends that the State party take effective measures, including temporary special measures, with a view to accelerating the realization of substantive equality for such disadvantaged groups of women.

Marriage and family relations

47. While commending the State party for the enactment of a new Family Code in 2009, the Committee notes the lack of information on the definition and scope of intangible joint marital property, in particular whether pension and insurance benefits and other career assets form part of the property to be equally divided upon divorce. The Committee is also concerned about reports that, in practice, women have no access to effective remedies enabling them to claim child maintenance from their former husbands or partners and about the failure of the State party to enforce maintenance orders. The Committee further notes the lack of information on the implementation by the State party of subsidy payments with regard to child maintenance.

48. The Committee calls upon the State party to ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets, and that joint property is divided equally. The Committee further recommends that effective remedies be put in place to enable women to claim and receive child support from their former husbands or partners and that legal aid services be made available to women with insufficient means. The Committee requests the State party to provide, in its subsequent periodic report, information on the implementation of the subsidy payment provided by the State in respect of child maintenance.

Convention on the Right of Persons with Disabilities

Initial report was submitted on 21 Jul 2014, not yet considered by the Treaty Body.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from Eurostat that GDP growth rate in Bulgaria decreased from 6.4% in 2007 to 0.2% in 2010, below the EU-27 average (2.0% in 2010). The economic crisis interrupted a period of strong growth fuelled by substantial foreign direct investment inflows and credit expansion. GDP growth returned in the second quarter of 2010, after falling cumulatively by 7.1% from peak to trough, resulting in a broadly flat real GDP for 2010 as a whole. The employment rate decreased to 59.7% in 2010 (from 61.7% in 2007), remaining below the EU-27 average of 64.1%. Unemployment increased by several percentage points, from 6.9% in 2007 to 10.2% in 2010, and is not expected to return to its pre-crisis level in the medium-term. Youth unemployment rose from 15.1% in 2007 to 23.2% in 2010. Bulgaria also has the highest share of young people who are neither in education or employment (19.5% of persons aged 15-24). One of the main barriers to youth participation in the labour market is the shortage of opportunities to combine education and work, in particular through internships and apprenticeships in their field of study, which facilitate transition to the labour market. A decrease of the long-term unemployment rate (as a percentage of all unemployed persons), was noted, falling from 58.9% in 2007 to 46.4% in 2010 (nevertheless still higher than the EU-27 average of 39.9% in 2010). The Committee notes that the labour market situation in Bulgaria deteriorated during the reference period as a result of the economic crisis, as shown particularly by the increase in the unemployment rates mentioned above. Moreover, the employment rate decreased, and remains low.

Employment policy

The Committee finds that employment policy efforts in Bulgaria, measured both in terms of the activation rate and spending on active labour market measures, were insufficient during the reference period, and asks whether there are plans to implement more measures in this area. Finally, it notes from another source that barriers to labour market participation in Bulgaria partly reflect the insufficient provision of properly targeted and tailored active labour market policies. The quality of public services in the areas of activation, job search assistance and retraining is low as is public spending. Active measures coverage is also limited with only 12% of jobseekers participating in activation measures¹. The Committee asks in this respect if there are plans to strengthen the capacity to monitor and evaluate programme results with the aim of a better policy design in the employment field.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 1§1 of the Charter on the ground that it has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

Paragraph 3 - Free placement services

The placement rate (as a percentage of appointments achieved with the assistance of labour offices out of the vacancies reported to them), was around 87% on average for the whole reference period. In 2007 it was 89.7%, in 2008 it dropped to 84.8% (for a number of reasons, a part of which was the mismatch between the qualifications demanded by employers and the characteristics of the registered unemployed), in 2009 it went up by 2.1 percentage points to reach 86.9% and in 2010 it was 85.8%.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 1§3 of the Charter.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

[Paragraph 1 - Safety and health regulations](#)

The Committee notes that the objective of the Strategy 2008- 2012 is to foster and preserve a culture of prevention in respect of occupational health and safety, in line with the 2002 Guidelines. It asks that the next report indicate whether the policy is regularly assessed and reviewed in light of changing risks. It also asks for information on any major changes or updates in the legislation and regulations on occupational health and safety.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 3§1 of the Charter.

[Paragraph 2 - Safety and health regulations](#)

The Committee confirms that temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection than workers on indefinite contracts. It nevertheless points out that the report must provide full, up-to-date information on changes in the legislation and regulations during the reference period. It asks that the next report provide information on the right of temporary workers, interim workers and workers on fixed-term contracts to representation at work.

The Committee notes that, according to another source, independent workers represent a significant portion of the labour force, and asks that the next report provide examples of the way in which the protection granted by the legislation and regulations is implemented in practice with regard to independent workers. It also asks whether the protection granted by the legislation and regulations may be restricted by minimum numbers of employees.

The Committee notes that, according to another source, the number of relevant ILO Conventions ratified by Bulgaria is particularly low, whereas the Community acquis on occupational health and safety law has been mostly transposed into domestic law. The Committee therefore considers that the current legislation and regulations meet the general obligation under Article 3§2 of the Charter, which requires that most of the risks listed in the general introduction to Conclusions XIV-2 (pp. 37-38) be specifically covered, in line with the level set by international reference standards.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Bulgaria is in conformity with Article 3§2 of the Charter.

