

Mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

REFERENCE:
AL BGR 2/2019

28 November 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolution 34/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **homelessness, discrimination with respect to housing, and the practice of forced evictions in Bulgaria.**

According to the information received:

No official statistics on the number of persons living in situation of homelessness are currently being collected in Bulgaria. The Social Assistance Agency operating under the Ministry of Labour and Social Policy keeps statistics only on persons benefiting from social support programs who have an ID card or other identification documents, therefore excluding the majority of homeless persons.¹ According to unofficial statistics quoted by the European Commission, there are about 500,000 homeless persons in Bulgaria, however, this figure appears to be a rough estimate.² Despite the lack of official data, managers of crisis centers and shelters feel that the number of homeless persons increases every year and there is a general consensus among experts that homelessness is a serious issue in Bulgaria with those at highest risk being migrants and refugees, Roma, older persons and young persons coming out of foster care.

Beyond the lack of data on numbers of persons in homelessness, there is a lack of analyses by government bodies on trends and factors that lead to homelessness, or of the demographic profile of homeless people. While the Social and Solidarity Economy Act of 2018 included for the first time a definition of a homeless person in national law, a recent study published by the European Commission claimed that "in Bulgaria, the problems of homeless people are very low down the priorities for social inclusion and are essentially not recognised and addressed by the state."³

Because of the lack of official statistics on homelessness, including lack of research about its causes, Bulgaria has not been in a position to design

¹ European Commission, ESPN Thematic Report on National Strategies to fight homelessness and housing exclusion, Country Report Bulgaria, 2019, p. 5

² Ibid

³ European Commission, ESPN Thematic Report on National Strategies to fight homelessness and housing exclusion, Country Report Bulgaria, 2019, p. 4.

effective policies to prevent and eliminate homelessness. There are 13 temporary accommodation centers with a total accommodation capacity of 617 places and two shelters for homeless persons, with a total capacity of 70 places, which reportedly do not meet the required capacity during the winter season.

In March 2019, the Committee on Economic, Social and Cultural Rights (CESCR) expressed concern about the increased number of persons living in homelessness. It also expressed concern that members of the Roma population are particularly at risk of being subjected to forced evictions without being provided with suitable alternatives and, as a consequence, are at higher risk of becoming homeless.⁴

Homelessness has been identified as an issue in the 2020 national strategy for reducing poverty and promoting social inclusion, however, it appears the resources attributed are insufficient to effectively prevent and eliminate homelessness. There appear to be few long-term housing programs for persons in homelessness, with shelters and centers for temporary accommodation, as the main housing options.

Homeless persons on the streets, living in cars or in grossly inadequate conditions experience the harshest conditions lacking any basic services or necessities such as: toilets, drinkable water, a place to rest and eat, and protection from the elements. Persons living in homelessness often contract preventable illnesses like tuberculosis, hepatitis, circulatory diseases, HIV/AIDS, bronchitis, pneumonia and other respiratory diseases. They are malnourished and exposed to life-threatening violence. Persons who are homeless have higher morbidity and mortality rates than housed populations. The life expectancy of persons living in homelessness, particularly women, is dramatically lower than people who are housed, sometime more than three times lower. Persons living in homelessness often experience discrimination, stereotyping and criminalization by public authorities and the public. These conditions are all contrary to the obligations and requirements of the right to adequate housing under international human rights law as well as the rights to non-discrimination and equality, the right to health and the right to life.

While I do not wish to prejudge the accuracy of the information made available to me, I wish to express my serious concern about these allegations of multiple violations of human rights, contrary to international human rights law. The number of persons living in homelessness is an indication that the right to adequate housing is not being effectively implemented. In light of the direct relationship between homelessness and otherwise preventable disease and illness and premature mortality, this would indicate that the Government's obligations with respect to the right to health and the right to life are not being met. The removal of persons living in homelessness from public spaces by force, without providing sufficient short and long-term accommodation, and subjecting them to fines or imprisonment, would constitute violations of the prohibition of cruel, inhuman or degrading treatment. Furthermore, evicting residents of informal settlements into homelessness without

⁴ E/C.12/BGR/CO/6, para 35.

providing alternative accommodation is a serious violation of the right to adequate housing and other human rights. The disproportionate impact of the above-mentioned violations on vulnerable groups would also indicate violations of the rights to equality and non-discrimination.

I call the Government to commence the urgent collection of data on the current number of persons in homelessness and to take immediate life-saving action to address their situation of emergency. The imminent arrival of winter exacerbates the risks faced by thousands of persons in homelessness. Furthermore, according to international human rights bodies, States have an obligation to immediately implement measures to eliminate homelessness within broader rights-based housing strategies.⁵ Rights-based housing strategies must contain clear goals and timelines as well as set out the responsibilities of all levels of government and of other actors for the implementation of specific, time-bound measures, and must be supported by the necessary resources required for implementation. This process should involve consultation with, and participation by, persons living in homelessness.⁶ Bulgaria's failure to adopt and implement a homelessness strategy falls short of meeting this obligation.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain what urgent measures are in place to ensure access to adequate shelter and housing for persons who are currently homeless.
3. By what date and through what measures do you anticipate eliminating homelessness as required by international human rights law and SDG Goal 11, Target 11.1?
4. Please indicate what measures you have in place to prevent the causes of homelessness.
5. Please provide information on measures taken to collect reliable data on homelessness and kindly share most recent official estimates disaggregated by gender, age, nationality, migration status, ethnicity and other social indicators.
6. Please provide details of any measures to provide accommodation to families and individuals who have lost their homes, and to prevent

⁵ Please see my report on rights-based housing strategies: A/HRC/37/53

⁶ Please see my report on homelessness and related State obligations: A/HRC/31/54

them from experiencing homelessness as a result of evictions or demolitions.

