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| **European Semester 2018/2019 country fiche on disability** |
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| With comparative data provided by the ANED core team |

The [Academic Network of European Disability experts](http://disability-europe.net/) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and implementation of the United Nations Convention on the Rights of Persons with Disabilities in the EU.

This country report and statistical annex have been prepared as input for the European Semester from a disability perspective.

 

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# Summary and recommendations

## Key features of the disability situation and challenges in 2018-19

Bulgarian disability legislation and policies **remain far from inclusive** despite the UN CRPD ratification back in 2012. Legislative revisions in compliance with the CRDP had been delayed in 2015 and scheduled for 2020. The UN Committee on the Rights of People with Disabilities reviewed the situation in Bulgaria for the first time in September 2018 and its observations underlined numerous gaps both in national legislation and practice. Elaboration of a new Persons with Disabilities Act, Social Services Act and Personal Aid Act started in 2018. A coordinated and systematic approach in the elaboration of disability policies and legislation is lacking.

As mentioned in the 2018 CSR Bulgaria needs **to increase the employability** of disadvantaged groups by upskilling and strengthening activation measures. However, the 2018 NRP mentions only that ‘the unemployed from the most disadvantaged groups’ and **no concrete figures** of persons with disabilities involved in employment programs are mentioned in any governmental documents apart from measures planned under the Employment Promotion Act, which are negligible. Active policy measures for training and employment of disabled people are scarce and temporary. The scarce data available to the public indicate that economic activity and employment rates for disabled Bulgarians are about 10-14 percentage points behind the EU average. Unemployment rates among young people are particularly high and disability unemployment gaps are very wide. The degree of disability disadvantage in Bulgaria is quite extreme and needs to be assessed and addressed.

**Education levels** reported for disabled people are low, and no disaggregated national data is available on early leaving, but the effects translate into high unemployment rates and strong dependence on social welfare, i.e. remarkable poverty risk among the disabled population. The gap in early leaving is very large and increasing. The effect of implementing the 2017 efforts for coping with this situation is still unclear. **Inclusive education** is supported mainly by an EU funded project, the implementation and effect of which are still non-transparent. Tools and methodologies for inclusive education to comply with the 2016 Education Act are lacking. Evaluation of the quality of inclusive education is not being performed.

In January 2018 the Council of Ministers adopted the *Action plan 2018-2021 to the National Strategy for Long term Care* - a welcome development. However, prioritising the establishment of group homes, day-care centres and centres for rehabilitation rather than sufficient and effective support for independent living of persons with disabilities risks further social exclusion. **De-institutionalisation** of children’s services in Bulgaria still does not contain sufficiently effective measures for the promotion of family support, foster care and adoptions, and leaves open the admission to institutions of babies (especially from poor households). Development of early child development services is lagging. Research in quality of community-based services both for children and adults with disabilities is lacking. Technical aids are outdated and assistance is provided on a year-by-year project basis. In 2018 disability NGOs began protests against the current personal assistance schemes and the planned amendments in the disability assessment mechanism. Negotiations between them, the government and the Parliament continue with no clear vision of the outcome or consistency of position among the diverse NGO actors involved.

Disability status in Bulgaria is still provided on the basis of medical diagnosis with no individual assessment of needs for social inclusion and participation. Disability pensions, disability allowances and welfare benefits continue to be below the level of a survival income. Social services are extremely insufficient, although they grow slowly in number and in capacity. All these factors make the poverty risk of disabled people in Bulgaria extreme.

##  Recommendations

**Employment**

Balance support for employers of disabled people with personal supports for every disabled person on the basis of individual needs assessment for specific job performance.

* This approach should replace the current practice of opening special jobs and maintaining of special enterprises for disabled people.

**Educa**t**ion**

Implement inclusive education with clear and transparent guidance, targets and implementation indicators.

* Teaching materials, tools and adaptations should be provided to comply with the 2016 Preschool and School Education Act.
* Acquisition of knowledge, skills and competences on the part of disabled children should be main priority in education policies, which in turn will raise their compatibility on the labour market.

**Poverty and social inclusion**

Revise and reform the deinstitutionalisation process in such way as to provide for real choices for the disabled people.

* Options for accessible and affordable housing should be created and personal assistance should be made available for all disabled people depending on their support needs.
* Funding for residential care should be organised in a way that to allow disabled people to choose whether they go for community living or stay in residential care. Such an approach can lead to effective reduction of applications for residential placements, contribute to social inclusion and overcome poverty.

Revise the criteria for assessment of degree of impairment to incorporate the human rights model of disability in the assessment process and ensure that persons with disabilities maintain an adequate standard of living.

Intensify efforts to ensure that all persons with disabilities can meet the additional costs of disability, including by increasing allocations and resources for it.

**Cross-cutting issues**

Develop new disability legislation as soon as possible to bring the Bulgarian legal framework in line with UN CRPD and provide a sound basis for inclusive policies.

* The drafts of the new Persons with Disabilities Act, Personal Aid Act and Social Services Act should be discussed by a competent and diverse working group within the Parliament including various disability NGOs and experts. Coordinated, systematic and compliant with the UNCRPD approach needs to be applied in this discussion
* Serious reforms are needed in the disability assessment procedures and granting disability status, denouncing the universal nature of one and only document issued by a panel of medical doctors. The Government should give serious consideration to the International Classification of Functioning, Disabilities and Health Individual (ICF) – a World Health Organisation approach to disability assessment – and incorporate it into the Bulgarian disability legislation.
* Eligibility in regard to disability benefits (pension, allowances, direct payments) and individual supports such as technical aids, accessible and affordable housing, personal assistance and peer support should be the result of a disability related needs assessment.

Strengthen the monitoring and enforcement of accessibility in existing and new developments.

* Accessibility of the built environment remains an issue in practice, though the legislation is in place.
* Urgent measures are needed to improve accessibility and inclusiveness of mainstream public services – transport, education, healthcare, etc. – in order to accommodate the needs of disabled people.

Collect, analyse and publish disability specific data from all line ministries in charge of different areas of public life (health, education, employment, income and living conditions, transport, sports, culture, etc).

* This will show the extent to which the mainstream environment is adapted to accommodate the needs of disabled citizens.
* Line ministries should commission monitoring and evaluation of their policies from disability inclusion perspective in order to develop sectoral policies in inclusive manner.

Strengthen the Agency for People with Disabilities with more powers to shape and implement policies for the social inclusion of disabled people.

* It should be engaged in consulting other line ministries on their policies how to accommodate the needs of disabled people.
* It should be authorised to lead and be responsible for the provision of personal supports – such as disability allowances, technical aids and personal assistance – in order to allow for different approach (individualised, human-rights based, result oriented, accounted for by the disabled beneficiaries) than the one applied to welfare allowances (at minimum, survival level, means tested and non-ear-marked for the beneficiaries).

## The EU2020 targets in relation to disability strategy and rights

As part of Member State commitments to the EU2020 strategy, the targets shown in Table 1 were established for the general population. Disability policies are highly relevant, and it is unlikely that the EU targets can be achieved without actions and investments to mainstream disability equality in these three areas. This country report shows where the main disability equality gaps exist, at the national level. It assesses the main policies in place to address these gaps and identifies the opportunities to mainstream disability equality in the semester review process.

Table 1: Europe 2020 and agreed national targets for the general population

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| --- | --- | --- |
|  | **Europe 2020 targets** | **National targets[[1]](#footnote-2)** |
| **Employment** | 75% of the 20-64 year-olds to be employed | 76% |
| **Education** | Reducing the rates of early school leaving below 10% | 11% |
| At least 40% of 30-34–year-olds completing third level education | 36% |
| **Fighting poverty and social exclusion** | At least 20m fewer people in or at risk of poverty and social exclusion | 260,000 (persons living in monetary poverty) |

The statistical annex to this country report provides comparative indicators of the disability equality gaps existing in these target areas (based on ANED’s annual analysis of EU-SILC microdata since 2008).[[2]](#footnote-3)

### Recommendations from the UN CRPD Committee relevant to EU2020

The UN CRPD Committee reviewed the situation in Bulgaria for the first time in September 2018. It noted only three positive aspects: the prohibition of discrimination on the basis of disability in the Protection from Discrimination Act, the adoption of the Long-term national strategy for persons with disabilities for the period 2016 – 2020, and the Action Plan of the Republic of Bulgaria for the implementation of the Convention on the Rights of Persons with Disabilities (2015 – 2020) and the declaration of the government that ‘inclusive education became a national priority’.

Regarding **employment** the UN Committee recommends that Bulgaria should:

* Adopt a policy framework and a strategy to promote employment for persons with disabilities in the open labour market, including by increasing resources for it, with the aim to make transition from sheltered employment to open labour market easier;
* Recognise in its legal and policy framework the right of persons with disabilities to reasonable accommodation at the workplace;
* Raise awareness among the public and private companies about the reasonable accommodation at work;
* Reinforce training programmes for persons with disabilities concerning skills that are required in the open labour market, and also skills in entrepreneurship, and collect disaggregated and targeted information about the participation of women and men with disabilities in the programmes and the outcome of the trainings for them.

Regarding **education** the UN Committee recommends that Bulgaria should:

* Fully replace the practice of segregated systems with quality inclusive education;
* Raise awareness and promote the advantages of quality inclusive education for society, especially among teachers and other education staff, and parents of children without disabilities;
* Intensify its efforts to ensure quality inclusive education and provision of reasonable accommodation for students with disabilities in the mainstream schools, including by increasing systematic and sufficient allocation of all necessary human, technical and financial resources for it;
* Collect data on the number of children and youth with disabilities not currently enrolled in any form of education disaggregated by age, sex, type of impairment, place of residence, and develop a strategy to include these children into the mainstream education system.

Regarding **poverty and social protection** the UN Committee recommends that Bulgaria should:

* revise the criteria for assessment of degree of impairment to incorporate the human rights model of disability in the assessment process, and ensure that persons with disabilities maintain an adequate standard of living.
* intensify its efforts to ensure that all persons with disabilities can meet the additional costs of disability, including by increasing allocations and resources for it.

Regarding **independent living** the UN Committee recommends that Bulgaria should:

* significantly expedite the transition process ensuring all persons with disabilities living in any form of institution, including psychiatric hospital units, and small community-based group homes, the right to and possibility of living independently within the community, paying particular attention to persons with psychosocial disabilities, intellectual disabilities, children with disabilities, and elderly persons with disabilities;
* Increase resources for developing individualized support services for persons with disabilities regardless of type of impairment and age. These services should include peer support and personal assistance;
* adopt legislation concerning individualized and self-managed personal assistance and social and support services, recognising the right to living independently and being included in the community as a subjective right for all persons with disabilities regardless of impairment and required level of support;
* implement a procedure to meaningfully and disability-sensitively consult with organizations of persons with disabilities on all aspects of the implementation of article 19, including deinstitutionalization strategies and processes;
* use financial national and international resources from the EU to advance inclusion of persons with disabilities in society and introduce efficient remedies and guidelines to avoid spending national and international funds on establishing infrastructure, housing and/or services which are not accessible and affordable for all persons with disabilities.[[3]](#footnote-4)

The UN Committee had also 10 more pages of recommendations including such for general issues like:

* speed up the ratification process of the Optional Protocol to the Convention and ensure dissemination of public information concerning this process.
* undertake a review of legislation with the aim to bring it in line with the human rights model of disability.
* withdraw any derogatory terminology concerning persons with intellectual disabilities and persons with psychosocial disabilities, and in consultation with representative organizations of persons with disabilities, develop an assessment policy and procedure, in line with the human rights model of disability.
* revise the draft bill and withdraw the 2018 amendments to the Integration of Persons with Disabilities Act that contravene the Convention.
* adopt the new Persons with Disabilities Act ensuring its compliance with the principles and provisions of the Convention and establish a framework for adoption of sectorial legislation that ensure mainstreaming and inclusion of the rights of persons with disabilities in all areas of life.
* strengthen and implement formal mechanisms for effective and meaningful consultation of persons with disabilities concerning the implementation of the Convention, through their representative organizations, including organizations of women with disabilities, organizations of children with disabilities, and organizations of families of persons with disabilities in their supportive role;
* provide continuous funding for organizations of persons with disabilities and transparent criteria and mechanisms for consultation, including information in Easy Read, and other accessible formats for all persons with disabilities;
* provide organizations of persons with disabilities with information and timetable of the consultation process concerning the envisaged reforms aimed at changing the certification of disability, capacity to work and the right to retirement, in line with the human rights model of disability.
* ensure that persons with disabilities, including persons under guardianship can access remedies available in cases of disability-based discrimination, and strengthen the capacity of the Equality Body to exercise its mandate concerning procedures for protection of persons with disabilities against discrimination.