[Paragraph 3 - Enforcement of safety and health regulations](#)

The Committee previously examined (Conclusions 2003, 2007 and 2009) the situation of occupational accidents and diseases in Bulgaria. It concluded that the situation was not in conformity with Article 3§3 of the Charter on the ground that the level of fatal accidents was manifestly too high. It asked whether measures were taken to avoid instances of accidents not being reported (Conclusions 2009).

The report indicates a number of occupational accidents (insured workers, more than three days' absence, including commuting accidents) which decreased over the reference period (from 2 948 in 2008 to 2 331 in 2010), as did the incidence rate for such accidents per 100 000 insured workers (from 104 in 2008 to 91 in 2010). These figures, which reflect a persistent downward trend compared to the previous reference period, are excessively low in relation to the average incidence rate in the EU-15 and the EU-27 (2 269.42 in 2008 and 1 582.71 in 2010). The number of fatal accidents has been decreasing too (from 151 in 2008 to 92 in 2010), as did the incidence rate for such accidents per 100 000 insured workers (from 5 in 2008 to 4 in 2010). These figures, which reflect a steady downward trend compared to the previous reference period, are considerably higher than the average rates of incidence in the EU-15 and the EU-27 (from 2.36 in 2008 to 1.87 in 2010).

EUROSTAT data confirms the trend with regard to the number of occupational accidents (more than three days' absence excluding commuting accidents) (from 2 110 in 2008 to 1 514 in 2010), the incidence rate for such accidents (94.12 in 2008 and 70.06 in 2010), and the excessively low level in relation to the average incidence rate in the EU-15 and the EU-27. The data also confirms the trend with regard to the number of fatal accidents (from 77 in 2008 to 42 in 2010) to the incidence rate for such accidents (3.59 in 2008 and 2.06 in 2010) which remains well above the average rate in the EU-15 and the EU-27.

LABORSTA data collected from the National Medical Information Centre indicates 3 664 occupational accidents in 2008 (insured workers, reported, including commuting accidents) and 180 fatal accidents in 2008. The incidence rates for occupational accidents and fatal accidents were 130 and 6 respectively.

In reply to the Committee's request, the report states that the set-up, maintenance and development of the database for accidents at work is carried out under the rules of the Accidents at Work Statistical System (AWSS), which was developed on the basis of European Statistics of Accidents at Work (ESAW), Phase 3 Methodology and which implements Regulation (EC) No. 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on accidents at work. Data submitted by the National Social Security Institute (NSSI) to EUROSTAT complies with Commission Regulation (EU) No. 349/2011 of 11 April 2011 implementing Regulation (EC) No. 1338/2008. Moreover, the Social Security Code allows the injured person or his/her heirs to report the accident in lieu of the employer/insurer, thus limiting accident concealing by the employer/insurer. Furthermore, Decree No. 87 of 5 May 2010 approving the Ordinance on medical expertise requires the physician who issues the first medical certificate of work incapacity to send a copy of that certificate to the authorities of working capacity assessment when such temporary incapacity resulted from occupational accident, thus limiting the possibility for arrangements between the employer/insurer and the worker for compensation to discourage reporting by the worker. The authorities of working capacity assessment would then carry out an inspection visit to the employer to clarify the case.

The 10th Government report, to which the present Government report refers, indicates that the submitted data covered all sectors of activity and all insured workers. It also lists possible reasons for unreported accidents, which were arrangements between the employer and the worker; fear of negative consequences in case of reporting by the worker; hiding evidence so as to avoid liability; and occupational accident insurance indemnities at minimal thresholds which discourage reporting

by the worker. According to the National Profile on Occupational Safety and Health 2007 (p. 76), all workers must be insured against occupational accidents and diseases, except independent workers, partners in business companies, agricultural producers, and workers in the informal sector. Whenever an accident occurs, the employer must immediately investigate the circumstances and invite any workers' representatives, committees on working conditions and trade unions to participate. If circumstances suggest that the accident is work-related, the employer must inform the NSSI within three working days and, in case of disability or death of the worker, also the Prosecution Office. On the basis of this declaration, the NSSI decides whether an investigation commission should be called in, which is mandatory in case of disability or death of the worker or injury to more than three workers. On the basis of this investigation, the NSSI decides whether the accident should be filed as work-related. According to the same source (p. 80), some occupational accidents remain unreported, mostly in the informal sector, and a more effective exchange of information between Ministry of Health (NSSI) and Ministry of Labour and Social Policy (GLI) structures is to be recommended. According to another official source, the National Statistical Institute (NSI) started working a project, financed by the European Commission, to provide internationally comparable data on occupational accidents and diseases.

The report provides no figures on cases of occupational disease. According to the National Profile on Occupational Safety and Health 2007 (p. 77), such data is collected by the National Centre of Public Health and Analyses (NCPHP), and cases focus on mining, quarrying, transportation, textile, clothing, and metallurgy.

The Committee takes note of this information. It recalls that States Parties have a duty to provide precise information on developments in respect of occupational accidents and that, in assessing respect for the right enshrined in Article 3§3 of the Charter, the number and frequency of occupational accidents and their trends are a decisive factor. It asks that the next report explain the disparity between the number of fatal accidents indicated in the report (151 in 2008 and 92 in 2010), EUROSTAT (77 in 2008 and 42 in 2010) and LABORSTA (180 in 2008).