7. Please provide information on measures to ensure active participation of persons living in homelessness in designing housing policy that affects them.
8. Please provide more information as to whether persons without an official address may be excluded from accessing social or housing benefits, social housing, medical care or medical insurance, or excluded from participating in national elections. What measures have been put in place to address these issues?
9. Please provide more information on any laws or regulations that would allow removing persons from public spaces against their will or prohibit persons eating cooking or sleeping in public spaces. Please clarify under which circumstances such laws or regulations impose fines or detention on persons who stay in a public space and whether such regulations also authorize the confiscation or destruction of personal belongings, including sleeping bags, tents or other materials used for shelter. Please provide information on the safeguards in place and their efficacy.
10. Please provide information on strategies to prevent stigmatization of persons living in homelessness.
11. Please indicate whether someone living in homelessness can claim the right to housing in court or through other human rights mechanisms.
12. For all measures mentioned in questions 1 to 11, please provide what specific actions have been taken for particularly vulnerable groups like migrants, refugees and members of the Roma community, including women and children.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Homelessness is a human rights crisis of a global scale; I am also sending similar letters calling the attention of other Governments to the situation of homeless persons in their respective countries.

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

Leilani Farha

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without prejudice to the accuracy of these allegations, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

I wish to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Bulgaria on 21 September 1970, which states that "[t]he States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right [...]." Pursuant to article 2.2 of the ICESCR, it is the obligation of States Parties to guarantee that the Covenant's rights will be exercised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth *or other status* [emphasis added]." The Committee on Economic, Social and Cultural Rights has stressed in General Comment No. 4 that the right to adequate housing includes affordability, accessibility, and legal security of tenure.

The Committee on Economic, Social and Cultural Rights has previously recognized that a State party to the ICESCR in which a significant number of individuals are deprived of basic shelter and housing is, *prima facie*, failing to discharge its obligations under the Covenant. States parties are required to demonstrate that every effort has been made to use a maximum of available resources in an effort to discharge their obligations. Furthermore, I wish to direct your Excellency's Government to my report on homelessness and the right to adequate housing (A/HRC/31/54), in which I note that homelessness constitutes a serious violation of the right to adequate housing to which must respond to homelessness with the highest level of urgency. National and sub-national governments must immediately repeal any laws or measures that criminalize, impose fines on or restrict persons living in homelessness or behaviour associated with being homeless, such as sleeping or eating in public spaces. Governments also have an obligation to combat and prohibit any law or practice that serves to discriminate, stigmatize and negatively stereotype persons living in homelessness.

I also draw your attention to article 6 of the International Covenant on Civil and Political Rights which protects the right to life which is understood as "the supreme right from which no derogation is permitted" and, "the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights."⁷ The Human Rights Committee specifically states that "The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include ... homelessness." The Committee also

⁷ Human Rights Committee, General Comment No. 36 para. 2.

states that the measures called for to address adequate conditions for protecting the right to life include, where necessary, “measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care ...” [emphasis added].⁸ Violations of the right to life must be treated with the utmost seriousness and urgency. There is little doubt that homelessness triggers right to life interests.

I also call your attention to article 27.1 of the Convention on the Rights of the Child, ratified by Bulgaria on 3 June 1991, which states that “States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” Article 27.3 states that “States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing.” It is widely acknowledged that inadequate housing has an adverse impact on the physical health, well-being and development of children. Any increase in the number of children living in homelessness is incompatible with the Convention.

I recall article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Bulgaria on 8 August 1966, which states that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] the right to housing.”

I also recall General Comments No. 4, 7 and 20 of the Committee on Economic, Social and Cultural Rights, which stress the need to provide adequate legal protection from forced eviction, as well as to guarantee due process, alternative accommodation, and access to an effective remedy for those that may be affected by eviction orders. Demolitions and destruction of property are strictly forbidden under international human rights law and standards. According to these General Comments, Bulgaria must have explored all feasible alternatives to forced eviction in consultation with the affected persons. Moreover, demolitions must never lead to homelessness of evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

I note that through Agenda 2030 for Sustainable Development, the Government of Bulgaria has committed itself to eliminating homelessness. Target 11.1 requires all States to ensure access for everyone to adequate, safe, and affordable housing by 2030. This necessarily means eliminating homelessness by 2030. To this end, states must adopt rights-based housing strategies with the aim of eliminating homelessness by that date. I refer you to my report on human rights-based housing strategies (A/HRC/37/53) in which I identify ten key principles for the strategies’ effective development and implementation. According to these principles, States must ensure the political participation of persons living in homelessness in the design, implementation, and monitoring of rights-based housing strategies. Strategies should

⁸ Human Rights Committee, General Comment No. 36 para 26.

also work to combat stigmatization and discrimination against persons living in homelessness.

The full texts of the human rights instruments and standards recalled above are available at www.ohchr.org or can be provided upon request.



No 178

January 28th, 2020

The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva presents its compliments to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) and with reference to the official letter by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, dated November 28th, 2019, has the honour to communicate the collective response provided by the competent Bulgarian authorities (herewith attached) in relation to information received by the Special Rapporteur concerning housing conditions in the Republic of Bulgaria.

The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) the assurances of its highest consideration.

Annex: according to text (13 pages).

**OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS**

GENEVA



Information on the questions of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Leilani Farha

Non-discrimination is a fundamental principle in the legislation of the Republic of Bulgaria, which is laid down in the Constitution of the country. According to the Constitution of the Republic of Bulgaria, all persons are born free and equal in dignity and rights, and no restrictions on rights or privileges based on race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal and social status or property status are allowed (Article 6). In accordance with Art. 6 of the Constitution are the provisions of Art. 4, para. 1 of the Protection against Discrimination Act, which prohibit any direct or indirect discrimination based on sex, race, nationality, ethnic self-identity, human genome, citizenship, origin, religion or belief, education, opinion, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other grounds established by law or international treaty to which Bulgaria is a party.

Social services, which provide a place to live or shelter for a certain period, play an important role in providing support for the homeless. These services include a Shelter and a Centre for Temporary Accommodation of Persons, and the terms and conditions for their establishment, provision and use are regulated in the Social Assistance Act and its Implementing Rules.

„Shelter" is a form of social service provided for a period not exceeding three months within the calendar year. The service may be used only for a specific part of the day by homeless persons and families in case of urgent need to satisfy their basic needs related to the provision of shelter, food, hygiene and social counselling. As of the end of October 2019, 2 Shelters were functioning as state-delegated activities on the territory of the country, with a total capacity of 85 beds, of which 55 were occupied.

“Temporary accommodation centre” means a form of social service provided to homeless persons for a period not exceeding 3 months within the calendar year, which may be extended to 6 months if necessary. The centre provides a place to live, support for participation in qualification and retraining courses and other training courses and/or for finding a job, as well as for social adaptation of users. As of the end of October 2019, 12 Temporary Accommodation Centres were functioning as state-delegated activities on the territory of the country, with a total capacity of 607 beds, 481 of which were filled.

In 2019, a new special law in the field of social services was adopted – the Social Services Act (SSA) (promulgated, SG, issue 24 of 2019, effective from 01.01.2020). The act aims to improve the mechanisms for planning, financing, control and monitoring of services, as well as to improve their quality, efficiency and sustainability. The SSA also introduced a legal definition of „homeless persons" as persons who do not own or co-own residential property on the territory of the country and have been left without shelter due to incidental circumstances, as well as persons who chose homelessness as a way of life. It is also envisaged to provide shelter (for a certain part of the day) to homeless people and families and temporary accommodation in a safe environment for persons in crisis and for victims of domestic violence and for victims of trafficking and as for the service provided no fee is payable.

Homelessness policy is a cross-sectoral priority that is implemented by all concerned institutions, as the problems of homeless persons are complex. On the one hand, the aim is to ensure adequate living conditions, with the key role played by municipalities and their housing policies. On the other hand, the efforts are aimed at providing appropriate forms of services, including social, health and employment services, to support homeless people and promote their social inclusion.

The definition of „homeless person“ is set out in § 1, item 1 of the Supplementary Provisions of the Social and Solidarity-based Enterprises Act, according to which "Homeless person" means a person who does not own a home, is unable to rent a home with his own resources and is not accommodated in a municipal dwelling under the Municipal Property Act and/or due to incidental circumstances (fire, natural disasters, collapse of a building, etc.) has been left without shelter. Social policy and legislation on homelessness fully correspond to the characteristics and particularities of homeless persons as defined in the Social and Solidarity -based Enterprises Act and are primarily aimed at the provision of social services and social assistance, some of which earmarked, targeted specifically at this vulnerable group.

➤ **Social services for the homeless.**

Every quarter, information on the number of registered homeless persons throughout the country is received from the Regional Directorates for Social Assistance at the Central Administration of the ASA. For the period from 01.01.2019 to 30.09.2019 1203 homeless persons were registered. The persons were consulted about the possibilities to use social and health services, of the registered 1203 homeless persons 861 used social services, 74 - health services, and 72 persons used other types of services. 33 persons refused to use the services offered to them.

According to the provisions of the Regulations for the Implementation of the Social Assistance Act (RISAA), "Temporary Accommodation Centre" (TAC) is a form of social service provided to homeless persons for a period of no more than 3 months within the calendar year, which may be extended to 6 months if necessary. The centre provides a place to live, support for participation in qualification and retraining courses and other training courses and/or for finding a job, as well as for social adaptation of users. TACs receive year-round users who, for one reason or another, are in difficulty. The main activities of the service are aimed at limiting the social exclusion of individuals. The activities are aimed at creating conditions for household and work accommodation. According to the Tariff on social service fees financed by the state budget (amended and supplemented, no. 39 of 14.05.2019, effective from 12.04.2019) persons using social services in the TAC should pay a fee of 30 percent of their income. On the territory of the country, there are 12 TACs with a total capacity of 607 beds. The largest capacity (510 beds) have the 3 TACs on the territory of the city of Sofia, which operate at full capacity. They are especially busy during the winter season, when weather conditions are unfavourable and the number of homeless people at risk of frostbite is increasing.

Since 2011 in the city of Sofia, as a local activity during the winter months, operates a Crisis Centre for Accommodation of People at Risk that currently supports 70 homeless people. Considering the increase in the number of cases since 2013, Sofia Municipality has also opened a second Crisis Centre, with a total capacity of both services is 170 persons.

"Shelter" is a set of social services provided temporarily for up to 3 months to homeless persons in the event of an urgent need to satisfy their basic needs related to the provision of shelter, health care, hygiene, social, psychological and legal counselling. On the territory of the country in the

towns of Ruse and Plovdiv operate 2 homeless shelters with a total capacity of 85 beds. The use of the social service Shelter is free of charge.