Regarding **children with disabilities** the UN Committee recommends that Bulgaria should:

* ensure full deinstitutionalization of girls and boys with disabilities, and their right to live in a safe family environment, including foster families;
* increase further the resources allocated to development of inclusive support service network in local communities, and empowerment of families with children with disabilities on living independently and being included in the community;
* increase awareness, strengthen the capacity, and accountability mechanisms at the municipal level to implement and finance support for inclusion of children with disabilities in the community;
* adopt regulations and programs to ensure that children with disabilities can express their views and opinions on all matters affecting them in family, schools, and in society, and in particular children who remain under institutionalization, in close consultation with representative organizations of children with disabilities.

Regarding **health and rehabilitation** the recommendations are:

* raise awareness of the human rights model of disability among all health professionals, including training on the right to free and informed consent and to take note of article 25 of the Convention in the implementation of target 3 of the Sustainable Development Goals.
* adopt a policy framework and a time bound strategy to provide women with disabilities with accessible sexual and reproductive health care and information, and services appropriate to their age.
* ensure access to diagnostics, health care and medical rehabilitation to persons with disabilities, especially those with chronic, genetic and rare diseases.
* adopt habilitation and rehabilitation programmes that target all persons with disabilities, irrespective of their impairment, sex, gender or age.
* ensure meaningful participation of persons with disabilities in habilitation and rehabilitation services, and that programmes are designed in close collaboration with organizations of persons with disabilities.

### National disability strategies, plans and targets relevant to EU2020

Most of the disability related policy documents (strategies and action plans) do not contain specific targets – quantitative or qualitative. Numbers report accomplishments and do not engage the Government with future targets as far as people with disabilities are concerned. These include:

* **Long-term Strategy on Employment of Disabled People** (2011 – 2020).[[4]](#footnote-5)
* **Action Plan on Implementation of the UN Convention on the Rights of Persons with Disabilities** (2015 – 2020) passed by the Council of Ministers on the 25th June 2015.[[5]](#footnote-6)
* Report on the Implementation of the Action Plan with Measures to Harmonise the Bulgarian Legislation and Policies with the UN CRPD.[[6]](#footnote-7)
* **National Strategy for Persons with Disabilities 2016-2020**, adopted by the Council of Ministers on 7 July 2016.[[7]](#footnote-8)
* **The 2016-2018 Action Plan for the Implementation of the National Strategy for Persons with Disabilities**, adopted by the Council of Ministers on 2 December 2016,[[8]](#footnote-9) mentions concrete figures regarding some of the planned measures. Examples are: 35% of the registered as unemployed persons with permanent disabilities to be employed annually; 600 persons with disabilities are expected to be employed in 2018 under the *National Program for Employment of Persons with Permanent Disabilities*; another 1,350 persons with disabilities are expected to be employed under the Employment Promotion Act and 2,000 persons with disabilities - to be supported in finding employment for at least one year; 10 specialised enterprises for persons with disabilities would be technically modernised and for 660 persons with disabilities in them the working conditions would be improved on an annual basis; in 2018 resource support is expected to be provided by 1,534 teaching specialists to 13,032 children with special needs studying in mainstream schools; 420 teachers were expected to be trained on therapeutic and other working methods with children with special needs in 2016 and around 17 schools were planned to be adapted to the needs of children with special needs in 2016.
* The **2017-2018 Action Plan for Implementation of the National Strategy for Reduction of Poverty and Social Inclusion**, adopted in 2017,[[9]](#footnote-10) also mentions some concrete figures related to persons with disabilities. It envisages that: 500 persons with disabilities over the age of 18 would start searching for a job or would be employed, and 900 persons with disabilities would benefit from services under ‘Active Inclusion’ scheme; 1,800 children with special needs would be provided support in inclusive education, 250 children with special needs aged 3 to 6 would benefit from prevention services and 33 kindergartens would be equipped to provide supportive environment under the EU funded project ‘Support for Early Access and Personal Development’; 149 new social services and integrated health-social services for support of children and families would be developed and 41 existing services would be reconstructed, refurbished and equipped to be able to expand their activities under BG16RFOP001-5.001 ‘Support for Deinstitutionalization of Child Care’ scheme. The plan also mentions that under ‘Support for Persons with Disabilities’ scheme daily and hourly services would be provided to 180 persons with disabilities over the age of 18, consultation and similar services - to 360 persons, social and health services after leaving institutions - to 60 persons. Under the ‘Independent Living’ scheme 14,000 persons over the age of 65 and persons with disabilities unable to take care of themselves would be provided assistance services.
* **Action Plan for the 2018-2021 period on the Implementation of the National Strategy for Long-term Care** was adopted in January 2018.[[10]](#footnote-11) The anticipated results of the implementation of the plan are:
	+ Provision of quality **care and support** in new community services for a **minimum of 750 persons with mental disabilities**, removed from the specialised institutions.
	+ Provision of new services for daily, hourly and residential care and support for **more than 2,000 persons** with disabilities and elderly people, dependent on care.
	+ Provision of care through social **services in domestic environment for more than 17,000 persons** with disabilities and elderly people, dependent on care.
	+ Provision of patronage care to more than 17,000 persons with disabilities and elderly people, dependent on care.
	+ **Closing of 10 specialised institutions** for persons with mental disorders and intellectual disabilities.
	+ Opening of **6-day care centres** for supporting persons with dementia and their families, and **68 family-type accommodation centres for 1, 260 people** with mental disabilities and old people unable to take care of themselves in the 2018-2020 period amounting to BGN 41,373,980 (€ 20.6m).
	+ Opening of **10 new day care centres** for persons with disabilities and their families, including with severe multiple disabilities, with a total number of users: 300 persons with disabilities receiving daily and hourly care, and 600 persons (persons with disabilities, parents and other relatives of these persons, who provide care to them), receiving consultations and other similar services during the 2018-2020 period.
	+ Opening of **10 new centres for social rehabilitation and integration** for persons with mental disorders and for persons with intellectual disabilities, with a capacity of up to 40 places each.
	+ BGN 3m (€ 1.5m) have been planned for creating **social enterprises in which no less than 150 persons will work**: young people with mental disorders and intellectual disabilities, living in FTAC; adults with mental disorders and intellectual disabilities, living in community-based social services for the 2018-2020 period. The duration of every project should be no less than 12 months.

# Disability and employment - analysis of the situation and the effectiveness of policies

The data available from SILC, and analysed by ANED, indicate that while the disability employment rate in Bulgaria appears only moderately low, compared to the EU average, the gap between disabled and non-disabled persons is very wide. The same is true for unemployment and the rate of economic activity is also low. Disabled people in Bulgaria have significantly lowered chances to enter the labour market and to find work (and these data do not include people living in institutions who may be very far from the labour market). The wide disability employment gap in Bulgaria is a significant policy challenge that needs to be addressed (see Table 34, Table 45 and Table 56 in annex).

The employment data available nationally refers only to the administrative category of persons who have been assessed as disabled and registered with employment services. This data refers to a smaller population than the total of those who are self-reported as having some level of activity limitation in the EU-SILC. No data on disability status is collected in the national Labour Force Survey, although Eurostat publishes estimates from the ad hoc module to the EU-LFS in 2011. In that data Bulgaria reported the lowest employment rate in the EU among people with limitation in work activities.[[11]](#footnote-12)

**Persons with disabilities are over-represented among older unemployed people** (see also Table 67 and Table 78 in annex). The Employment Agency reports that in 2017 the share of registered unemployed persons with disabilities among all unemployed over the age of 50 was 61.8%. Over half of them (58.8%) have high school education, the majority with vocational qualification. Regarding their professions, 39.8% of these persons with disabilities do not have professional qualification, 36.4% are workers and 23.8% are specialists.[[12]](#footnote-13)

Administrative disability status is granted on the basis of diagnosis causing ‘reduced capacity to work’. The old-fashioned approach of placing disabled people into ‘retirement due to disability’ is still in place (making them inactive beneficiaries of disability pensions, regardless of the age and excluded from the unemployment statistics). Consequently, **a large portion of disabled people – as disability pensioners – are unaccounted for as unemployed**. Disabled persons with 50% or more reduced working capacity who have some work service are entitled to a disability pension (the size of which is based on the social security contributions during their work service) regardless of age (SSC, Art.72). Those who are granted disability pension, and acquire retirement status, exit the labour force and are excluded from the unemployment statistics respectively. Those with severe impairments (over 90% reduced capacity to work) rarely register with the Employment Agency Offices. In many cases their disability status (over 90 percent reduced work capacity) bars them from the right to employment at all.[[13]](#footnote-14) In addition, disabled people in institutional care, who receive pensions due to impairment – regardless of their age – are not considered at all in the labour force statistics.

The number of pensioners receiving social disability pension (having over 70% disability and no work service) as of end of 2017 was 50,428 and the number of social disability pensions in total were 435,764 (received by persons who also have another type of pension or a job).[[14]](#footnote-15) Those who receive disability pension and have had work service are 455,566 as of end of 2017. The number of disability pensioners of working age in 2016 was 273,095.[[15]](#footnote-16) No such data had been identified in 2017, neither is data available about employment levels among this group.

During 2017-2018 the Government reported only the average of 1,800 persons involved in a national program for subsidized employment. According to the Ministry of Social Policy the expected number of persons with permanent disabilities (and persons who have passed treatment to overcome drug addiction) who are/would be employed in subsidised employment in 2018 for 24 months under the programme is slightly increased compared to 2017 at 1,990. The allocated funding for this is around BGN 9.3m (appr. € 4.65m).[[16]](#footnote-17)

The Employment Agency underlines that **in 2017 the transition period from unemployment to employment for persons with disabilities was shortened**.[[17]](#footnote-18) However, the agency does not present any concrete number of persons with disabilities to whom employment was provided under the state subsidized programmes according to the Employment Promotion Act (EPA). When reporting it groups them with other unemployed disadvantaged groups of persons and the total number under Art. 51, para 1 and 2 of the EPA[[18]](#footnote-19) for 2017 is 1,084. Apart from that the Agency does not further mention persons with disabilities in its 2017 report.