The Committee notes that, because it entrusts employers with the investigation of all occupational accidents, the accident reporting system is not sufficiently efficient in practice to meet the requirements of Article 3§3 of the Charter. It also notes that the incidence rate for occupational accidents is excessively low in comparison with the situation in other States Parties to the Charter. It reiterates its request for information on the measures taken to reduce the number of fatal accidents and to counter possible under-reporting of occupational accidents in practice. It also asks for figures on cases of occupational disease. It asks for information on any sanctions applicable to employers in the event they fail to meet their reporting obligations. It further asks that the next report provide figures on occupational diseases.

The Committee, on the basis of either source of statistic data, notes a persistent decrease in work accidents, but a level of fatal injuries which remains too high in comparison to the EU-27 average.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 3§3 of the Charter on the ground that measures to reduce the excessive rate of fatal accidents are inadequate.

Paragraph 4 - Occupational health services

The Committee previously examined (Conclusions 2003, 2007 and 2009) the gradual introduction of occupational health services. It concluded that the situation was in conformity and asked for information on the number of workers and employees hired in small and medium-sized enterprises who did not have access to occupational health services; on measures taken to improve the situation in this regard; and for an update of the situation in view of the adoption of the amendments to the Health and Safety at Work Act (HSWA) (Conclusions 2007 and 2009). In reply

to the Committee's request, the report states that, since all active enterprises, including small and medium enterprises with less than 250 workers and employees, are subject to general labour inspection, there is no specific data available on small and medium-sized enterprises.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity – Conclusions 2011

Paragraph 1 - Maternity leave

Right to maternity leave

According to Article 163 of the Labour Code, which entered into force on 2 January 2009, female workers or employees are entitled to 410 days maternity leave for each child, out of which 45 days are to be used obligatorily before childbirth.

However, Section 26 of the Ordinance on Medical Expertise provides that a medical certificate is delivered for 45 days leave before birth, 42 days leave after childbirth, and 48 days leave after discharge from hospital or if the child is left in hospital for special medical care. The report states that the total leave covered by these certificates, which amounts to 135 days, is compulsory. To support this assertion, the report refers to Section 18 which stipulates that the insured person cannot at her own discretion and without the permission of the competent doctor of the hospital delivering the certificate return to work before the leave already granted has expired. Furthermore, insurers are not allowed to admit insured persons to work when they are on leave due to temporary incapacity, such as maternity leave. The Committee asks whether the granting of hospital certificates is automatic and whether the period they cover is fixed. In the meantime, it reserves its position on the matter. It asks whether the same regime applies to women employed in the public sector.

Should all the requested information not be provided in the next report, there will be nothing to establish that the situation is in conformity with Article 8§1 in this respect.

Right to maternity benefits

According to Article 49 of the Social Security Code, the daily maternity benefit is fixed at 90% of the daily average gross remuneration or the insurance income on which contributions are paid or due during the whole period of maternity leave. The daily benefits cannot be higher than the daily net wage for the period used for the calculation of the benefit, and not less than the minimum daily wage fixed at national level. The Committee asks for information on whether there is a qualifying period (period of employment or contribution to social security scheme) to be entitled to maternity benefits. It also asks whether the same regime applies to women employed in the public sector. Should all the requested information not be provided in the next report, there will be nothing to establish that the situation is in conformity with Article 8§1 in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

The Committee recalls that the right of access to health care also requires that arrangements for access to care must not lead to unnecessary delays in its provision. It therefore asks the next report

to provide information about the rules that apply to the management of waiting lists and statistics on average waiting times in health care.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 46/2007, decision on the merits of 12 March 2008)

The Committee recalls that, in its decision on the merits of 3 December 2008 of complaint No. 46/2007 lodged by the European Roma Rights Centre (ERRC) against Bulgaria, it found that there had been a violation of Article 11§1 of the Charter on the grounds that: (i) the authorities had failed to take appropriate measures to address the health problems faced by Roma communities stemming from their often unhealthy living conditions and difficult access to health services, and (ii) the medical services available for poor or socially vulnerable persons who had lost entitlement to social assistance were not sufficient. These were also the grounds of the conclusion of non-conformity in the reporting system in Conclusions 2009. The Committee takes note from both the report and from the written information provided by the Bulgarian representative to the Governmental Committee (Governmental Committee, Report concerning Conclusions 2009, T-SG(2011)1 final), of several measures to improve medical services for socially vulnerable persons, including Roma.

In the light of the above measures, the Committee considers that the process that should lead towards improved access to healthcare for socially vulnerable persons, including Roma, has been launched. It nevertheless asks the next report to indicate the implementation and outcome of these measures.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

As regards preventive screening for the population at large, the report states that prophylactic examinations for diseases which constitute the principal causes of death are available pursuant to Ordinance No. 39 of 2004. The risk factors considered are cardiovascular diseases, diabetes and malignant neoplasms. The scope and frequency of check-ups are established on the basis of age and risk factors. The Committee asks the next report to provide specific examples of screening programmes available and the persons which have access to them.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 11§2 of the Charter.

Paragraph 3 - Prevention of diseases and accidents - Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information contained in the report submitted by Bulgaria in response to the conclusion that it had not been established that there were adequate measures in force for the prevention of road and domestic accidents (Conclusions 2013, Bulgaria).

The Committee recalls that States must take steps to prevent accidents. The main sorts of accident covered are road accidents, domestic accidents, accidents at school, accidents during leisure time, including those caused by animals (Conclusions 2005, Republic of Moldova).