The use of the services is a right of personal choice and is made on the basis of the stated desire of the persons and provided that their health and their needs correspond to the specifics of the provided social services. The terms and conditions of use of social services are regulated in the RISAA. Due to the urgent nature of the accommodation, since in most cases it concerns disabled persons, people with disabilities and families with young children, the access regime to the social services TAC and Shelter has been disencumbered in view of documentation. In this context, it is important to note that many of the homeless are in what can be termed a "Social crisis". For the purposes of RISAA, this is a situation in which one person is helpless, unstable or in risk for life, is not hospitalised and is unable to cope alone or with the assistance of another, and whose management requires immediate coordinated actions by the institutions. A person in a situation of social crisis shall be immediately placed in a social service suited to his needs, regardless of his current address, and the SAD at the location of the service shall take coordinated action to prepare the social report.

➤ **Social assistance for the homeless**

Homeless persons may be assisted with one-off targeted assistance up to the amount of the guaranteed minimum income for issuing an identity card under the RISAA. The amount of assistance is determined by the Director of the SAD according to the costs necessary to pay the statutory costs and fees for the issuance of the identity card and transport costs.

Another type of support that can be provided to the homeless is the provision of a one-off allowance once a year to meet the occasional health, educational, utility and other vital needs of individuals and families. The one-off assistance up to five times the guaranteed minimum income shall be determined by order of the Director of the SAD or by an official authorised by him.

In order to prevent homelessness, the RISAA regulates the right to monthly earmarked rent assistance for municipal housing, which persons can use if the housing order is in their name and whose income from the previous month is up to 250 percent of the differentiated minimum income.

Homeless people can be supported by paying the costs of diagnosis and treatment in hospital facilities to persons who have no income and/or of personal property to provide them with personal participation in the health insurance process (pursuant to Decree No. 17 of the Council of Ministers of 31.01.2007). Upon entering the hospital for hospital care, persons submit an application form approved by the Minister of Labour and Social Policy for payment of the hospital medical care for diagnosis and treatment. Application-declaration is submitted through the director of the hospital care facility to the director of the SAD at the permanent address of the person.

➤ **Assistance to homeless persons under Operational Programme for food and/or basic material assistance under the Fund for European Aid to the Most Deprived (OPF FEAD)**

The Agency for Social Assistance has been designated as the Managing Authority (MA) of the Operational Programme for Food and/or basic material assistance under the Fund for European Aid to the Most Deprived (OPF FEAD) in Bulgaria for the period 2014-2020, by decision of the

Council of Ministers (CoM) dated 08.09.2014. The operational programme was approved by Implementing Decision of the European Commission of 05.12.2014. The programme contributes to the National target to reduce the number of people living in poverty by 260 000 by 2020, in line with the objectives of the Europe 2020 strategy. In pursuit of this objective, the programme targets those living in the highest levels of poverty and social exclusion. The programme shall be implemented throughout the country. The total budget of the Operational Programme for the period 2014-2020 is EUR 123,312,076.

The support under OPF FEAD is implemented through two main types of operations – providing individual packages of food products and providing a hot lunch. Since the launch of OPF FEAD, a total of 2,079 homeless people have been supported with individual food packages and a hot lunch.

Homeless persons assisted with individual food packages under OPF FEAD by the end of 2018 were 1,512, which is 0.09% of the total 1,657,144 persons and families supported in the same period. Food packages are currently being distributed as the data for 2019 will be reported in 2020. Analysis of the data shows that the proportion of homeless people supported is relatively low compared to the total number of people and families supported, given that the food provided is mainly for use in the preparation of meals in households and very few ready-made foods that are ready for direct consumption. Another reason for the low percentage of homeless people covered is their mobility. In most cases, the support with individual food packages is provided to homeless people who are users of the TAC social service, usually during the autumn-winter period.

The supported homeless persons with food products are also provided with accompanying measures to familiarise themselves with a healthy and balanced diet; guidance for social assistance and social services; information on the provided services financed by the European Social Fund, etc.

Homeless people also receive support under OPF FEAD in the form of a hot lunch. From the launch of the programme to 31.08.2019, 567 homeless people were assisted with a hot lunch, with an increase in the number of newly enrolled in the program homeless people over the years.

In addition to the daily provision of a hot lunch, the municipalities, either directly or in cooperation with non-governmental organisations and depending on the needs of homeless and vagrants, provide accompanying measures. The main accompanying measure is providing shelter for the vagrants and homeless, including temporary one in the TACs and Shelters, accommodation in municipal housing of those registered in need, assistance in liaising with friends and relatives, in order to provide temporary shelter with them. Other accompanying measures that the homeless receive include providing access to municipal, health and administrative services, assistance in issuing an identity document, obtaining the necessary pension documents, health examinations and appointing a GP; assistance in finding a job. Assistance in kind is also provided - basic necessities such as clothes, shoes, duvets, hygiene materials, household items. Consultation/referral is carried out to provide social benefits and social services on the territory of the municipality.

The operation currently implements 209 contracts, which provide a hot lunch for 49,185 users in 263 soup-kitchens. The amount of the grant is BGN 101,188,059.85.

➤ **Public Soup-kitchens Project**

The Public Soup-kitchens project has been successfully implemented since 2009. Funding is provided by the Social Protection Fund (SPF) under the Social Assistance Act. By Order No PД 01-1095 of 20.12.2018 of the Minister of Labour and Social Policy were approved the scope, terms and conditions for financing and implementation of the activities in the public soup-kitchens for 2019 by the SPF.

The public soup-kitchens opening activities shall aim to improve the quality of life and provide help and support to the following target groups:

- Persons and families receiving monthly support under the terms and conditions of Art. 9 of the RISAA;
- Persons with proven lack of income and relatives to take care of them;
- Lonely residents and families receiving minimum pensions (for seniority and age, invalidity, survivors' pensions, non-employment pensions);
- Vagrant and homeless children and persons;
- Persons from vulnerable groups - third-country nationals within the meaning of § 1, item 17 of the Additional Provisions of the Asylum and Refugees Act.