The 2018 National Employment Action Plan again as in previous years mentions persons with disabilities as a priority target group for active employment measures in the labour market among other disadvantaged groups. For example, persons with disabilities are mentioned in the Projects ‘Horizons 3’, ‘We can too’, and ‘Active inclusion’ as a target group for support and inclusion in the labour market. The only concrete numbers are identified in the earmarked measures under the Employment Promotion Act (EPA). The plan envisages during 2018:

* under Art. 36, para 2 of the EPA[[19]](#footnote-20) 22 persons below the age of 29 to be employed for up to 9 months
* under Art.42, para.3 of the EPA - 200 persons (including young people who left institutions) to be employed for up to 1 year
* under Art.43a – 300 persons to be provided supported employment,
* under Art. 51, para 2 of the EPA[[20]](#footnote-21) – 445 persons out of whom 150 newly employed for 3 up to 12 months
* and under Art. 52 of the EPA[[21]](#footnote-22) – 134, out of whom 100 newly employed for up to 6 months.[[22]](#footnote-23)

It its 2018 response to the UNCRPD’s list of issues the Bulgarian government enlisted the following employment measures:

‘In terms of projects to provide an **accessible working environment**, the Agency for People with Disabilities (APD) has so far financed 12 contracts worth a total of BGN 401,150 (appr. EUR 200,000) including BGN 281,378 accounted for and BGN 119,772 transferred to budget-financed and municipal enterprises. One of the specific objectives of the Operational Programme Human Resources Development is to tackle unemployment among vulnerable groups in the labour market — unemployed and inactive persons removed at a distance from the labour market, including long-term unemployed, persons with low levels of education, persons over 54, and persons with disabilities. A number of employment-related operations placed special focus on the **integration of persons with disabilities into the labour market**, according to the Government. Part of the target group of *Operation New Workplace*, which has a budget of BGN 125 million (EUR 62,5 million), are unemployed or inactive persons with disabilities who could be employed in suitably adapted and equipped workplaces as a way of boosting employment. Another operation, seeking to encourage social entrepreneurship, promises support to social enterprises, specialised enterprises and cooperatives in the employment and occupational adaptation of persons with disabilities. Within the framework of the regular session in May 2018 of the OPHRD Monitoring Committee, new components were launched as part of ongoing employment agency projects ‘Training and employment of young persons’ and ‘Trainings and employment’. The aim is to provide opportunities for employment and for the acquisition of skills and knowledge to enable **inactive and unemployed persons with permanent disabilities to overcome the difficulties of joining the labour market and economic life**. **Some 1,200 individuals are expected to join the new components of the two projects.’**

According to Ivailo Naidenov, Employment Agency official, present at the UNCRPD session in September 2018, under Art.36, para.2 of the Employment Promotion Act in 2017 the total of 10,742 persons with disabilities had started work, during the first half of 2018 - 5,000 had started work and over 1,500 were involved in subsidized employment. In 2017 slightly over BGN 18.1 m was spent for these activities. Again he reported that 20.1 % persons with disabilities had been employed in 2017 and that the percentage of unemployment among persons with disabilities was 8.5 % compared to 6.2 % of unemployed persons in general. BGN 19 m (from the ESF) was allocated in August 2018 for employment of around 1,000 persons with disabilities up to 29 years-old and over 29 years-old.[[23]](#footnote-24)

**Assessment of policies**

The 2018 NRP envisages promoting employment of a very limited number of persons with disabilities (although slightly increased compared to 2017) through social inclusion and support in employment under several EU-funded operations. **The challenges related to inaccessible environments and lack of individual supports remain completely unaddressed.**

The approach to employment of disabled people continues to support employers while failing to assist disabled people in their efforts to get and sustain a job (e.g. with appropriate transport means, technical aids or personal assistance, not to mention the lack of accessible environment, which restricts their mobility in general). The results are limited to ‘subsidised employment’ for the duration of the grant scheme under the Human Resource Development Operational Programme. The major weakness of these schemes rests, with their design, which provides for minimum monthly wage plus social security contributions paid by the Operational Programme to the employers hiring registered unemployed people with disability status but ignoring support for the individual needs of the disabled job applicants.

**Special enterprises and protected workshops (263 as of August 2018)[[24]](#footnote-25) continue to prevail in the employment of people with disability status.** In addition to the special treatment they enjoyed so far – tax relief, rebates on social security contributions for rehabilitation of disabled workers, Government subsidies and State aid – amendments to the Public Procurement Act were made allowing for some tenders to be announced for special enterprises only.[[25]](#footnote-26)

Surprisingly, **the 2018 Action plan of the Agency for Persons with Disabilities does not contain any concrete numbers of beneficiaries and funding**.[[26]](#footnote-27) Neither is there a publicly available report for the implemented activities in 2017, only a table stating that 33 new workplaces had been opened by persons with disabilities starting their own business, 63 workplaces had been opened and adapted for persons with disabilities, 14 special enterprises were equipped with new technologies, and for 660 persons with disabilities working in special enterprises the work environment was improved.[[27]](#footnote-28)

In 2015 the concept of **‘supported employment’** was introduced as provision of support to unemployed persons with permanent disabilities (and other groups of disadvantaged persons) according to their specific needs to work in non-subsidised workplaces.[[28]](#footnote-29) It was planned that only 300 persons with disabilities would be supported in finding jobs in 2017 under this measure at the cost of BGN 90,000 (€ 45,000).[[29]](#footnote-30) No data was identified about the implementation of this measure but it is again mentioned in the 2018 Employment Plan and again for 300 persons.

Since 2014 a **new electronic register of the vacant job positions for persons with permanent disabilities** started functioning.[[30]](#footnote-31) However, there were problems in receiving and processing this information according to the Agency for Persons with Disabilities (APD). In 2016 only 65 Employment Departments provided information to the APD about the job positions announced by employers for persons with permanent disabilities. According to the information provided by them 2,346 employers implemented their duty to announce the job vacancies in 2016. The reserved job positions for persons with disabilities (under the *Labour Code)* were 32,859 and 18,756 out of them were job positions for persons with permanent disabilities (under the *Integration of Persons with Disabilities Act)*. The number of job positions occupied by persons with reduced working capacity were 11,083, and 11,829 by persons with permanent disabilities were. The number of job vacancies for persons with permanent disabilities was 5,381.[[31]](#footnote-32) The APD does not further analyse or explain figures in its reporting and did not publish any report in 2018 on the implementation of its activities in 2017.

In September 2018 the UN Committee on the Rights of Persons with Disabilities noted with concern ‘in spite of the incentives for employers who hire persons with disabilities, they continue facing unemployment and discrimination in the employment sector. The Committee is also concerned about the low level of awareness among employers about reasonable accommodation at the work place. Furthermore, the Committee is concerned about low transition rate of persons with disabilities from sheltered workplaces ‘into open labour market’.[[32]](#footnote-33)

# Disability, education and skills – analysis of the situation and the effectiveness of policies

The available estimates from EU-SILC are more limited than for employment or poverty and social exclusion, as the survey does not identify disabled children and the national disability sample is small among younger age groups, but the data indicates significant disability equality gaps. Bulgaria has one of the highest early leaving rates in the EU and one of the lowest tertiary education rates (and is the only Member State for which no data is reported in the European Agency data tables).[[33]](#footnote-34)

The Bulgarian education system continues to maintain special schools, special classes within mainstream schools and individual education programmes (home teaching) for children with special educational needs. There is a very limited body of research on inclusive education through accommodation of the needs of disabled children in mainstream schools. **No data is publicly available about the students with disabilities enrolled in mainstream schools**, including in vocational training high schools. The lack of data makes it impossible to assess the impact of the new (2016) legislative provisions on students and young people with disabilities. It was only at the UNCRPD session in September 2018 that the Ministry of Education officials provided such data. According to it during the 2017/2018 school year the total of 22,263 children with disabilities had been involved in inclusive education and training – 18,198 in mainstream schools and 4,065 children in mainstream kindergartens. 7,583 children had been supported by Regional Centres for Support of Inclusive Education by 3,728 professionals out of whom: 1,397 special teachers, 763 psychologists, 582 speech therapists, 69 speech and hearing rehabilitators, 105 teachers for children with sight disabilities, 773 teachers’ advisors and two physical therapists.[[34]](#footnote-35) The schools for children with intellectual disabilities had been transformed into centres for special pedagogical support which are 43 in the whole country. 2,821 children with intellectual disabilities had been supported by them while 708 children with hearing and sight disabilities have studied in special schools for such children which still exist.[[35]](#footnote-36)

In July 2017 the minister of social policy, the minister of education and the chairperson of the Social Assistance Agency gathered to discuss the **mechanism for cooperation in prevention of early school leaving**. A multidisciplinary approach with participation of social workers in children-at-risk cases was introduced in September. Exchange between the information data bases of the Ministry of Education and Ministry of Social Policy related to children at risk of leaving school was expected to be used as a tool for tracking the children.[[36]](#footnote-37) As of August 2018 no data about the impact of this approach on children with disabilities has been published. Only scarce media articles mention that as of March 2018 the total of 22,000 children had been brought back to school as a result of the implementation of this mechanism and 4,700 children had been newly enrolled.[[37]](#footnote-38)

**Support for mainstream schooling**

In 2015 a new Preschool and School Education Act was passed and entered into force on 1 August 2016 (para 60 of the Final Provisions).[[38]](#footnote-39) The trend of enrolling children with special needs predominantly in mainstream schools and gradually reducing the number of these children in special schools is steady. As there is not any publicly available statistical data about the number of students with disabilities in special and mainstream schools for school year 2017/2018, data from the planned budget standards of the Ministry of Education was reviewed. According to it, some 2,722 children study in centres for special educational support (former special schools for children with intellectual disabilities) currently and the annual allowance per child for education in them is BGN 4,565 (€ 2,341).[[39]](#footnote-40) The same budget estimates show that around 14,000[[40]](#footnote-41) students with disabilities use resource support while studying in mainstream schools. In 2018 the methodology of collecting statistical data obviously changed due to the new Preschool and School Education Act and special schools for children with intellectual disabilities were excluded from the data pool - only those for children with hearing and sight impairments are mentioned. This is how no actual statistical data is available for education of children with intellectual and multiple disabilities both in mainstream and special schools.

The Ministry of Education reports that in 2017 it has built the total of: 7 ramps, 15 accessible toilets, 2 lifts and 11 platforms for children with disabilities.[[41]](#footnote-42) A total of 2,626 professionals (teachers, speech therapists, psychologists, rehabilitators, etc.) supported 17,817 children with disabilities in kindergartens and schools.[[42]](#footnote-43) Another 933 professionals from the Regional Centres for Teaching Support also provided support for inclusive education to 7,500 children with disabilities.[[43]](#footnote-44)

The Ministry of Education and Science (MES) is implementing the project ‘*Support for Equal Access and Personal Development*’ under the procedure ‘Providing conditions and resources for the creation and development of a supportive environment in the kindergartens and schools which provide inclusive education, Phase One’ under Operational Programme ‘Science and Education for Smart Growth’. The following activities have been implemented as part of the project:

* ‘Introduction of the pilot model for early assessment of the educational needs of preschool children and for the prevention and early intervention in their learning disabilities’;
* ‘Providing conditions and resources to upgrade and develop a supportive environment in kindergartens and schools for the implementation of inclusive education’;
* ‘Development and validation of the functional model to support the process of inclusive education through participation and use of the capacity of special schools for students with sensory impairments and mental retardation’;
* ‘Introduction of sign language in order to improve access to information and communication for early-childhood and school students with hearing impairments’;
* and ‘Implementing the new model of organisation and functioning of schools for mentally challenged children’.

The Bulgarian government reported to the UNCRPD in May 2018 that existing regulations concerning teaching to early-childhood and school students with impaired hearing allow t**he use of sign language in kindergartens and schools** as a communication aid, but there is still no linguistic model or methodology to educate children and school students with impaired hearing in its use. In line with the strategic objective to introduce sign language, which is embedded in the 2015–2020 Action Plan for the implementation of the CRPD, the foundation Deaf Unlimited Bulgaria carried out a public contract entitled Nationwide Research into the Bulgarian Sign Language under Project ‘*Support for Equal Access and Personal Development*’, which, as part of the Operational Programme Science and Education for Smart Growth 2014–2020, was co-financed by the EU through the European Social Fund. The study provides a basis for granting official recognition to the Bulgarian sign language, for the wide acceptance of conventional signs, the expansion of its grammatical structure and the development of methodological tools for its teaching and use in various spheres and activities. Meanwhile, according to the government, a working group set up by the public advisory body, which is part of the parliamentary committee on interaction with NGOs and dealing with citizens’ complaints, has been tasked with the drafting of a bill on the Bulgarian sign language.

Both the Ordinance on Inclusive Education and the Ordinance on Evaluating Student Performance require that **Braille** be used in teaching to visually impaired students, both in mainstream and in the special schools for visually impaired students. Visually impaired students are also provided with materials in Braille for the purposes of their national external assessment and when sitting for their matriculation exams.