With respect to road accidents, the report provides detailed information on measures being taken both in the short term and in the medium and long term in order to bring down the number of accidents. These measures comprise legislative amendments on technical means to ensure traffic

safety, strengthened control and surveillance measures as well as a wide range of information and awareness-raising campaigns to improve road safety, especially aimed at children and young people. Among the measures taken the Committee notes in particular an increase in the control activity targeting the most frequent road safety violations (excessive speed, reckless overtaking, driving under the influence of alcohol and drugs, etc.).

From another source (EU Road Safety Country Overview) the Committee observes that the fatality rate – fatalities per million inhabitants – in Bulgaria due to road accidents is still the third-highest in Europe, although the rate has been decreasing over the last decade. It asks that the next report contain up-dated information on the number of road accidents and fatalities and on the impact of the above-mentioned measures.

As regards domestic accidents (household injuries) the Government refers to a project, "Informed and Healthy", implemented during the period 2009-2013, the aim of which was to promote a healthy workforce by increasing knowledge, skills and motivation for a healthy way of life. The Committee notes that within the framework of this project a variety of information has been produced, including brochures and videos on how to prevent and avoid risks and dangers in the domestic environment.

The Committee asks that the next report contain information on the results achieved by the above-mentioned project and on any other measures taken to reduce the number of domestic accidents.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 11§3 of the Charter as regards the prevention of road and domestic accidents.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Risks covered, financing of benefits and personal coverage

In its previous conclusion the Committee asked for figures regarding the personal coverage of different social security risks. In this respect, the Committee notes that the total number of insured persons has been on the rise since 2008 and made 2.8 million in 2011. The Committee understands that this number includes persons insured through the national public insurance, which covers Pensions Fund, General Illness and Maternity Leave Fund, Unemployment Fund, Labour Accident and Occupational Disease Fund and Universal Pension Fund. The Committee notes from another source¹ that the total economically active population made 3.2 million while the total population stood at 7.3 million. The Committee thus notes that the percentage of persons insured under the national public insurance, out of the total active population made 87%. The Committee however recalls that as regards healthcare, the Committee requests information regarding the percentage of the persons insured out of the total population, whereas as regards income-replacement benefits (old-age, sickness and unemployment), the information is required on the percentage of persons insured against each of these risks out of the total active population. The Committee asks the next report to provide this information and holds that if it is not provided, there will be nothing to establish that the situation is in conformity with the Charter.

Adequacy of the benefits

The Committee notes that in 2011 50% of the Eurostat median equivalised income stood at €121.

Old-age benefit

As regards old-age benefit, the Committee notes from MISSOC that the minimum amount of the contributory old-age pension is determined annually by the Law on the Budget of the State Public Insurance. The minimum amount of pension for insurance and old-age is BGN 145 (€74). The Committee notes from ISSA that old-age pension (social insurance) is paid at the age 63 and 4 months (men) or age 60 and 4 months (women) with at least 37 years and 4 months (men) or 34 years and 4 months (women) of contributions. The Committee notes that old-age social pension (income-tested) stood at BGN 100.86 (€ 50). The Committee holds that the minimum levels of both contributory and social pension are manifestly inadequate as they fall below 40% of the median equivalised income.

Sickness benefit and maternity benefit

According to the report, cash compensation is paid for temporary incapacity due to general illness, labour accident and occupational disease as well as pregnancy. The Committee notes from MISSOC that the qualifying period for sickness benefit is 6 months' insurance against temporary reduced working capacity and temporary incapacity. The daily cash benefit is 80% of the average daily gross earnings or the average daily contributory income on which contributions have been paid for the period of 18 calendar months preceding the occurrence of the incapacity for work but no more than the average daily net remuneration for the period on the basis of which the benefit is calculated. According to the report, since 2010 the employer pays 70% of the average earnings during the first three days of sickness. Insurance pays from the fourth day of illness until the recovery of the capacity for work or the establishing of invalidity. In order to assess the adequacy of the minimum level of sickness benefit, the Committee requests that the next report contain information concerning the minimum wage. The Committee also asks what is the minimum level of maternity benefit.

Unemployment benefit

The Committee notes from the report that since 2009 the daily amount of cash compensation for unemployment was regulated at 60% of the average daily remuneration. The qualifying period for this benefit is 9 months of insurance contributions. Since 2011, the period of calculating of benefit was extended to 18 months and to 24 months in 2012. The Committee further notes from MISSOC that the amount of unemployment benefit is 60% of the average daily contributory income for the last 24 months preceding the month of the termination of insurance, but not less than the fixed minimum amount. The minimum amount of the unemployment benefit is BGN 7.20 (€3.68) per day. Those who have terminated the labour contract of their own accord or have been summarily dismissed receive unemployment benefit in the minimum amount. The unemployment benefit is paid on a monthly basis. The monthly amount of the unemployment benefit is the product of the number of working days in the respective month and the daily amount of the unemployment benefit. The Committee holds that the minimum level of unemployment benefit is inadequate as it falls below 40% of the Eurostat threshold.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 12§1 of the Charter on the grounds that:

- the minimum level of pension benefit is manifestly inadequate;
- the minimum level of unemployment benefit is inadequate.