The activities in 2019 are carried out as a continuation of the activities of 36 public soup-kitchens opened in 2018 throughout the country, the beneficiaries are 4,051, including homeless persons. The amount of funding for the activities in the public soup-kitchens for 2019 is BGN 2,877,405.

Combating poverty, creating of prerequisites for social inclusion of people living in poverty, implementing adequate measures to prevent social exclusion are key priorities of Operational Programme „Human Resources Development" 2014-2020. The coordination efforts need to be continued to provide comprehensive and complex support to target groups living in poverty, not only from Roma communities but also of socially excluded people, with OP HRD 2014-2020 providing comprehensive support, including to marginalised communities, and interventions involving **simultaneous** support activities **in different areas**: education, employment, healthcare, improving housing conditions, overcoming negative stereotypes, etc., having a mandatory **integrated nature**.

The specific investment priority **"Socio-economic integration of marginalized communities such as the Roma"** was laid down in the process of programming of the OPHRD 2014 – 2020. All support measures are implemented in a comprehensive and integrated manner within this priority. The main objective is to create **lasting and successful coordinated mechanisms, to share experiences, to solve long-standing local problems and to involve as many interested parties as possible, including representatives of the Roma community** and various experts working and responsible for the priorities of the Roma integration.

In this context, a "Socio-economic integration of vulnerable groups. Integrated measures to improve access to education" procedure has been launched, implemented in two components. **Component 1** with a budget of 50 million from OP HRD and 20 million from OP SESG was aimed at supporting access to employment, education, social and health services of marginalised communities such as representatives of the Roma community, people from other countries, people at risk and/or victims of discrimination, people living in territories, including low population density, rural and isolated areas, parts of settlements where there is a concentration of problems

posing a risk of poverty, social exclusion and marginalisation (high unemployment, low income, limited access to public services, territorial segregation, spatial exclusion, etc.). **The eligible activities also include combating negative stereotypes against marginalised communities.**

The contracted funds under OP HRD amount to **BGN 20,985,019.96**, with beneficiaries - 48 municipalities.

Component 2, which is aimed at the large 39 municipalities-beneficiaries of Operational Programme „Regions in Growth", is also implemented under the operation. Component 2 of the procedure will be implemented with the support of the three operational programmes – OP HRD, OP SESG and OP RG. 39 municipalities – beneficiaries under Priority Axis 1 of the OPRG 2014 – 2020 whose Integrated Urban Recovery and Development Plans include measures for the construction of social housing are eligible under this component.

The eligible **39 municipalities - beneficiaries under Component 2** of the procedure are the following:

1 Sofia Municipality, 2 Varna Municipality, 3 Plovdiv Municipality, 4 Burgas Municipality, 5 Ruse Municipality, 6 Stara Zagora Municipality, 7 Pleven Municipality, 8 Blagoevgrad Municipality, 9 Veliko Tarnovo Municipality, 10 Vidin Municipality, 11 Dobrich Municipality, 12 Haskovo Municipality, 13 Pazardzhik Municipality, 14 Shumen Municipality, 15 Sliven Municipality, 16 Gabrovo Municipality, 17 Yambol Municipality, 18 Pernik Municipality, 19 Vratsa Municipality, 20 Lovech Municipality, 21 Kardzhali Municipality, 22 Smolyan Municipality, 23 Razgrad Municipality, 24 Kazanlak Municipality, 25 Asenovgrad Municipality, 26 Montana Municipality, 27 Gorna Oryahovitsa Municipality, 28 Goce Delchev Municipality, 29 Dupnitsa Municipality, 30 Kyustendil Municipality, 31 Silistra Municipality, 32 Dimitrovgrad Municipality, 33 Targovishte Municipality, 34 Lom Municipality, 35 Petrich Municipality, 36 Svishtov Municipality, 37 Velingrad Municipality, 38 Karlovo Municipality and 39 Panagyurishte Municipality.

At this time, **around 26 of these 39 municipalities intend to build social housing**, with OP HRD and OP SESG providing for identical activities as under Component 1 of the 4 main strands - labour market, education, social and health services, development of local communities and overcoming negative stereotypes.

Representatives of each municipality need to decide and determine which and how many representatives of the target groups (including Roma, homeless, people living in poverty) will be placed in the newly created social housing.

The total budget of this second component is **BGN 33 million – the budget of the OPHRD is BGN 30 million and the OPSESG provides BGN 3 million.**

The application deadline for Component 2 is **December 16, 2020.**

Another procedure OP HRD 2014-2020, which supports the construction of infrastructure for **temporary accommodation centres, street children's centres, shelters and crisis centres**, is procedure BG05M9OP001-2.029 "Integrated actions for sustainable urban development", with a budget of **BGN 18 million.**

The activities under the procedure may be implemented on the territory of the municipalities of the above-mentioned 39 cities eligible beneficiaries under Priority Axis 1 of Operational

Programme "Regions in Growth" (OP RG) 2014-2020, which have concluded a grant contract under Priority Axis 1 of OP RG 2014-2020, for the implementation of major renovation/reconstruction/construction of adequate municipal infrastructure for the provision of social services in the community.