**Assessment of policies**

The targets related to early school leaving in the 2018 NRP do not mention children with disabilities at all. In July 2017 a *Mechanism for joint work by institutions for enrolment and retaining in the education system of children and schoolchildren at compulsory pre-school and school age* was adopted in an attempt to cope with the rising number of early school leavers. The National Network for Children (umbrella NGO) assesses as a progress the introduction of this Mechanism. According to the NGO this ‘is the first serious claim for coordinated interinstitutional action at national level over the last decade, although to a great extent repeating the already existing practices for finding and enrolment of students that exist unofficially in many municipalities and schools across the country. In this sense, such a commitment by the State should be welcomed as a step in the right direction and an attempt for the recognition of the enormous problem of dropping out of school as a responsibility not only of the education system and the family. However, all issues that accompany its implementation in practice must be taken into account.’[[44]](#footnote-45)

It further states that the **weaknesses in prevention of early drop outs** so far are the still unclear effect of its implementation, the short deadlines and the lack of good organisation of the interinstitutional teams by coverage, the unequal involvement of different professionals and the incomplete source database of children subject to compulsory education. Although it is still early to analyse the results of getting children back to school, a key question remains of what coordinated measures will be taken to ensure the long-term and beneficial stay of children at school, what prevention of repeated dropping out is foreseen by the Ministry of Education and what is going on with all the children who were not found at their addresses.[[45]](#footnote-46) Regarding this issue the National Network for Children recommends:

* **Analysis of the results**, short and long-term effects of the implementation of the Mechanism and respectively improving its principles of work.
* Requirement for a **strong commitment and active involvement of all related institutions**, both in the teams for the coverage and in the follow-up measures for integration and against repeated dropping out of students.
* **Development of a comprehensive policy** to support families and children at risk of dropping out to ensure that sufficient conditions for integration at school are genuinely created for children, and that the social barriers related to poverty and social exclusion, cultural characteristics and other difficulties beyond educational ones are removed. Moving away from a policy of sanctions to a policy of supporting the families.[[46]](#footnote-47)

The National Network for Children (umbrella NGO) acknowledged in 2018 progress in adopting a new Ordinance on inclusive education but claimed that ‘there is still not good understanding of the inclusive education philosophy, its implementation in practice in all schools, as well as sustainable financing.’[[47]](#footnote-48) The Network stated that, in practice, their experts assess with a very low mark the progress in the inclusive education field ‘due to the partially secured conditions for the implementation of the legislative initiatives launched in 2016. Sustainable and timely funding and provision with specialists, methodologies, tools and practices has not been yet secured despite the presence of legal requirements.’ The Network recommends that:[[48]](#footnote-49)

* after evaluating the effect of their implementation on children and students, the Ministry of Education should **disseminate the methodologies and tools** developed under the SESG OP within the project BG05M20P001-3.003-0001 – ‘*Support for equal access and personal development*’, incl. tools that are of a purely operational nature in the context of the requirements of the new Ordinance – e.g. individual programme, support plan, etc. As soon as possible, the MES should also equip the schools with a set of tools, methodologies and aids to provide general support in the part for prevention of learning difficulties.
* The 3-year Action Plan for the implementation of the National Development Programme: BULGARIA 2020 to **broaden the scope of the measures with respect to inclusive education** and to pay attention to how and at what quality it is ensured to children in all institutions in the country, as provided for by the Preschool and School Education Act.
* To **create a common shared national vision** for the purposes of inclusive education, that leads to a uniform understanding of its philosophy and implementation. Such a vision must be accompanied by a ‘Roadmap’ of deadlines, resources and responsible institutions.
* The **funding** for the general and the additional support should be as clear and transparent as possible. To secure support not only for children with special educational needs, but also for children at risk, with chronic diseases and gifted children. Funding should not depend only on the individual will of individual managers of educational establishments. The general support activities should provide for specialists, incl. a speech therapist and a psychologist.[[49]](#footnote-50)

The UNCRPD also expressed its concerns regarding inclusive education in Bulgaria after the session in September 2018. The Committee states that it is concerned that segregated education systems still remain, including cases of rejection of enrolment of children with disabilities in mainstream schools. It also is concerned about:

* the low level of awareness about the benefits of quality inclusive education for society, including among teachers and other education staff, as well as parents of children without disabilities;
* the lack of an independent mechanism to monitor and assess the implementation and effects of the Pre-school and School Education Act, especially for children with psychosocial disabilities and children still in institutions;
* the uneven and unsystematic allocation of human and financial resources to ensure sufficient and qualified teachers and auxiliary staff trained in the inclusive education model;
* the lack of data on the number of children and youth with disabilities not currently enrolled in any form of education.[[50]](#footnote-51)

# Disability, poverty and social exclusion – analysis of the situation and the effectiveness of policies

The two key policy challenges in Bulgaria are the high risk of poverty and the high risk of exclusion (including the risk of institutionalisation). The data available from SILC indicate that disabled people in Bulgaria face the highest overall risk of poverty or social exclusion in the EU, an estimated 55.9% AROPE in 2016 (see Table 1415 Table 1516, Table 1617 in annex).[[51]](#footnote-52) Eurostat also confirms that severely materially deprived people were 30 % in 2017 (over 4 times more than the average for the EU).The at-risk-of-poverty rate after social transfers was 23,4% in 2017 (the second highest in the EU).[[52]](#footnote-53) The most recent SILC data shows that disabled materially deprived in Bulgaria are four times more than EU average – 45.2 %.[[53]](#footnote-54) These risks are persistent and present a major policy challenge for Bulgaria. Moreover, the data do not include persons living in institutions, who may be particularly at risk. This situation can be explained by the combination of barriers to labour market access and inadequate social protection, as well as exclusion from education and training.

The 2018 NRP mentions that key highlights of the poverty reduction and social inclusion policy include: the continuation and finalization of the childcare deinstitutionalization process; launching the process of deinstitutionalization of care for the elderly and people with disabilities; expanding access to services by building an adequate network of accessible and quality social and health services in the community and in the home environment; support for families with children, etc.[[54]](#footnote-55)

Poverty and social exclusion of disabled people are of structural and systemic nature, i.e. regardless of the public funds allocated for disabled people, they remain poor and excluded because public policies and legislation do not deliver inclusive solutions in any major area of life. This is the major reason for disabled people or their families to apply for institutional placements and to be admitted into residential care settings at a time when deinstitutionalisation is stated as a priority of the Government. Thus, social exclusion is sustained with the obvious poverty as a result of it, while huge amounts of public funds – both from national and EU sources – are spent.

The income of registered disabled people in Bulgaria is primarily formed by (1) disability pension; (2) disability allowances, and in a minority of cases (3) salary from employment. Most disabled people are not in employment, which leaves them with income from a disability pension and disability allowances, both at very low levels.[[55]](#footnote-56)

The **poverty reduction plan for 2017-2018[[56]](#footnote-57)** envisaged that:

* 500 persons with disabilities over the age of 18 would start searching for a job or would be employed, and 900 persons with disabilities would benefit from services under ‘Active inclusion’ scheme.
* 1,800 children with special needs would be provided support in inclusive education, 250 children with special needs aged 3 to 6 would receive prevention services and 33 kindergartens would be equipped to provide supportive environment under the ‘Support for Early Access and Personal Development’ scheme.
* 149 new social services and integrated health-social services for support of children and families would be developed as well as reconstruction, refurbishment and equipment of existing 41 services to be able to expand their activities would be performed under BG16RFOP001-5.001 ‘Support for Deinstitutionalization of Child Care’ scheme.
* ‘Support for persons with disabilities’ scheme would start to provide: daily and hourly services to 180 persons with disabilities over the age of 18, consultation and similar services - to 360 persons, social and health services after leaving institutions - to 60 persons.
* ‘Independent Living’ scheme would provide personal assistance to 14,000 persons over the age of 65 and persons with disabilities unable to take care of themselves.
* ‘Accept me’ scheme would provide social and health services to 200 children and youth leaving institutions and 30 providers are expected to expand their activities.
* ‘Continuous Support for Deinstitutionalization of Children and Youth’ scheme 2018-2023 would help the transition period of 670 children and youth leaving institutions as well as the assessments of 820 children and youth already placed in community-based residential FTACs.
* During the period 2017-2018 the Ministry of Health plans to open centres for complex social and health services for children with disabilities and chronic diseases, to train the staff and to develop legislative regulation for them. As of August 2018 this did not happen.

Following the social inclusion policy and in particular the **National Strategy for Reducing Poverty and Promoting Social Inclusion 2020**, the Action Plan for 2017-2018 envisages several measures under EU funded schemes for inclusive education, expanded provision of personal assistant services, subsidised employment, health and social services and early intervention services for children with disabilities. However, the scope and the design of the services are far from inclusive and matching the individual needs of the potential users. The latter are not consulted in designing and quality monitoring of the services. The medical assessment model (the diagnosis and the level of the misfunctioning) is predominant in terms of referring to certain services.

**Disability Assessment Reform**

The **Concept for Disability Assessment Reform**[[57]](#footnote-58) in Bulgaria was elaborated by the Ministry of Labour and Social Policy in the summer of 2017 and was submitted at the Parliament at the beginning of November. It suggests two ways of assessment depending on its purpose – assessment of the disability itself performed by medical doctors and assessment of the work capacity performed by National Social Security Institute local structures. The aims of the reform are: to encourage persons with disabilities at work age to work, to improve access to labour market and vocational training of persons with disabilities, to improve access to social inclusion of those in need, to improve access to rehabilitation/recovery and to optimize the expenditure of social security funds.

Currently the disability assessment is performed by local teams of medical doctors called ***Territorial Expert Medical Commissions***. The same teams perform both assessment of disability and assessment of work capacity. In 2017 the Ministry of Labour and Social Policy estimated that: the current model of disability assessment does not use appropriate methodology to assess the work capacity, the medical doctors lack competence to assess work capacity; social security funds are obviously not effectively spent because of the rising number of persons with administrative social disability pensions; rehabilitation and prevention are largely underdeveloped leaving persons with health problems not treated/recovered sufficiently to be able to go back to work. Thus for both assessments – of the disability and of the work capacity – methodologies/guidelines based on the International Classification of Functionality, Disability and Health are proposed to be elaborated and introduced. The Ministry’s concept proposes that assessment of the disability would continue to be performed by medical doctors. However, on the basis of the disability assessment the Ministry proposes that work capacity of persons with disability **at work age** to be assessed by **new special commissions at the National Social Security Institute** consisting of at least: a medical doctor in occupational health service and officers at the National Social Security Institute, the Employment Agency and the Social Assistance Agency.

In September 2017 the **nationally representative NGOs** of persons with disabilities disagreed to this proposal. Their main argument was that the proposed reform would put additional administrative pressure over persons with disabilities.[[58]](#footnote-59) The NGOs also disagree to the proposed in the concept new definition of disability which sets rather unclear and contradicting to national and international legislation criteria for disability assessment. The NGOs also express their concern that a large number of persons with disabilities would be deprived of even the low income they currently have from their disability pensions once the new model of assessment is introduced.

In April 2018, the **Association of the Medical Doctors** performing the disability assessments at the Territorial Expert Medical Commissions also opposed the Concept referring in particular to the separation of disability and work capacity assessments and the assessment of work capacity based only on one disability of the assessed individual.[[59]](#footnote-60) They also explained that the Concept was introduced in the Parliament without any public discussion with them. In April 2018, following a public protest by disability NGOs and a meeting with the minister of social policy and the deputy prime minister Valeri Simeonov, the latter announced the **freezing of the Concept**, which had not been discussed with the National Council for Integration of Persons with Disabilities prior to its adoption. At the time, the deputy prime minister explained that the funds dedicated to the implementation of the Concept would be redirected elsewhere, partly as disability benefits.[[60]](#footnote-61) After a meeting between the disability NGOs with the healthcare minister in April 2018, the minister announced that legislative changes will only be introduced after reaching consensus among all interested parties.[[61]](#footnote-62) The Ministry of Healthcare had published on 2 April 2018 the draft of the planned amendments of the *Medical Assessment Ordinance* and the *Regulations for the Structure and the Work Management of the Medical Assessment Bodies and the Regional Disability Claims Management Systems* for public discussion.

On 18 July 2018, the government adopted these amendments (enforced from 27 July 2018) despite disagreement on the part of nationally represented organisations of persons with disabilities and criticism from medical doctors. The amendments try to reduce the administrative burden of the assessed persons by reorganisation of the Territorial Expert Medical Commissions, by reducing the assessment timespans, by removing the obligation of assessed persons for personal attendance at the assessment meetings in case their medical documents reflect fully their health situation. Another target of the amendments is the facilitation of the formation and the flexible operation of the TEMCs (as the TEMCs and the doctors working at them were extremely insufficient so far) by introducing the option that the medical doctors who are members of the Commissions to perform also other medical activities apart from this. The Medical Assessment Ordinance amendments aim at simplifying the math formula for assessment of multiple disabilities. It obliges the medical doctors at the TEMCs to assess the work capacity of persons with disabilities based on their disability with the highest percentage whereas all other disabilities will not be calculated in the disability percentage.