Paragraph 3 - Development of the social security system

According to the report, the personal coverage of health insurance has been expanded to cover seafarers, PhD students and post-graduate students. The Committee refers to its conclusion under

Article 12§1 and asks about the personal coverage of healthcare – i.e. the percentage of covered persons out of the total population. In reply to the Committee's question, the report states that with a view to ensuring the sustainability of the national retirement system the so called 'silver fund' was established with the aim to accumulate, invest and transfer additional funds to the pensions fund. Besides, the year 2009 marked the end to the raise of the retirement age. The report describes the three-pillar pension system based on insurance contributions as well as the system of social pensions which are entirely funded by the national budget as pensions 'not related to labour'. The Committee notes that in 2008 and 2009 pensions were raised by 10% but in 2010 and 2011 no rise took place. The Committee further notes that the maternity leave period has been expanded from 315 to 410 days and the compensation paid for maternity leave has been raised to 90% of the average insurance income for the period of 24 months before the leave. The Committee asks the next report to indicate how the amendments in the individual branches of social security affect the personal coverage under these branches as well as the minimum levels of income-replacement benefits.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 12§3 of the Charter.

Article 13 - Right to social and medical assistance - Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit (differentiated minimum income): according to the report and MISSOC a single person under the age of 65, living alone, receives 73% of the GMI, i.e. BGN 47 (€24), while a single person over 65 years of age receives 100% of GMI, i.e. BGN 65 (€33) or BGN 91 (€46) if living alone, and BGN 107 (€54) if the person is over 75. The monthly amount of the social pension for old age was BGN 100.86 (€52).
- Additional benefits: the Committee notes from MISSOC that persons and families whose income is lower than the differentiated minimum income are entitled to targeted heating allowance. Certain categories of persons (orphans till the age of 25, lone elderly people over 70, single parents) whose income for the preceding month is less than 150% of the differentiated minimum income are entitled to a targeted monthly allowance for the payment of rents for municipality lodgings. According to the information provided to the Governmental Committee (see above) the amounts of heating allowance was increased in 2009 and amounted then to BGN 55 per month (€28) and the report indicates that it was BGN 65.72 (€33.5) monthly and BGN 328.60 (€167.5) for the whole season in 2012-2013.
- Medical assistance: see above.
- Poverty threshold (defined as 50% of median equivalised income and calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €121 per month in 2011.

The Committee recalls that in order to assess the level of assistance it takes into account basic benefits, additional benefits and the poverty threshold in the country, which is set at 50% of the

median equivalised income (Eurostat) and that it considers that assistance is appropriate where the monthly amount of assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold. In the light of the above data, the Committee holds that the monthly assistance allowance granted remains manifestly inadequate, whether considering the situation of a person under 65 living alone, that of an elderly person 29 over 65 or over 75 years old or of an elderly person over 70 years old receiving social pension for old age.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 46/2007, decision on the merits of 3 December 2008)

Bearing in mind that Article 13§1 of the Charter provides that persons without adequate resources should be granted treatment in the event of sickness, not necessarily emergency care, the Committee considered that the measures adopted by the Government did not sufficiently ensure health care for poor or socially vulnerable persons who become sick, thus amounting to a breach of this provision. As the report does not provide new elements clearly establishing that people not receiving social assistance is entitled to medical assistance, other than emergency care, obstetrical and hospital treatment, the Committee reiterates its question and holds that if such information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter. In the meantime, it reserves its position on this issue.

Follow-up of collective complaint European Roma Rights Centre (ERRC) v. Bulgaria (complaint No. 48/2008, decision on the merits of 18 February 2009)

As regards the breach found in Complaint No. 48/2008 European Roma Rights Centre (ERRC) v. Bulgaria, decision on the merits of 18 February 2009, the Committee notes from the report that the provision limiting to 12 months the entitlement to social assistance was repealed in December 2009 with effect from January 2011. The Committee asks the next report to provide more information on the new rules in force and to confirm that social assistance can henceforth be provided for as long as the situation of need persists.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 13§1 of the Charter on the grounds that:

- people registered with the Employment Office Directorates are not entitled to social assistance before a minimum period of six months;
- the level of social assistance is manifestly inadequate

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee refers to its previous conclusions (2004, 2006, 2009) taking note of the legal provisions ensuring protection from discrimination for beneficiaries of social assistance, in particular section 3 of the Act on Social Assistance, the legislation on parliamentary and local elections and the Act on Protection against Discrimination (2003). The report indicates further legislative changes, strengthening protection against direct or indirect discrimination, which however mostly took effect in 2012, after the reference period and will accordingly be assessed in the next examination of Article 13§2. The situation in law being in conformity with the Charter, the Committee asks the next report to confirm that also in practice the beneficiaries of social assistance do not suffer, for that reason, of any discrimination in the exercise of social and political rights.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee notes that the activities detailed in the report are in accordance with the objectives covered by Article 13§3 and asks the next report to clarify whether they are provided free of charge.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Bulgaria is in conformity with Article 13§3 of the Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

Organisation of the social services

The Committee refers to its previous conclusions (Conclusions 2003 and 2005) for a description of the organisation and functioning of social services.

The report states that social services are divided between community services and services provided in specialized institutions. The former consist, notably, in personal or home assistants, day-care centres, centers for social rehabilitation and integration, centres for temporary accommodation, foster cares or crisis centres. The latter take, notably, the form of homes for persons with disabilities or the elderly. The reform on social services of 2009 focused on the transition from institutional care to community services. Thus a user can benefit from services provided in specialized institutions only after having exhausted all the possibilities offered by community services.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 14§1 of the Charter on the ground that it has not been established that the number of social services staff is adequate to users' needs.