The supported services will be implemented in newly built **temporary accommodation centres, street children's centres, shelters and crisis centres**. The interventions are aimed at improving the quality of life, promoting social inclusion and the integration into society of disadvantaged and special needs groups, as well as other vulnerable groups. Joint and coordinated measures between the two operational programmes to prevent and avert the causes of poverty and social exclusion will be supported. The implementation of the activities will contribute to expanding the opportunities for improving the quality of life of people from vulnerable groups and/or their families, promoting equal opportunities for vulnerable groups and expanding the volume, diversity and focus of social services provided in the community. The main challenges of social inclusion policy are the ever-increasing demand for social services, given **the ageing processes, the significant number of people at risk of poverty and social exclusion**, and the growing need for more efficient and tailor-made services for the various vulnerable groups in society – children, the elderly, disabled, **the homeless**, etc.

The deadline for applying under the procedure is **30 April 2020**.

➤ **Eviction of illegally settled Roma from their homes:**

The Ministry of Justice continues carrying out activities aimed at adopting the common measures recommended to Bulgaria for the implementation of the group of decisions of the European Court of Human Rights (ECtHR), joined by the Yordanova et al. vs. Bulgaria case. These decisions (under Article 8 of the ECHR) concern the disproportionate interference of the authorities with the right to privacy and family life in cases of forced evictions or forced destruction of illegal structures.

As part of the initiative "Supporting the implementation of ECtHR decisions on vulnerable groups under the Bilateral Relations Fund" and after consulting the representatives of the administrative courts and local authorities in advance, in December 2015, the Ministry of Justice held a round table with representatives of the parties interested in the implementation of the Yordanova et al. against Bulgaria decision. It discussed proposals for possible approaches to the problematic areas affecting Roma communities illegally settled in publicly-owned properties. Council of Europe experts have presented international standards in this regard.

An analysis of the existing legal framework and case law and recommendations to their amendment has been prepared in order to prevent disproportionate interference in future cases of illegal settlers.

A second roundtable was held in October 2017 in Strasbourg, France, again on common implementation measures. It outlined the evolution of the case law of the administrative courts for the application of the principle of proportionality in cases of eviction of illegally settled persons from their homes and discussed the need for legislative measures.

In order to overcome the problem of the eviction of illegally settled Roma from their homes, in June 2018, at the initiative of the Minister of Justice, an inter-ministerial working group was set up by an order of the Minister of Regional Development and Public Works (MRDPW), to analyse

the current regulations and propose legislative changes to the Spatial Planning Act, the State Property Act and the Municipal Property Act. The changes aim at introducing a compulsory assessment of the proportionality of the interference with the right to privacy and family life and inviolability of the home when issuing orders for the seizure of state and municipal property, as well as for the removal of illegal constructions. As a result of the group's activities, specific proposals for legislative amendments were made. They provide that the competent administrative authority is required to carry out an analysis of the proportionality of the interference, examining certain circumstances non-exhaustively listed by the law, where there is evidence that the property to be seized or removed is someone's only housing. Legislative proposals have been finalized and, in order to prepare the necessary preliminary partial assessment of the impact of the bill and its financial justification, the MRDPW has requested information from the institutions whose activities it will affect: the municipalities (the National Association of Municipalities in the Republic of Bulgaria (NAMRB)), the regional governors and the Directorate for National Building Control (DNBC).

In parallel, under the Norwegian Financial Mechanism, within the new programming period 2014-2021, a project proposal was drafted for financing activities for further implementation of the general measures required by the decisions of Yordanova et al. and Nencheva et al. vs. Bulgaria, in view of the fact that these two decisions concern violations of the rights of children and of vulnerable groups, including Roma. It is proposed to draw up action plans and guidelines giving more detailed guidance to local authorities in carrying out the proportionality analysis in cases of forced eviction of persons from their sole housing, as well as presenting these plans and recommendations at round tables with the participation of the national institutions concerned.

Meanwhile, for the first time in Decision No. 11731 / 03.10.2018 on admin. case No. 1517/2018, the Supreme Administrative Court directly referred to Art. 8 of the ECHR, to Art. 6 of the APC and the case No. 46577/15 of Ivanova and Cherkezov vs. Bulgaria, (included in one group with the decision of Yordanova et al. for the purposes of their implementation), accepting that prior to the issuance of an order for the removal of illegal construction under the PDA an administrative body shall assess whether the interference with the right to inviolability of the private and family life and the home under Art. 8 of the ECHR is proportionate to the objective pursued. Due to the fact that in this case no such assessment was made by the competent administrative authority, the order for the removal of the building was cancelled. In this decision, the SAC states that when making the assessment, the following circumstances must be reviewed and discussed:

- Number of persons, incl. minors and under-age who live in the construction;
- The presence of another housing or property of the challenger of the order;
- The presence of bank accounts and deposits allowing the rent for another home to be paid;
- Offering other housing from the municipal housing stock in the years back, which was refused;
- The possibility of including the challenging person in the list of persons in need of accommodation for a municipal housing;
- The time of construction (1992) and that it has been tolerated for a long time by the municipality;
- The fact that the challenger belongs to a disadvantaged social group.

The aforementioned decision was followed by others in the same sense (Decision No. 10329 of 03.07.2019 on admin. case No. 14131/2018 of the SAC, Decision No.11689 of 02.08.2019 on

admin. case No. 9569/2018 of the SAC second panel, Decision No. 6783 of May 8, 2019, on admin. case No. 14679/2018, of the SAC, second panel). These decisions practically apply the principles and criteria set out in the draft law, even though it has not yet entered into force.

Concerning the information on laws or regulations that would allow removing persons from public spaces against their will or prohibit persons eating, cooking or sleeping in public spaces, The Penal Code does not criminalize vagrancy and contains no provisions prohibiting eating, cooking or sleeping in public places.