The medical specialists argue that this will leave some 150,000 to 200,000 people under 50% disability according to the new criteria without disability pension and to the transfer of others to a lower support category and without additional material support tailored to their disability. Additionally, medical assessments will be performed predominantly based on medical documents rather than examinations in person, which, as medical doctors argue, will ease their work but at the expense of their clients who should be the primary concern of such documents and policies.

Differences in opinion between some medical doctors and NGOs of persons with disabilities were stated in view of the newly introduced fixed disability percentage which will replace the existing percentage range in the assessment. Whereas disability advocates argue that this will eliminate subjectivity in assessments, medical experts are concerned about the individual approach to assessing the differing development of the same disability or condition and their associated implications among different persons. Persons with disabilities appealed the Medical Assessment Ordinance at the Ministry of Healthcare at the end of August and announced that they would appeal it in court also. The Ministry explained they would evaluate the effect of the Ordinance during the first six months after its enforcement.

In 2018 the National Social Security Institute published its 2017 analysis on its assessment/**controlling activities of the TEMCs assessments**.[[62]](#footnote-63) The data from the activities of the TEMC’s shows that the concerns of disability NGOs expressed in 2017 proved to be reasonable - the number of decisions by the Medical Commissions in 2017 has decreased with 5,685 (3.4%) compared to 2016, the number of appealed expert assessments by TEMC in 2017 has increased with 104 (4.5%) compared to 2016.[[63]](#footnote-64) The analysis of the results from TEMC/NEMC expert assessments appealed by the Medical Commissions in 2017 indicates that: assessed persons with disabilities who were allowed benefits and pensions slightly decreased.[[64]](#footnote-65)

In late June 2018, following protests in the capital and several other cities organised by mothers of children with disabilities, the state’s Ombudsperson Maya Manolova filed with the registry office of the Bulgarian Parliament a draft called wrongly the **Personal Aid Act** (as it tries to regulate only personal assistance schemes) prepared by her team. The bill was officially submitted on 2 July 2018 by four MPs, followed by a second bill of the same content submitted two days later by another group of MPs. The bill created serious divisions among the protesting mothers of children with disabilities in favour of it who insisted on the immediate need for personal assistants. Nationally representative disability NGOs, however, argued against this bill and the separation of services for the disabled in different legislative acts thus insisting on legislative changes through a new Social Services Act and the new People with Disabilities Act which elaboration started earlier in 2018. An additional argument was the expected backlash from society associated with the financial resource required for the provision of the personal assistance service to around 89,000 children and adults according to the bill calculated by the nationally representative disability NGOs at BGN 134,412,264 (around € 68,707,712) in 2019, or, if the service is used 8 hours a day, at BGN 1,075,298,112 (around € 549,661,703).[[65]](#footnote-66) Due to the intense debates, the Committee on Labour, Social and Demographic Policy was given two months to decide whether to put the bill to the vote. After protests of the mothers of children with disabilities (aiming mainly increase of the personal assistance benefits for adults with disabilities) during the whole summer, on 9 October 2018 they signed an action plan with the social policy and finance ministers. According to the plan on 11 of October the draft of the Persons with Disabilities Act was supposed to be discussed at the National Council for Integration of Persons with Disabilities, on 16 of October – at the Tripartite Council for Social Cooperation with Labour Unions, business and social ministry, on 17 of October - approved by the Council of Ministers and on 19 of October - introduced in the Parliament for vote together with the draft of the Personal Aid Act. Then the parliamentary discussions and voting should take place until the mid-December to enable enforcement of both acts in January 2019. The social policy minister confirmed on 9 of October that BGN 150 m (EUR 75 m) was already allocated for implementation of the new measures under both acts. If the acts are adopted and enter into force personal aid would receive adults with over 90 % disability and some children with over 50 % disability; applications for personal aid can be submitted since 1 April 2019 and financing of personal aid would be available since 1 September 2019.[[66]](#footnote-67)

On 16 October at the Tripartite Council for Social Cooperation the business and one of the labour unions opposed the increase of mandatory employment quotas of persons with disabilities introduced by the draft of the Persons with Disabilities Act which would affect mainly small companies.[[67]](#footnote-68) So far the Labour Code obliged employers with over 50 employees to hire 4 to 10 % persons with disabilities depending on the type of business activity. The draft introduces quota for employers with 26 to 50 employees – one person with disability, with 51 to 99 employees – 2 persons with disabilities, with more than 100 employees – 2 % of the total number of employees. The employer who needs to adapt the workplace and does not have the funding to do so can apply for funding from a special fund to be set up. If the employer does not implement the obligation it should pay a fine – 30 % of the minimum salary for each unoccupied job vacancy each month. The main argument of the business companies opposing the draft is that disability is still assessed by the medical commissions on the basis of diagnosis and the assessment does not reflect the actual functionality of the person.

Regardless of the fact that this Council did not support the draft fully, it was reviewed and approved by the Council of Ministers on 17 of October.[[68]](#footnote-69) The main financial and accessibility requirements in the draft had been adopted.

Unfortunately, none of these drafts complies with the UNCRPD especially with regards to accessibility, participation, adequate standard of living and independent living. They both are based on the medical (not functionality) model of disability assessment. However, the possible positive effect they may have could be the slight improvement of the standard of living of some persons with disabilities and their families which was their main initial aim.

The **Persons with Disabilities Act** and the **Personal Aid Act** entered into force on 1 January 2019. They both are based on the medical assessment of disability performed by the TEMCs. Social assessment would try to take into account the functionality barriers according to both acts but the Social Assistance Departments have very limited options and social workers are insufficient in number and training to implement even them. The lack of individual needs assessment based on actual functionality and the lack of options to compensate it are the basic points of non-compliance of the new act to the CRPD.

Lack of any support for persons with estimated disability below 50 % is the second problem with both acts.

Provision of financial supports (including personal aid/assistance), medical appliances and technical aids is based on the percent disability estimated by the TEMC and are not much different than the amounts and type of aid provided so far. Those who have estimated disability over 50 % would not be sufficiently supported to be involved in education or employment as the financial support is extremely low to reach adequate standard of living and services for independent living for them are not developed neither are planned.

The only achievement is that personal aid/assistance for persons with most severe conditions is provided for in the law for the first time but again with a very limited scope.

With regards to accessibility the provisions in the Persons with Disabilities Act are not new (they were part of the Spatial Planning Act) and for years remained unimplemented because of non-functioning controlling mechanism.

Below are enlisted the main changes introduced by the new **Persons with Disabilities Act**:

**Financial support**

The significant difference is that the financial supports are linked to the poverty threshold which is updated annually. One of the components of the financial support is monthly allowance which is supposed to compensate the expenses caused by the disability and is again fixed amount according to the estimated percent disability. It is 7 to 57 % of the poverty threshold (which is BGN 348 (EUR 178) for 2019). Persons with 50 to 70.99 % disability would be entitled to 7 % (EUR 12), those with 71 to 90 % disability – to 15 % (EUR 27) and those with over 90 % disability – to 25 % (EUR 45), the last group are persons with over 90 % disability and estimated personal assistance need who receive also social disability pension – would receive 57 % (EUR 102).[[69]](#footnote-70) The second component of the financial support is individually tailored targeted allowances for technical aids, medical appliances, adaptations of vehicles, house, rehabilitation, recreation. Since 1 January 2020 medical appliances and technical aids would be provided by the Ministry of Healthcare. Until 30 September 2019 minister and the head of the National Health Insurance Fund are obliged to elaborate the mechanism for their provision and to issue quality standards for medical appliances andtechnicalaids.[[70]](#footnote-71) Possible effect of this change cannot be assessed as of the end of December 2018.

**Employment**

The promotion of employment of persons with disabilities in the open labour market is supposed to be done by increasing of the **“obligatory quota”** for all employers. The current provision obliges employers with 50 to 99 employees to employ at least one person with disability, those with 100 and over 100 employees are obliged to employee 2 % of the employees’ list persons with disabilities.[[71]](#footnote-72) So far employers with over 50 employees were obliged to hire 4 to 10 % disabled people (depending on the economic branch) and this obligation under the Labour Code is still enforced but has been insufficiently monitored and its violations have not been sanctioned.[[72]](#footnote-73) The new Act obliges the employer to adapt the workplace to the needs of the disabled person.[[73]](#footnote-74) If the employer is not able to do that, he/she has the right to ask for financial support from the Persons with Disabilities Agency.[[74]](#footnote-75) In that case he/she is obliged to hire the person with disability for at least 3 years.[[75]](#footnote-76) If the employer does not implement the quota he/she pays monthly compensation fee which is 30 % of the minimum wage for each unoccupied workplace.[[76]](#footnote-77)

**Protected employment** of persons with severe and multiple disabilities is provided in centres for protected employment where appropriate conditions for productive work are created, paid jobs are offered and personal support services are available.[[77]](#footnote-78) The Persons with Disabilities Agency continues to fund programs and projects of specialised enterprises for persons with disabilities as well as employers in the open labour market. The protected employment centres identify job opportunities for persons with severe and multiple disabilities, build adapted environment, develop work skills, mediate between persons with disabilities and employers.[[78]](#footnote-79)

**Data**

Database for persons with disabilities should be set up to serve for monitoring, analytical purposes for their socio-economic status, for planning of activities and elaboration of policies.[[79]](#footnote-80)

**Criteria**Organisations for persons with disabilities that would like to be recognized as nationally representative need to prove at least three years of work in social inclusion, to have members in not less than 25 % of the municipalities in the country. Organisations of persons with disabilities need to have not less than 1,800 members out of whom not less than 70 % should be persons with permanent disabilities and should be registered as NGOs.[[80]](#footnote-81) Employers’ organisations should have not less than 10 employers as members and not less than 800 persons with disabilities. Organisations for persons withdisabilities providing social services need to serve not less than 4,500 persons annually and to have not less than 50 persons staff.[[81]](#footnote-82)

The **Personal Aid Act** legislatively provides for the first time the provision of personal aid (currently it is provided only under EU funded projects whenever available and was only a practice). However, it still limits the potential users until 31 December 2020 to: adults with 90 and over 90 % disability, children with 50 and over 50 % who are assessed as needy of personal assistance by the medical commissions and children with 90 and over 90 % disability.[[82]](#footnote-83) The hours of personal assistance are also restricted and may vary from 15 to 168 hours monthly depending on the severity of the condition and the level of dependency of the user.[[83]](#footnote-84) The most severe condition is of a person who needs constant assistance more than 4 times daily for everyday activities who has completely lost his/her physical, mental or sensory autonomy.[[84]](#footnote-85) Applications for individual assessment can be submitted after 1 April 2019.[[85]](#footnote-86) Personal aid would be paid from 1 September 2019 onwards[[86]](#footnote-87) Guidelines about personal aid should be issued by the manager of Social Assistance Agency until the end of June 2019.[[87]](#footnote-88)

Personal aid is a support mechanism targeted at: implementation of the rights of persons with disabilities, for their inclusion in society, activities related to their individual needs of personal, housekeeping and social nature and for overcoming barriers for their functionality.[[88]](#footnote-89) It allows persons with disabilities to choose who, when, where and how to implement these activities. Personal aid is managed by the Social Assistance Agency (it plans, controls implementation, provides guidance, approves the application forms, keeps a public register of the personal aid providers, reports until 31 of March on the spent funding, number and type of users etc.)[[89]](#footnote-90) and its local departments (that promote personal aid and assess the needs of potential users and provide it by “personal aid providers.”).[[90]](#footnote-91)

The user is a child or adult with disabilities which disabilities limited the user’s independence in taking care of him/herself in everyday life and led to dependence on other persons to compensate the functionality limitation and to support the user in implementation of his/her rights and social inclusion[[91]](#footnote-92) The user or his/her representative chooses his/her assistants and participates in negotiation about the conditions of their work in terms of time, type, quality.[[92]](#footnote-93) The user reports to the provider about assistance received on monthly basis.[[93]](#footnote-94)

In order to use personal aid the potential users need to submit valid medical document certifying their disability and self-assessment. Individual assessment of their needs would be performed by their local Social Assistance Department (SAD). Persons with disabilities using community social services (apart from residential ones) may also be personal aid users.[[94]](#footnote-95)

The potential user applies for personal aid at the municipality submitting the referral issued by the SAD. Within 7 days the mayor prepares the agreement between the user, the provider and the assistant.[[95]](#footnote-96) The hours of personal assistance are determined in the referral issued by the SAD while the individual needs assessment was performed.[[96]](#footnote-97) Within 7 days after its adoption the decision of the mayor is sent to the candidate. The latter may appeal it under the procedure of the Administrative Procedure Code.[[97]](#footnote-98)

The providers in general are the municipalities. The mayors may outsource this service to local providers – NGOs, registered as such providers at the Social Assistance Agency and if they provide services to children – at the State Agency for Child Protection. The requirements to these NGOs are very broad – to have administrative and financial capacity, trained staff, experience, license to provide such services, an office to keep documentation and to have no unpaid taxes and social security payments.[[98]](#footnote-99) Providers report to the mayor about their work and the mayors report to the manager of the SAA about the number, age and location of the users, number of hours of personal aid, the funding spent on them and perform analysis and assessment of the achievements.[[99]](#footnote-100)

Personal assistants are persons who are chosen by and provide personal aid to the users.[[100]](#footnote-101) Their work duties are determined in the contract signed by them and the provider.[[101]](#footnote-102) They report monthly to the provider and the report is signed by the user/his/her representative. The personal assistants need to have clear criminal record and to be not placed under guardianship.