Paragraph 1 - Promotion or provision of social services – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Bulgaria in response to the conclusion that it had not been established that the number of social services staff was adequate to users' needs (Conclusions 2013, Bulgaria).

The Committee recalls that social services must have resources that match their responsibilities and the changing needs of users, which implies, inter alia, that staff shall be qualified and in sufficient numbers (Statement of interpretation on Article 14§1, Conclusions 2005, Bulgaria).

The report explains that management of social services in Bulgaria has been decentralised to the municipal level. Where municipal activity is concerned, the number of social services staff is thus determined by the mayor in each municipality on the basis of general standards for social services adopted by the Council of Ministers and taking into account guidelines approved by the Minister of Labour and Social Policy.

The Committee recalls in this respect that States may decide either to exercise certain powers or to delegate them to local authorities or the social partners. However, such a delegation does not relieve them from the obligations entered into under international agreements (Conclusions 2006, General Introduction). Concerning Article 14§1 it further recalls that there must be mechanisms for supervising the adequacy of services, public or private, whether central or decentralised.

The Committee notes the detailed statistics emanating from the Social Assistance Agency according to which the number of staff in social services was 12,208 in 2008 and increased to 13,234 in 2011. During the same period the number of beneficiaries of services grew from 29,506 to 34,046.

The Government emphasises that the figures are not comprehensive as no data are available for users and staff in municipal services (municipal activity according to the information provided) as well as in services delegated to private providers. The Committee requests clarification as to the distribution of staff between the state and the municipal level and it asks that the next report contain estimates (or examples) of the number of staff involved in social services provision as part of municipal activity and with private providers.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Public participation in the establishment and maintenance of social services

The Committee recalls that Article 14§2 requires States to provide support for voluntary associations seeking to establish social welfare services. In this regard, the Committee requests the next report to provide statistical data on subsidies paid by the central Government and local authorities to voluntary organisations which provide social services. It also requests that the next report describe any other types of support that may exist for voluntary organisations, such as, for example, tax incentives.

The Committee wishes also to know whether and how the Government ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bulgaria is in conformity with Article 14§2 of the Charter.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2011

Housing for families

In its previous conclusion (Conclusions 2006), the Committee reiterated its question on the situation regarding social housing shortage and the guarantee of equal treatment for national of other States Party to the 1961 Charter and to the Charter. It also asked which remedial measures had been taken to reduce the number of sub-standard dwellings and to help young families to access housing. In the absence of any relevant data or information, the Committee reiterates these questions and asks for information in the next report on all the aforementioned points. The Committee underlines that if the next report does not provide the necessary information, there will be nothing.

Family benefits

According to Eurostat data for 2009, the value of the monthly median equivalised income was € 235.67. Bearing in mind that the child allowances was € 51 per month for children up to one year of age and €18 for children until completion of secondary education (up to 20 years of age), they represented respectively 21,64% and 7,64% of the said income. The Committee notes that the amount of the basic benefits is higher than in the previous reference period. Based on the information at its disposal, the Committee considers that the amount of family benefits is adequate.

Vulnerable families

In its previous conclusion (Conclusions 2006) the Committee requested information demonstrating that economic protection of Roma families was effective. According to the report, the Framework Programme for Integration of the Roma in Bulgarian Society (1999-2009) is followed by a second Framework Programme (2010-2020) which is implemented through the national Action Plan on the "Decade of Roma Inclusion 2005-2015" with the following priorities: education, health care, housing, employment, culture, non-discrimination and equal opportunities. The Committee notes that the report does not provide information on the results of these programmes as regards equal access for Roma families to family benefits. It also notes the lack of information on the implementation of the relevant legislation that is mentioned in the report. The Committee therefore is not able to assess whether the situation has improved and it maintains its conclusion on non-conformity with Article 16 in this respect.

Follow-up to Complaint ERRC v. Bulgaria No. 31/2005

The Committee refers to its decision on the merits of 18 October 2006, in which it concluded "(i) that the situation concerning the inadequate housing of Roma families and the lack of proper amenities, constitutes a violation of Article 16 of the Revised Charter taken together with Article E" and (ii) "that the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them, constitute a violation of Article 16 of the Revised Charter taken together with Article E." The Committee takes note of the information communicated by the Government on measures taken by the Bulgarian authorities to bring the situation into conformity with the Charter, as appended to the Resolution CM/ResChS(2007)2, adopted by the Committee of Ministers on 5 September 2007. It also takes note of the information contained in the report. However, as no relevant information appears in these documents, in order to assess whether the situation is in full conformity with Article 16 of the Charter as regards adequate housing of Roma families and proper amenities, as well as legal security of tenure and conditions accompanying eviction of Roma families, the Committee asks the next report to provide full information on the implementation of the relevant legislation and housing aid programmes at local and at national level or other relevant measures. In the meantime, it considers that the situation is still not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Bulgaria is not in conformity with Article 16 of the Charter on the grounds that it has not been established that:

- Roma families are guaranteed equal access to family benefits;
- Roma families receive adequate protection with regard to housing.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Bulgaria (Ratification: 2008)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

Part II (Medical care). The Committee notes that according to the 2010 conclusions of the European Committee of Social Rights on article 11 of the European Social Charter, the medical services available in Bulgaria for poor or socially vulnerable persons who have lost entitlement to social assistance are not sufficient. ***The Government is invited to explain with reference to the corresponding provisions of the national legislation, how and to what extent the social assistance scheme gives effect to Part II of the Convention in addition to the health insurance scheme.***