The necessary legal and institutional conditions have been created so that any homeless person without an address registration will not remain outside the social assistance system if they meet the legally defined general conditions and requirements. In this context, it is worth noting the active role of social workers from the Social Assistance Agency in identifying these persons and providing the necessary assistance in issuing personal documents, if they do not possess them, and accordingly launching the address registration procedure. There is an already established good practice and sufficient experience to successfully address this problem. They are based on the statutory order of the Civil Registration Act. Pursuant to the provisions of Art. 92, para. 8 and para. 9, all facts and circumstances relevant to the issuance of an identity document and address registration that cannot be certified by the person shall be established by a committee designated by order of the Mayor of the municipality, which includes employees from the municipal administration and from the territorial structural units of the Ministry of Interior, General Directorate "Civil Registration and Administrative Services" at the Ministry of Regional Development and Public Works and the Social Assistance Agency. On the basis of the opinion of the committee, the competent authorities (mayors or officials designated by them) shall carry out the address registration.

After the address registration, persons requesting assistance from the State should submit an application-declaration to the respective Social Assistance Directorate at their current registered address and subject to the conditions and requirements they will be included in a support programme. If these persons do not have health insurance, they shall be insured at the expense of the State budget. Therefore, in case of lack of address registration, persons will not receive social benefits, respectively health insurance, only if they do not wish to do so and do not submit an application-declaration, because social assistance is based on the personal will of the person in need of support.

Pursuant to Art. 5, para. 4 of the Constitution of the Republic of Bulgaria the international treaties ratified under the constitutional order promulgated and entered into force for the Republic of Bulgaria, are part of the national law of the country. They take precedence over those provisions of domestic law that contradict them.

In the event that an international treaty meeting the above requirements, to which Bulgaria is a party, regulates the right to adequate housing, then every Bulgarian citizen can bring an action before the court for violation of his right, citing the relevant provision.

The alleged violations such as cases of discrimination against the rights to housing as well as forced evictions, incl. cases of homeless people do not address issues that are directly within the competence of the **State Agency for Child Protection (SACP)**.

In accordance with the Constitution of the Republic of Bulgaria and the Child Protection Act (CPA), in its activities the SACP is guided by the principle of equality and non-discrimination of all children, regardless of their nationality, race, religion, social origin, etc.

Children are a specific vulnerable group, and because of their strong dependence on the adults they live with, they most often end up on the street because of problems in the family environment. Street children are at risk of malnutrition, physical, sexual and psychological abuse, drug addiction, involvement in criminal and anti-social activity, involvement in child labor abuse such as begging and prostitution. They remain detached from the education system, with some of them not attending school and others interrupting the educational process. Therefore, homeless children and street children fall into the category of "children at risk" within the meaning of § 1, item 11 of the Supplementary Provisions of the CPA, subject to the protection measures provided for by law. Among the family and social measures are:

- providing psychological, pedagogical and legal assistance to parents or to persons entrusted with parental functions in matters related to the raising, upbringing and training of children;
- providing advice on social assistance and referral to appropriate social services;
- assistance in improving social and living conditions;
- social work to facilitate relations between children and parents, as well as to deal with conflicts and crises in relationships;
- assistance in arranging suitable work for the needy children 16 years or older, under the conditions laid down in the labor legislation;
- directing the child to appropriate forms of leisure activities, etc.

Unfortunately, in most cases family protection measures are not applicable as parents are deceased, unknown or the social workers consider the families of the children to be the source of high risks for their physical and mental health. In these cases, after the assessment of the Social Assistance Directorate (SAD) and the court, the child is placed in a relatives or kith and kin family, in a foster family, in a social service – resident type, or in a specialized institution.

According to Art. 7 of CPA, a person who becomes aware that a child needs protection is obliged to immediately notify the SAD, SACP or the Ministry of Interior (MI). When a signal is received in the SACP that a child needs protection, the chairman of the agency immediately sends it to the Child Protection Unit (CPU) at the SAD at the child's current address.

It should be noted that since 01.11.2018, a Department for Mobile Work with Children at Risk has been operating at the Oborishte SAD, with a scope of activity on the territory of the Sofia Metropolitan Municipality, available 24 hours a day, and on weekends and holidays days. The Department, in cooperation with the Ministry of Interior, identifies and ascertains begging children and street children; accompanies and conducts the initial interview with identified children at risk; performs a signal check and prepares an initial individual assessment of a street child; notifies the competent SAD at the current address of the child for further work on the signal; receives signals from the National Hotline for Children (NHC) – 116 111, during off-hours, weekends and public holidays; welcomes unaccompanied children from abroad and escorts them to the Home for the Temporary Placement of Minors in Sofia or the Crisis Center in Sofia, etc.

In recent years, many services have been launched to protect children at risk, incl. long-term programs for working with parents to prevent children from turning to the streets. Creating integrated social, health and education services for the homeless is a key measure to reduce poverty and social exclusion.

As the poverty of the family directly leads to child poverty due to the lack of funds for their support, with the aim of improving the quality of life of vulnerable groups in Bulgarian society and creating conditions for their full personal realization, with Protocol No. 5.1 of the Council of Ministers of 06.02.2013, a **National Strategy for Poverty Reduction and Promotion of Social Inclusion 2020 (NSPRPSI 2020)** was adopted. The main target groups of the policy in the field of poverty reduction and promotion of social inclusion are: persons with disabilities (children and elderly); families with children; disadvantaged groups in the labor market or outside the labor market (unemployed young people, long-term unemployed, etc.); the homeless and those living in poor housing; vulnerable members of the Roma community and working poor.