The monthly remuneration of a personal assistant is 1.0 of the minimum wage for 2019 and 1.2 for 2020 (for 2019 this would make BGN 616 (EUR 308)) is he/she works on full-time.

**Disability pensions**

Every person with more than 50% reduced capacity to work (based on his/her diagnosis) is entitled to a disability pension. As of December 2017 the total of 455,566 people with disabilities have been receiving disability pensions for ‘general health condition’, 50,428 people with disabilities have been receiving only social disability pensions and 7,903 persons with disabilities have been receiving disability pensions for work accident.[[102]](#footnote-103) The National Social Security Institute (NSSI) report of December for 2017 revealed that social disability pensions have been paid to 420,596 people (plus their other pensions or salaries). The average monthly amount of the disability pension for ‘general health condition’ in 2018 was BGN 248 (appr. € 124) and the average amount of social disability pension was BGN 173 (€ 86).[[103]](#footnote-104)

The majority (51.7%) of the persons with disabilities who receive disability pensions are assessed as having 71-90% reduced capacity to work and another 27.5% of them are assessed with over 90% reduced capacity to work – **thus around 80% of disability pensioners have a level of assessed disability that effectively removes them from the labour market and, in a third of those cases, bars them from employment**.[[104]](#footnote-105) The number of disability pensioners in work age in 2016 was 273,095.[[105]](#footnote-106) People who have job-related income remain eligible for their disability pension. Both pensions are provided at a very low level, which (in the absence of employment opportunity) is the reason why households of disabled people suffer material deprivation much more commonly than those of non-disabled people, being exposed much more to a risk of poverty and social exclusion. The latter can be both explained and compounded by the general lack of accessibility – of built environment, transport, public services, etc.

In January 2018 the **minimum guaranteed income was raised from BGN 65 to 75 (€ 33 to 38)**.[[106]](#footnote-107) This serves as a basis on which the integration allowances for persons with disabilities are calculated. In this way they were slightly raised. The monthly allowances are **fixed amounts,**[[107]](#footnote-108) although the law pretends that the individual needs of the person are taken into account, while the social assessment is done by local assessment commissions. The law, in fact, divides people with permanent disabilities into three main groups depending on the level of their disability and reduced working (for children - social adaptation) capacity.[[108]](#footnote-109)

**Other cash benefits**

Disabled people with over 90% reduced capacity to work who need assistance in their daily activities are entitled to a **personal aid supplement** to the pension regardless of their individual needs, which currently amounts to BGN 90 (€ 45) per person.[[109]](#footnote-110)

In 2016 the total of 524,459 (out of whom 21,574 children) persons with disabilities were supported with **integration allowances** at the total amount of BGN 139,5m (€ 69,75m).[[110]](#footnote-111) The average number of persons who were paid allowances for technical aids and medical appliances was 10,101 persons and the total of BGN 50,6m (€ 25,3m) was spent on this in 2016.[[111]](#footnote-112) In 2017, the integration allowances support was provided to a monthly average of 500,016 persons, of whom 10,705 were children with disabilities. Due to the specificities of payment reports for the monthly allowances for social integration paid under Article 42 of the Integration of People with Disabilities Act – the month following the month in which the payment is made – as of 28 February 2017 a monthly average of 10,705 children with permanent disabilities have received a monthly allowance. The paid monthly allowances for social integration amounted to BGN 131,574,548 (appr. € 66 million). Special allowances were provided to 3 persons with disabilities for the purposes of vehicle adaptation. No allowances for house adaptation were granted.[[112]](#footnote-113)

Since January 2017 the **monthly allowances for children with permanent disabilities** up to the age of 18 (in case they study in high school – up to the age of 20), irrespective of the income, have been increased. If the children with permanent disabilities are raised in their biological (or adoptive families) and live permanently in Bulgaria the monthly amounts are shown in Table 1819.[[113]](#footnote-114) These monthly allowances in 2017 reach a monthly average of 26,266 children (with 174 more than in 2016). The full amount paid for them was BGN 161,500,024 (appr. € 80,7 million).[[114]](#footnote-115)

**Services and support for independent living**

According to the *2017 Annual Report* of the Social Assistance Agency, as of 31 December 2017 there were 612 available community-based social services for children with a total capacity of 13,624 persons. Among those the capacity of community-based services for children with disabilities is summarised in Table 1920.[[115]](#footnote-116)

In 2017, 23 **new social services for persons with disabilities were launched in the community, including residential type services**, with a total capacity of 397 persons, and 1 specialised institution for 80 persons (in violation of Article 19 of the UNCRPD and with EU funding contribution). The capacity of adult services is shown in Table 202.[[116]](#footnote-117)

On 5 July 2017 the Council of Ministers increased the funding for the Integration of Persons with Disabilities Program with BGN 15,7m (€ 7,85m). The funding was supposed to be allocated through the Social Assistance Agency to the municipalities for **provision of personal and social assistants’ services** and help in the home on the basis of needs assessments of the potential users. The beneficiaries were expected to be 15,000 persons with disabilities and persons over the age of 65. The personal assistants were expected to number 6,400, with 1,000 social assistants and 2,500 home helpers.[[117]](#footnote-118) In 2017, the Social Assistance Agency reports that it transferred the allocated funds to 156 municipalities on the grounds of signed bilateral agreements for the provision of the social services of Personal Assistant, Social Assistant and Domestic Assistant to the benefit of users who had received social assessment according to the rules of Operation Independent Living funded by Operational Programme ‘Human Resources Development’ 2014-2020 following the completion of the programme. From July until the end of 2017 the total of 13,520 users benefited from services provided in domestic environment out of whom 7,635 used personal assistants, 1,712 - social assistants and 4,258 - domestic assistants. The total number of persons employed to provide the above services was 9,521.[[118]](#footnote-119)

**Institutions**

At the background of some developments in the field of community-based services the situation in institutions for persons with mental disabilities remained the same. In May 2018, the **Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** published the report[[119]](#footnote-120) on its seventh periodic visit to Bulgaria, which took place from 25 September to 6 October 2017. The delegation carried out visits to institutions for persons with psychiatric disorders in Tvarditsa and Radovets and institutions for persons with learning disabilities in Batoshevo, Kachulka and Tvarditsa. The CPT heard numerous complaints of physical and verbal abuse. It states that it was visible that in all institutions had undergone differing degrees of renovation and refurbishment. However, most of the accommodation was still scruffy, bare, austere and lacking personalisation and privacy, especially for the less able residents. The CPT identified one unit for the most disabled residents that could be described as inhuman and degrading. Residents were found lying on their beds, completely covered in flies, with the floor flooded with urine and littered with faeces. After the visit, the Bulgarian authorities informed the CPT that two new sanitary facilities had been constructed in the establishment, new bedding was ordered, and measures were being taken to ensure compliance with sanitary standards.

Despite recourse to seclusion in social care homes being forbidden by Bulgarian law, the CPT’s delegation found that three seriously mentally disabled residents of Kachulka Home, who were deemed especially dangerous, were placed by staff alone in reinforced locked rooms for days on end. In Radovets Home, staff acknowledged that one resident, deemed to be especially unpredictable, was sometimes placed in a makeshift seclusion room under a set of outdoor stairs for hours on end. Finally, the number of nurses and orderlies available to provide care, comfort and supervision to residents in all the social care establishments visited was inadequate and sometimes woefully low. **The CPT concludes that it:**

‘cannot escape the sober conclusion that residents in the social care establishments visited had de facto been abandoned by the State, which had manifestly totally failed to provide those vulnerable persons with the human contact, comfort, care and assistance they required, as well as the dignity they deserved. It is equally regrettable that staff (and the management) of these establishments had been left to struggle from day to day with totally insufficient human resources, without adequate funding and without any attention or support from the Bulgarian authorities.’

At the end of November 2017, the **UN Committee against Torture** (CAT) examined the sixth periodic report of Bulgaria, which the country owed under the Convention against Torture, ratified in 1986. On 30 November, CAT adopted its final observations and recommendations, which were published several days later. The Committee addressed in them a number of serious criticisms of Bulgaria on almost all issued covered by the Convention.

With respect to the institutions for persons with psychosocial and intellectual disabilities, according to the Committee, **physical and chemical immobilisation is practiced by prescribing high doses of medicines. The Committee was shocked by the absence of any progress in the investigations** of 238 deaths in the homes for children with intellectual disabilities, which were found as a result of the joint inspection by the Public Prosecutors’ Office and BHC in 2010-2011. It required of the Bulgarian government to renew these investigations and to report to the Committee about the result until 6 December 2018. In its observations and recommendations CAT expressed particular concern about the deteriorated independent human rights monitoring of the health care, social and educational institutions in which people are placed coercively. These are psychiatric hospitals, special schools for children with antisocial behaviour and social homes for persons with psychosocial disorders. During the last five years, the responsible ministries systematically refused access of NGOs to these institutions.[[120]](#footnote-121)

**Deinstitutionalisation**

The deinstitutionalisation process in Bulgaria happens **in violation of Art. 19 of UN CRPD** – disabled people do not have a choice regarding where and with whom to live, how to live and perform daily activities. Some progress has been made on closing certain kinds of children institutions, but no progress has been achieved on creating real community-based support services for social inclusion. A financial standard per person in a service has been introduced and a ‘money follows the client’ approach has been made statutory, but only in residential care – no support for community living is provided for those who want to leave small group homes. Future plans refer to further ‘closure of large institutions’ and provision of ‘community-based care’ as framed so far. There are numerous reports revealing shortcomings in the deinstitutionalisation process recommending systemic changes, as for instance the independent review of the deinstitutionalisation process commissioned by UNICEF – Bulgaria[[121]](#footnote-122) and the Bulgarian Helsinki Committee report on deinstitutionalisation for adults with intellectual and mental disabilities.[[122]](#footnote-123) ENIL-ECCL Briefing on Structural Funds Investments for People with Disabilities report provided evidence that a lot of EU funds are spent on building new though small institutions or on repair works on the old ones, without providing for community living of disabled people.[[123]](#footnote-124)

In 2017, the **positive tendency** of closing down institutions for children continued. On 1 October 2017, 36 specialised institutions functioned in the country, with 979 children placed in them. On 31 December 2017, 3,325 children and young people used community residential services. By 31 December 2017, the number of children in foster care increased ten times: from 221 in 2010 to 2,320. During the same period there was also a six-fold increase of the number of FTACs.[[124]](#footnote-125) However, the problem with the big number of children in formal care and of children facing the risk of being abandoned remained. According to UNICEF data, every year in Bulgaria about 3,800 children continue to be separated from their families, one out of three of them being below the age of 3 years.[[125]](#footnote-126)

**Admissions to the children institutions remain open**. The new placements in children’s institutions for 2017 were 424, of whom 336 were babies and children in institutions for medico-social care for children (aged 0 to 3). The government plans supposed that: in 2017 the accommodation of children without disabilities below the age of 3 years in institutions and resident services is discontinued; by 2019 the accommodation of children with disabilities below the age of 3 years in institutions is discontinued and the institutions for children aged 0 to 3 are closed down.In 2017 the implementation of these activities was either postponed or did not take place. Ministry of Health is in a procedure to apply for financing under the Regions in Growth Operational Programme (2014-2020), with the aim of further deinstitutionalisation of the care for children aged 0 to 3 years. Building of 28 new centres for specialised health care and social care for children aged 0 to 3 years is planned, of which: 20 new centres for children with disabilities who need permanent medical care and 8 new centres for children with high-risk behaviour and need of special health care, at a total value of BGN 14 million (€ 7 million).[[126]](#footnote-127) Every second child admission is for a new born baby.The share of the institutionalised children with disabilities was nearly 1.4 times higher in 2017 compared to 2010, or 56.5% (in 2009 the share was 39%). Nearly half of the new admissions were new born babies from maternity wards: 154 (45.8%). The reasons for the continued institutionalisation of babies point to the deficit of early intervention and prevention of abandonment. Another decisive factor is the existence of disabilities. More than half of all admissions in IMSCC in 2017 are babies and children with disabilities: 190 (56.5%). The statistics for newly-admitted children from families demonstrate the prevalence of the share of healthy children. This suggests the conclusion that poverty, too, remained among the reasons for accommodation of children in institutions.[[127]](#footnote-128)

The practice of opening ‘hollow’ services that multiply institutional care is still a serious problem.[[128]](#footnote-129) The alarming data on the quality of care and on the security of the children in some FTAC suggest that in 2017, too, there still existed the risk of metamorphosis of the DEinstitutionalisation into FTACisation. According to expert assessments, the most serious problem consists in the fact that in many FTACs the number of unspecialised staff predominates. The staff lacks the competence necessary for coping with the complex problems of the accommodated children, as well as the knowledge, skills and personal qualities.