Part VI (Employment injury), and Part VIII (Maternity benefit). Cost-sharing. According to section 37 of the Health Insurance Act, protected persons are required to participate in dentist and physician fees at a rate of 1 per cent of the national minimum monthly wage per visit, and 2 per cent of the national minimum wage for each day of hospital treatment for a maximum of ten days per year. The Committee notes that while this section exempts certain categories of persons from the payment of these fees, it does not include pregnant and confined women and persons suffering from an occupational accident or disease. ***The Government is requested therefore to confirm that cost-sharing of medical services is not required for the contingencies of employment injury and pregnancy, confinement and their consequences in accordance with Articles 34 and 49 of the Convention, and to supply the corresponding legal provisions.***

Part VI (Employment injury). Article 36. Payment for permanent incapacity below 50 per cent. According to sections 41, 42 and 78 of the Social Insurance Code, insured persons receive a periodical payment for permanent invalidity where insured persons have lost 50 per cent or more of their working capacity. ***Please indicate what benefit is provided to the victims of employment injuries who have permanently lost less than 50 per cent of the working capacity.***

Article 38. Duration of the benefit. According to section 42 of the Social Insurance Code, cash benefits in case of temporary disability caused by an occupational disease occurring 30 days after the termination of an employment contract or insurance coverage are paid for no more than 30 calendar days. ***Please explain what coverage exists for persons whose occupational diseases manifest themselves over a month after the termination of their employment contract or insurance coverage.***

Part XI. Standards to be complied with by periodical payments. ***The Government is asked to provide in its next report statistical information required by the report form under Articles 65 and 66 of the Convention to enable the Committee to assess the level of benefits granted and to ensure that old age, employment injury and survivors' benefits are reviewed following substantial changes in the cost of living.***

Part XII. Article 68. Equality of treatment, in conjunction with Article 1(1)(b). The Committee notes that both under the compulsory insurance scheme and the social assistance scheme, access to benefits by foreign citizens is conditional on permanent residence. In this respect, the Committee also takes note that in its 2009 conclusions on article 13 of the European Social Charter, the

European Committee on Social Rights determined that foreign nationals were subject to an excessively long condition of continuous presence in Bulgaria to be entitled to social assistance. The Committee recalls that for the purpose of social security coverage, *Article 1(1)(b)* defines residence as “ordinary residence in the territory of the Member and the term “resident” means a person ordinarily resident in the territory of the Member”. ***The Committee would invite the Government to explain the qualifying conditions for achieving permanent residence in Bulgaria and supply the relevant legal provisions.***

Part XIII (Common Provisions). Article 69. Suspension of benefits. According to section 46 of the Social Insurance Code, cash benefits for temporary incapacity to work in case of sickness, employment injury and pregnancy and childbirth are suspended where insured persons have lost their capacity due to hooliganism and other anti-social behaviour which have been ascertained according to the relevant procedure. ***The Committee would like the Government to explain how this section is applied in practice and provide examples of the types of activities that would lead to the suspension of benefits.***

Article 71(3). General responsibility of the State. ***Please indicate whether actuarial studies are performed periodically and under which legal provisions.***

Maternity Protection Convention, 2000 (No. 183) - Bulgaria (Ratification: 2001)

Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes the comments made by the Confederation of Independent Trade Unions in Bulgaria (KNSB/CITUB), as well as the information provided by the Government concerning the application of *Article 2(1) of the Convention* (scope of application) and *Article 9(1)* (inclusion of the period of maternity leave in the period of service). It also notes the Law of 19 January 2012 amending and supplementing the Labour Code which introduces a new provision concerning the right of employees after maternity leave, childbirth, adoption and parental leave.

Article 3 of the Convention. Health protection. *The Committee once again requests the Government to indicate whether the ordinance concerning hazardous or arduous types of work has been adopted by the Minister of Labour and Social Policy and the Minister of Health and, if so, to provide a copy. The Committee once again requests the Government to indicate, in accordance with point (b) under Article 3 of the report form, the manner in which the results of the assessment of health risks are made available to the women concerned and to provide statistics on the number of cases and the circumstances in which the health authorities have invoked the provisions of section 309 of the Labour Code concerning transfers to other appropriate work.*

Article 4(4). Compulsory postnatal leave. The Committee notes that the legislation does not mention compulsory postnatal leave. It notes however that section 163(4) and (5) mention compulsory leave of 42 days if the child is stillborn or in the cases of adoption, placement in a fully public-financed childcare institution and death. *Please indicate the measures adopted or envisaged to ensure that in every case a period of compulsory postnatal leave of at least six weeks, in accordance with these provisions of the Convention, is required.*

Article 8(1). Prohibition of dismissal during pregnancy and maternity leave. The Committee notes that the grounds for dismissal of pregnant women or women in an advanced stage of IVF treatment provided for by section 333 of the Labour Code could be considered excessively broad, thus undermining the protection of women workers (in particular when the post occupied by the employee should be released to reintegrate an illegally dismissed employee who was previously holding this post, when the employee is objectively unable to fulfil her employment contract, or for disciplinary reasons). The Government indicates however that the burden of proving that the dismissal of the pregnant worker is lawful is borne by the employer. *The Committee asks the Government to specify the relevant national provisions concerning the burden of proof in case of dismissal during the protected period, as well as to provide information on the number of dismissals of pregnant women registered by the labour inspectorate and the grounds specified in those cases.*