The SACP, jointly with the Ministry of Labor and Social Policy (MLSP), the Social Assistance Agency (SAA), the Ministry of Education and Science (MES), the Ministry of Health (MH), the Ministry of Finance (MF) and the municipalities, is the responsible institution for two of the main priorities of the NSPRPSI 2020, namely Priority 4 and Priority 6, formulated on the basis of the outlined challenges facing Bulgaria in the field of poverty and social exclusion, and in fulfilling its commitments to achieve the objectives of the Europe 2020 Strategy.

- *Priority 4: Elimination of the institutional model of care and development of cross-sectoral social inclusion services*

In recent years, the policy of providing support to children and families has been oriented towards the introduction of a completely new approach in child care, aimed at prevention, early intervention, support for families, and providing a family or close to family environment for every Bulgarian child. One of the main tools to achieve these goals is the deinstitutionalization of childcare. The National Strategy "Vision for Deinstitutionalization of Children in the Republic of Bulgaria", adopted in 2010, envisages the closure of all institutions for children by 2025.

The reform dealing with the deinstitutionalization of children continues in accordance with the updated Action Plan for the implementation of the National Strategy "Vision for Deinstitutionalization of Children in the Republic of Bulgaria" (updated plan), adopted by the government in 2016. The updated deinstitutionalization plan also focuses on targeted support measures for children and young people leaving specialized institutions, including the creation of conditions and the acquisition of independent living skills. They need knowledge and social skills to help them continue their education, find a home and work, and cope with the daily tasks of life. The financial security of the activities related to the creation of services for children leaving specialized institutions is essential for the fulfillment of one of the main objectives of the reform – all children in need should have access to services in a family environment or in the community.

Analysis of the data from the monitoring report for the period 01.01–31.12.2018 shows a decrease in the number of children accommodated in the existing 27 specialized institutions on the territory of the country. The total number of children and young people in institutional care is 633, of whom 452 are accommodated in Homes for Medical and Social Care for Children (HMSCC) and 210 in Homes for Children Deprived of Parental Care (HCDPC). By comparison, at the beginning of the process in 2010 there were 137 specialized institutions for children operating in

the country and raising more than 7,500 children. During the first phase of the reform, all homes for children with physical and mental disabilities, as well as homes for children aged 4 to 7, were closed. In the first half of 2018, the placement of children in HCDPC, and of children up to 3 years of age without disabilities in HMSCC was suspended.

The total number of Family-type Accommodation Centers for Children / Youth by 2018 is 270, with a total capacity of 3 389 beds and 2 853 children / young people actually accommodated.

The residential-type social services for children / young people include also the **Transitional Housing and Crisis Centers**. The children in transitional housing acquire skills for independent living, with the support of professionals. The activities of the service incorporate approaches to independent living in a suitable transitional environment in order to achieve social inclusion. As of 2018, the total number of **Transitional Housing Homes** operating in the country is **18**, with a capacity of 140 beds and actual occupation 108. As of 2018, there are **18** functioning **Crisis Centers** for Children on the territory of the country with a capacity of 196 beds and actual occupation 114.

The total number of cases of abandonment prevention, which was handled by the end of December 2018 is 3 325. The number of successfully completed cases of abandonment prevention in 2018 is 1 773. The new cases which have been opened for work from the beginning of the calendar year until 31.12.2018 were a total of 2 703.

It is the authority of the Chair of the State Agency for Child Protection to issue licenses for providing social services for children, in accordance with Art. 43b, para 1 of CPA and Art. 38 of the CPA Implementing Regulations. Licensing of child care providers is part of the process of deinstitutionalization aimed at developing a network of social services to meet the needs of children and their families. From January 1, 2018 to December 31, 2018, the Chair of the State Agency for Child Protection issued 136 licenses for providing 136 social services for children, of which 25 were for innovative services.

- *Priority 6: Improving capacity and synergies in education, health, employment and social services while pursuing common goals of social inclusion*

This priority envisages improving the quality and efficiency of the services provided in sectors leading to social inclusion, both by modernizing the work of institutions and providers working in this field and by improving synergies between the different systems. In order to optimize the efficiency of the processes in the social, educational and health systems, it is necessary to increase the degree of use of information and communication technologies and technological innovations in the development, delivery and use of services.

Poverty and exclusion are usually associated with low levels of education. In this regard, one of the main tools for reducing poverty and social exclusion are early childhood development programs and policies that are a prerequisite for preventing intergenerational transmission of poverty. The SACP, together with the SAA, non-governmental organizations and regional administrations, is also a partner in the implementation of *Priority 2 of the NSPRPSI 2020: Ensuring equal access to quality pre-school and school education*.

It should be noted that in Bulgaria there are no official statistics on both the exact number of homeless adults and the exact number of homeless children. This calls into question the correctness of the cited data for Bulgaria (500,000 homeless people), since they are collected from different information sources, from various state and non-governmental organizations, are collected on

different occasions and with different measurement indicators. The different indicators for measuring outcome hamper the comparability and monitoring of the implementation of individual development policies. The lack of an integrated information system and effective mechanisms for data exchange between existing databases hampers adequate planning of policies and measures to address the problem, increases public spending on multiple information gathering, and impedes opportunities to develop and implement systematic and sustainable solutions.

According to the Annual Report on the Activity of the National Hotline for Children 116 111 for 2019, prepared by the Animus Association Foundation that maintains the line, 61 signals for street children were received in 2019.

Poverty, low incomes and social exclusion continue to be a problem for Bulgaria, which, unfortunately, directly affects the quality of life and well-being of children in this country. This requires further focused efforts, a comprehensive and integrated approach that will help to address these issues durably, interrupt the transmission of intergenerational poverty and guarantee the rights of children in Bulgaria.

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