**Children with disabilities remained excluded from the familie**[[129]](#footnote-130)Severe diagnoses are still a barrier before foster parenthood and before adoption. According to National Association for Foster Care (NAFC) data, 2,178 children were placed in foster families by the end of October 2017, only 162 of whom were with disabilities. The data on adoption also demonstrate a lasting exclusion of the children with severe multiple disabilities, with congenital anomalies and with chronic diseases from the family circle. According to NAFC data, 80% of the potential parents studied were seriously concerned by the degree of the child’s disability. In 2017, the tendency for adoption of older children and of children with disabilities abroad was also preserved. By 31 December 2017, 901 children aged from 2 to 17 years waited for an adoption abroad. However, only 102 of them had active profiles into the adoption lists. According to the Ministry of Justice, for 675 children no applications have been received in the last 6 months from an accredited organisation for providing an opportunity for seeking adoptive parents.

**Deinstitutionalisation of adults**

The long-awaited ***Action Plan for the 2018-2021 period on the implementation of the National Strategy for Long-term Care*** was adopted in January 2018.[[130]](#footnote-131) The principal objectives of the plan until 2021 are: improved quality of life and social inclusion opportunities; prevented institutionalisation; created a regulatory framework for social and integrated health care and social services.[[131]](#footnote-132)

**Key problems**, according to the plan, are: the large number of people placed or wishing to be placed in specialised institutions, the insufficient number of services corresponding to the needs of these target groups and their uneven distribution in the country. The plan indicates that about 11,000 elderly people and people with disabilities live in 161 specialised institutions.3,600 persons are on the waiting list for them, 2,200 of whom are persons with psychosocial disorders, intellectual disabilities and dementia. There are nearly 900 persons waiting for accommodation in FTACs, of whom more than 750 are with psychosocial and/or intellectual disabilities and dementia. The data on the number and type of the social services lead to the following conclusions: prevalence of institutional services over community support; the community based services do not comprise life support healthcare and social activities and mobile support at home; almost total absence of services for people with dementia; the network of available services is the smallest for the persons with psychosocial disorders, persons with dementia and old people; in spite of the financing for social services, including with EU financing, the capacity of the services provided is insufficient for satisfying the constantly growing needs.[[132]](#footnote-133)

The plan groups **four types of measures** for:

1. Securing **support at home and in the community** to persons with disabilities and to elderly people dependent on care by means of provision of: personal assistant, social assistant, home assistant; supported employment and development of social enterprises; hourly mobile integrated health care and social services; day care centres for persons with disabilities and their families, and centres for social rehabilitation and integration for persons with psychosocial and/or intellectual disabilities.

2. Securing quality **social services in the community** **for persons placed in institutions** with poor living conditions/care and gradual closing down of institutions

3. **Raising effectiveness of the system for long-term care** by: developing standards for financing and quality of the social services; integrated health care and social services; new models of services; evaluation of the needs of social services at national level; drafting a *Law on the Social Services* and of secondary legislation for its enforcement; drafting an *Ordinance on integrated health care and social services*; regulation of the status of social workers and introduction of mechanisms for development and motivation of the persons working in the social services system; developing standards for social work, developing and applying programmes for training, qualification and supervision of the staff of the social services for adults.

4. **Building the necessary infrastructure for providing social and integrated health care and social services to persons with disabilities and elderly people dependent on care**

Financing under OPRD 2014-2020 will be used to build, repair and equip **six day care centres** for supporting persons with dementia and their families, and **68 FTACs** for people with psychosocial and intellectual disabilities and old people in the 2018-2020 period amounting to BGN 41,373,980 (€ 20,600,000).[[133]](#footnote-134) **Ten new day care centres will be created for persons with disabilities and their families**, with a total number of users: 300 persons with disabilities receiving daily and hourly care, and 600 persons (persons with disabilities, parents and other relatives of these persons, who provide care to them), receiving consultations and other similar services. The funding for this action is estimated at BGN 10m (€ 5m). **Ten new centres for social rehabilitation and integration** will be created for persons with psychosocial and intellectual disabilities, with a capacity of up to 40 places, and their expenses will be covered for one year. BGN 7m (€ 3.5m) have been planned for the 2018-2020 period for repairs, refurbishing and equipment of the existing buildings with a view to providing services in the new centres suited to the needs of the target groups, and training of the specialists and supervision. BGN 3m (€ 1.5m) have been planned for creating **social enterprises** in which no less than 150 persons with psychosocial and intellectual disabilities would work. The duration of every project should be no less than 12 months.

The **anticipated results** of the implementation of the plan are:

* Provision of quality care and support in new community services for a minimum of 750 persons with psychosocial disorders and intellectual disabilities, removed from the specialised institutions;
* Provision of new services for daily, hourly and resident care and support for more than 2,000 persons with disabilities and elderly people, dependent on care;
* Provision of care through social services in domestic environment for more than 17,000 persons with disabilities and elderly people, dependent on care;
* Provision of patronage care to more than 17,000 persons with disabilities and elderly people, dependent on care;
* Closing of 10 specialised institutions for persons with mental disorders and intellectual disabilities;
* Drafting of new legislation regulating the social and health-social services;
* Higher capacity of the staff and specialists in the system for long-term care.

A **working group** within the Ministry of Social Policy was set up in May 2018 to involve disability and human rights NGOs in the process of evaluation of the concrete proposals from municipalities of development of services under this plan. As of August 2018, a few municipalities had submitted their proposals.

The quality of the currently available community-based services is low as they do not meet the needs of their clients with disabilities, function in violation of fundamental human rights, the persons with disabilities are not involved in the design and evaluation of the services and do not have the effective right to choose between services.

It is unlikely to see improvement of the disabled people’ situation within the current policy framework, shaped by the medical model of disabilities. This will not allow Bulgaria to reach the EU targets in employment, education, poverty and social inclusion as far as disabled people are concerned – reaching the targets for the general population is likely to happen. Preserving the disability assessment related to the diagnosis without any consideration for the individual needs of the disabled person will keep people with extensive support needs out of employment, education and training, thus sustaining high poverty levels among this social group. As of mid- 2017 there were some signs of some efforts planned to change the assessment procedure to be in compliance with ICF. As of October 2018, no such signs are identified. However, mainstream systems remain far from accommodating the needs of persons with disabilities.

# Opportunities to mainstream disability equality in the European Semester review documents

**Synergies between developments in the different areas**

The key challenges in Bulgaria are interlinked. Disabled people are disproportionately excluded from Bulgarian society by a range of barriers. This is reflected in poor disability outcomes across all of the EU2020 headline indicators. Policies to facilitate labour market activation will not make any major impacts without progress on educational inclusion, poverty reduction and significant improvements in support for community living, as well as accessibility. The current mechanisms for disability assessment and pensions create barriers to the labour market and compound the risks of poverty and institutionalisation.

The 2018 developments show that disability NGOs are divided in their positions towards disability assessments and personal assistance schemes and that the Government and the Parliament experience difficulties in mainlining the dialogue with all stakeholders in elaboration and implementation of policies related to persons with disabilities. Measures addressing employment, education and poverty issues list disabled people as a target group but in the existing disability legislation, which defines disability as ‘reduced capacity to work’. Scarce data is publicly available about the implementation of disability related policy measures which makes is difficult to assess the achievements in 2018.

Circumstantial evidence shows low levels of learning in school, which makes the transition to employment very difficult for disabled people, not to mention the efforts needed to sustain a decent job. There are no employment measures that address individual needs of the disabled people. Both existing and future programmes target mainstream and special employers encouraging them to hire disabled people on minimum wages and for short periods of time.

**Review of the European Semester from a disability perspective**

In 2017-2018 there was no disability-specific CSR recommendation, but the preamble agreed by the Council acknowledged that ‘the social protection system does not provide sufficient levels of support to … persons with disabilities [among others]. This aspect was analysed earlier (in chapter 4) and clearly merits attention in the 2018-2019 review cycle. In addition, the CSRs do have high relevance to people with disabilities, as follows:

* 2018 CSR#3, Increase the employability of disadvantaged groups by upskilling and strengthening activation measures. Persons with disabilities have not been recognized as a clear target of the labour market policies yet. They are only mentioned among other disadvantaged groups in policy and project documents without any precise figures and characteristics about their needs, potential, education and previous employment status. This indeed hinders their employability. Measures for ensuring accessibility and individual supports in employment are not provided or planned.
* 2018 CSR#3, 2. Improve the provision of quality inclusive mainstream education, particularly for Roma and other disadvantaged groups. This recommendation concerns also students with disabilities who still cannot benefit from access to quality inclusive education because of insufficient number and expertise of teaching staff, low funding and teaching resources and discriminatory attitudes. No reports about the implementation of the new Preschool and School Education Act are yet available.
* 2018 CSR#3, 3 Introduce a regular and transparent revision scheme for the minimum income and improve its coverage and adequacy.This recommendation is very relevant to persons with disabilities whose integration allowances are determined on the basis of the minimum income and thus cannot cover even survival needs. As of January 2018, the minimum guaranteed income was raised by € 5 to reach the monthly amount of € 38.

The disability issues mentioned in the CR include the ongoing work on separating medical and work capacity assessments, deinstitutionalisation of children and adults and weaknesses in social protection. The EC underlines that poverty and employment gap for people with disabilities is among the highest in the EU, signalling weaknesses in social protection and employment measures.[[134]](#footnote-135) It further continues that:

‘the social protection system is insufficient to tackle the significant social issues. The percentage of the population at risk of poverty or social exclusion is among the highest in the EU particularly among the disadvantaged social groups. Combatting poverty and promoting social inclusion remain a big challenge and the measures taken in response to the recommendations fall below the magnitude of the problem.’

The EC also notes that since 2014 Bulgaria has not progressed significantly on improving the provision of quality education for disadvantaged groups, despite some recent measures. Evidence for the existing problems in these spheres are presented in the previous sections of this report.

Comprehensive change of assessment, oriented to compensation of deficits, effective access to quality education and vocational training, support and surrounding technical and human aid provided during employment, flexible working arrangements and accessible environment including transport are key components of inclusion process and still serious challenges in Bulgaria. This is due to the lack of expertise and coordination on policy making level, lack of sufficient in number and training and decently remunerated human resources in education, healthcare, social services and employment fields, lack of quality criteria and effective control mechanisms as well as lack of research about the implementation of policy measures at place.