Article 9(2). Requirement of a medical certificate for the conclusion of an employment contract. *The Committee once again requests the Government to indicate whether the medical certificate, which is included on the list of documents required for the conclusion of a labour contract, under the terms of section 1(4) of Ordinance No. 4 of 11 May 1993, contains information relating to pregnancy (unless where such information is required for recruitment to work that is prohibited for pregnant or breastfeeding women, or the work involves a risk to the health of the woman and child).*

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) - Bulgaria (Ratification: 1949)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

Decrease of expenses related to occupational diseases. The Committee notes the adoption of the Council of Ministers' Decree No. 175 of 16 July 2008 establishing the new list of occupational diseases, which is considerably wider than the previous list from 2001, as well as the Council of Ministers' Decree No. 168 of 11 July 2008 regulating the procedure for notification, registration, verification, review and reporting of occupational diseases, which introduces criteria for reporting suspected occupational diseases. The Committee also notes from the Government's report that the expenses related to the financing of benefits for occupational diseases have been decreasing steadily from 2008 when they amounted to 55,208 Bulgarian lev (BGN) to 2011 when they represented only BGN8,371. ***Taking into account that this decrease coincides with the adoption of the new legal framework governing occupational diseases, the Committee would like the Government to explain this trend in its next report.***

Unemployment Provision Convention, 1934 (No. 44) - Bulgaria (Ratification: 1949)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 10(1) of the Convention. Concept of suitable employment. According to the report, the national minimum wage can be a generally valid criterion for determining what constitutes suitable employment in terms of remuneration. The social partners have bilaterally agreed to establish minimum wages per area of economic activity for the purpose of social insurance which play the role of minimum wages for each category of employment positions in these areas of activity. Taking due note of the establishment of this mechanism, the Committee would be grateful if the Government would indicate whether, under the current definition of suitable employment established by the Supplementary provisions to the Employment Promotion Act, a beneficiary could be deprived of the right to unemployment benefit if he or she does not accept a job where the minimum wage would be less than the amount of the unemployment benefit otherwise due to this beneficiary.

The Committee notes the Government's statement that the ratification procedure for accepting Part IV of the Social Security (Minimum Standards) Convention, 1952 (No. 102), was initiated on 31 January 2013 and would like to be informed of the progress made in this respect.

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

COUNCIL RECOMMENDATION of 14 July 2015 on the 2015 National Reform Programme of Bulgaria and delivering a Council opinion on the 2015 Convergence Programme of Bulgaria (2015/C 272/08) (2015/C 272/07), (18.08.2015, C 272/28, Official Journal of the European Union).

[*Official Website of the European Commission*](#)

(10) The Bulgarian healthcare system faces several major challenges, including poor health outcomes, low funding and serious inefficiencies in the use of resources. Life expectancy is considerably below the EU average and life expectancy at birth is among the lowest in the Union. The system continues to be based on an oversized hospital sector. Although funding of primary and outpatient care has slightly gained significance in nominal terms in recent years, it is still quite limited. The healthcare fund is contractually obliged to reimburse hospitals for treatments at predefined prices, which is incentivising hospitals to provide inadequately targeted medical care. A National Health Strategy was adopted in 2014 but it lacks a clear implementation plan.

(12) Active labour market policies are insufficiently developed in terms both of coverage and of targeting. Fragmentation of agencies represents a major challenge in delivering benefits and services to the unemployed and the inactive. Coordination between employment offices and the social assistance directorate is not geared to an efficient and integrated delivery of measures to help the most vulnerable. Bulgaria has a high proportion of young people neither in employment nor in education or training who are not in touch with the employment services and are thus outside the scope of standard labour market activation measures. Most of Bulgaria's unemployment is long-term, indicating that it is more structural than cyclical. Although the Bulgarian minimum wage is the lowest in the Union in nominal terms, it has increased substantially since 2011 and the Government plans further significant increases in the coming years. Such sharp discretionary shifts in the Government's wagesetting policy could be distortive for the labour market. Moreover, there are no clear guidelines for minimum wage setting, so the system creates uncertainty as to whether the right balance will be struck between supporting employment and competitiveness on the one hand and safeguarding labour income on the other. Poverty and social

exclusion remain a concern, as Bulgaria has one of the highest rates of material deprivation in the Union. The Roma population faces particularly high levels of poverty and social exclusion. The majority of young Roma are neither in employment nor in education or training. Pre-school and kindergarten enrolment of Roma children is low and almost a quarter of those aged 7-15 are not in the education system.

(14) In spring 2015, the Government presented a proposal for reform of the pension system. The adequacy and sustainability of the pension system depend on reforms that incentivise and support longer working lives with fewer interruptions. In 2013, 1,2 million pensioners were found to be receiving pensions below the national poverty line. The key drivers behind low pension entitlements are early retirement and short contribution periods. The rapid ageing of Bulgarian society is likely to aggravate the situation in the future. It is therefore appropriate for Bulgaria to further contain growth in age-related expenditure to contribute to the long-term sustainability of public finances, including through implementation of robust pension reforms.

HEREBY RECOMMENDS that Bulgaria take action in 2015 and 2016 to:

3. Develop an integrated approach for groups at the margin of the labour market, in particular older workers and young people not in employment, education or training. In consultation with the social partners and in accordance with national practices, establish a transparent mechanism for setting the minimum wage and minimum social security contributions in the light of their impact on in-work poverty, job creation and competitiveness.