Persons with disabilities need to be specifically targeted in elaboration and reporting about employment policies. Unemployment data about persons with disabilities should be collected and disaggregated in age, gender, education level, term of unemployment. Unemployment data should involve data about disability pensioners at work age including those living in residential institutional or community-based services. Research and evaluation in provision of employment and social services to persons with disabilities should be performed regularly by independent organisations with the main aim to establish the adequacy and the efficiency of the implemented policy measures and to plan new measures.

The Government needs to report on implementation of its policies in concrete figures related to persons with disabilities which is still not the case in Bulgaria.

# Implementation of the European Structural and Investment Funds (ESIF) in relation to disability

The Social Assistance Agency reported in 2016 that during the last three phases of the EU project ***Alternatives*** (2010, 2011 и 2013/2014) the total of 35,222 persons with permanent disabilities expressed wish to benefit from personal assistant program.[[135]](#footnote-136) The candidates for personal assistants who wished to provide care and support for their relatives and others who were selected were 31,911 persons, and 21,920 were trained to be personal assistants. Thus, the project continued instead of 19, the total of 53 months. The total number of persons with disabilities who received personal assistance during the period 10 January 2011-31 December 2014 was 21,340 and the personal assistants were 20,185. By the end of the project the users of this service were 13,115 and the assistants were 12,416. The project cost around BGN 168m (€ 84m).[[136]](#footnote-137) The Social Assistance Agency reports that in 2016 personal assistants under the national program funded with state funding only were 2,967 persons out of whom 922 assisted children.[[137]](#footnote-138) In 2017, the number of the beneficiaries - adults and children with permanent disabilities - included in the National Programme ‘Assistants to People with Disabilities’ amounted to 2,167 persons of whom 2,023 in the Personal Assistants activity, including 242 children, and 144 part of the ‘Teacher's aide’ activity. Individuals employed under the Unemployed Persons Programme who provide care to their relatives with permanent disabilities are 2,167 including 2,023 as personal assistants and 144 as teacher’s aide.[[138]](#footnote-139)

On 5 July 2017 the Council of Ministers increased the funding for the Integration of Persons with Disabilities Program with BGN 15,7m (€ 7,85m). The funding was supposed to be allocated through the Social Assistance Agency to the municipalities for provision of personal and social assistants’ services and help in the home on the basis of needs assessments of the potential users. The beneficiaries were expected to be 15,000 persons with disabilities and persons over the age of 65. The personal assistants were expected to be 6,400, social assistants - 1,000 and home helpers – 2,500.[[139]](#footnote-140) In 2017, the Social Assistance Agency reports that it transferred the allocated funds to 156 municipalities on the grounds of signed bilateral agreements for the provision of the social services of Personal Assistant, Social Assistant and Domestic Assistant to the benefit of users who had received social assessment according to the rules of Operation Independent Living funded by Operational Programme ‘Human Resources Development’ 2014-2020 following the completion of the programme. From July until the end of 2017 the total of 13,520 users benefited from services provided in domestic environment out of whom 7,635 used personal assistants, 1,712 - social assistants and 4,258 - domestic assistants. The total number of persons employed to provide the above services was 9,521.[[140]](#footnote-141)

***Active inclusion***is a scheme targeting the expansion of the opportunities for improving the quality of life of persons with disabilities and their families. The implementation of this scheme will create conditions suitable for the investment in all-around integrated measures geared towards improving access to social and health services and higher employment for people with disabilities, as well as the reintegration into the labour market of the caregivers - family members of disabled persons. This scheme will be implemented through a selection of projects and will have a budget of BGN 20m (€ 10m). Possible beneficiaries can be municipalities, non-governmental organisations, organisations that provide intermediary services at the labour market, educational and vocational institutions and organisations, and social service providers. As of February 2017, the signed contracts are 58 at the total amount of BGN 18.5m (€ 9,25m) and the activities are ongoing. It is expected that at the end of the scheme 500 participants over the age of 29 would have started a job, 500 unemployed persons would have started looking for a job or have a job after being taking care of a child with disability, 500 unemployed persons with disabilities over the age of 18 would have started looking for a job or have a job and 900 persons with disabilities over the age of 18 would receive services.[[141]](#footnote-142) The 2018 NRP reports that as of April 2018, 61 contracts amounting to BGN 19m (€ 8,5 million.) have been concluded and the total inactive persons included were 3,356.[[142]](#footnote-143)

***Support for people with disabilities*** operation (supposed to be announced in 2017) is aimed at ensuring quality care for persons with severe disabilities by creating centres for comprehensive support to persons with disabilities, incl. with severe multiple disabilities and their families, as well as improving access to services for career development and encouraging participation on the labour market and recovery of labour activity of families with persons with disabilities. The operation is expected to benefit 480 inactive or unemployed persons and 540 people with disabilities over the age of 18.[[143]](#footnote-144) As of April 2018 the procedure is announced and the deadline for submitting project proposals was 17:30 h. on 30.03.2018.[[144]](#footnote-145)

***Equal opportunities*** operation (supposed to be announced in 2017) aims at creating preconditions for active social inclusion of people with disabilities. The operation is directed towards increasing of the level of public awareness about the problems and opportunities of people with disabilities to change the public attitude towards them. The procedure also aims at realization of complex actions towards facilitating access to employment for vulnerable groups, as well as providing opportunities for the people’s return to the labour market who take care of their relatives with disabilities. The beneficiaries are expected to be 1,200 people with disabilities over the age 18 and 250 children including with disabilities.[[145]](#footnote-146) As of April 2018 the operation is in a process of evaluation of the submitted project proposals.[[146]](#footnote-147)

***New chance for social inclusion*** operation (supposed to be announced in 2017) – is aimed at supporting the social inclusion of people with disabilities to facilitate their access to employment through pilot testing and practical application of a new work capacity assessment mechanism. A model for expert assessment of disability and employability of people with disabilities will be approbated through direct implementation of the ICF standards of the World Health Organization, providing individual approach. The beneficiaries would be 250 people with disabilities over the age of 18.[[147]](#footnote-148) As of April 2018 only 5 of the submitted project proposals have been approved for funding, the rest were still under evaluation. The operation was to be announced in June 2018. [[148]](#footnote-149)

Development of 149 new social services and integrated health-social services for support of children and families as well as reconstruction, refurbishment and equipment of existing 41 services to be able to expand their activities would be performed under BG16RFOP001-5.001 ***Support for deinstitutionalisation of child care*** scheme. As of April 2018, under OPRG 2014-2020, Priority Axis 5 ‘Regional Social Infrastructure’, Procedure ‘Support for deinstitutionalization of childcare’: 30 grant agreements of BGN 14,1m (€ 7,5 million) have been concluded. Implementation of projects under the procedure ‘Support for deinstitutionalization of childcare’ under PA 5 of OPRG 2014-2020 continues. A procedure for the provision of a grant financial assistance for deinstitutionalisation of care for elderly people and people with disabilities was forthcoming.[[149]](#footnote-150)

***Independent Living*** scheme was supposed to provide personal assistance to 14,000 persons over the age of 65 and persons with disabilities unable to take care of themselves in 2017 .The 2018 NRP reports that as of April 2018 ‘indicators with accumulation have been achieved: persons with disabilities and persons above 65 years of age unable to self-service involved in it were 32,623; participants with disabilities and participants over 65 years of age unable to self-service, with improved access to services – 13,059; number of providers of social inclusion services – 6; number of social inclusion service providers who widened their scope of activity – 4.’’[[150]](#footnote-151)

***Accept me*** scheme is supposed to provide social and health services to 200 children and youth leaving institutions and 30 providers are expected to expand their activities. The 2018 NRP reports that as of April 2018 under this scheme, 2,104 children were accommodated and raised in 1,734 foster families in partner municipalities.[[151]](#footnote-152) The project implementation activities continues.

***Continuous Support for Deinstitutionalization of Children and Youth*** scheme 2018-2023 would help the transition period of 670 children and youth leaving institutions as well as the assessments of 820 children and youth already placed in community-based residential FTACs. The 2018 NRP reports that as of April 2018 that ‘the procedure is announced and an evaluation of the submitted project proposal is forthcoming’.

The government should publicly report on the implementation of these projects on relevant ministries websites as otherwise the only source of information is the National Reform Program. The information should contain detailed data about the characteristics of the direct beneficiaries.

# Statistical annex: disability data relevant to EU2020

Unless specified, the summary statistics presented in this report are drawn from the most recent EU-SILC micro data available to ANED researchers from Eurostat. Where available, estimates based on national data sources should be compared. The EU-SILC sample includes people living in private households and does not include people living in institutions (congregative households). The sampling methods and responses vary in each country.

The proxy used to identify people with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.[[152]](#footnote-153)

Table 2: Self-reported ‘activity limitations’ as a proxy for impairment/disability

Source: EU-SILC UDB 2016 – version of March 2018

*Note: in Bulgaria comparisons with previous year should take into account a large change in reported disability prevalence between 2015 and 2016. The 2016 data tends to under-report activity limitation in all groups, compared to the EU average.*

In subsequent tables, these data are used to estimate ‘disability’ equality gaps and trends for the three target areas in EU2020 – employment, education and poverty reduction – comparing the outcomes for persons who report and do not report ‘limitations’.[[153]](#footnote-154) National estimates are compared with EU28 mean averages.[[154]](#footnote-155)

## Disability and employment data from EU-SILC

Table 3: Employment rates, by disability and gender (aged 20-64)

Table 4: Employment rates, by age group

*Note: It is important to exercise caution in analysis of the youngest disability age group, where the number of observations is less than 50 in Bulgaria (an average of recent years may be more reliable).*

Table 5: Trends in employment by disability status (aged 20-64)

Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

### Unemployment

Table 6: Unemployment rates by disability and gender (aged 20-64)

Table 7: Unemployment rates, by age group

*Note: It is important to exercise caution in analysis of the youngest disability age group, where the number of observations is less than 50 in Bulgaria (an average of recent years may be more reliable).*

Table 8: Trends in unemployment rate, by disability status (aged 20-64)

Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

### Economic activity

Table 9: Economic activity rates, by disability and gender (aged 20-64)

Table 10: Activity rates, by age group

*Note: It is important to exercise caution in analysis of the youngest disability age group, where the number of observations is less than 50 in Bulgaria (an average of recent years may be more reliable).*

Table 11: Trends in activity rates, by disability status (aged 20-64)

Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

### Alternative sources of national disability employment data

Sources of national administrative data from the Employment Agency and Ministry sources are referred to chapter 2 on employment.

## Disability and educational attainment data from EU-SILC

National comparisons are more limited in the EU2020 target age groups (a wider range improves reliability, but gender breakdowns are not reliable). The EU level indicator is reliable but there is low reliability at the national level in individual years. The following tables show an average of the three most recent years (2014-2016).

Table 12: Three-year average early leaving rates, by disability status (aged 18-24 and 18-29)[[155]](#footnote-156)

Note: It is important to exercise caution in analysis where the sample size is small in these age groups (there are fewer than 50 observations in the 18-24 disability group in Bulgaria).

Table 13: Three-year average tertiary or equivalent education rate (age 30-34 and 30-39)

Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

Note: It is important to exercise caution in analysis where the sample size is small in these age groups (there are fewer than 50 observations in the 30-34 disability group in Bulgaria).

Note: Confidence intervals for the disability group are large and reliability low. An average of several years is needed. National administrative data may provide alternative indications, where available.

### Alternative sources of national disability education data

No sources of alternative national data were identified for this report.

## Disability and poverty or social exclusion data from EU-SILC

Table 14: People at risk of poverty or social exclusion, by disability and risk (aged 16-59)

Table 15: People at risk of poverty or social exclusion, by disability and gender (aged 16+)

Table 16: Overall risk of household poverty or exclusion by disability and age (aged 16+)

Table 17: Trends in household risk of poverty or social exclusion, by disability and age group

Source: EU-SILC UDB 2016 – version of March 2018 (and previous UDB)

Note: The risks for older people do not include work intensity (Eurostat refers to the age group 0-59 for this measure) and the survey does not distinguish ‘activity limitation’ (the proxy for impairment/disability) for children under the age of 16.

### Alternative sources of national disability poverty data

In general, the EU-SILC data provides the most comprehensive and reliable source concerning poverty or social exclusion rates in the Member States. However, national disability surveys or studies may offer additional information.

Sources of national administrative data concerning social protection benefit recipients (including disability pensions) are referred to chapter 4 on employment.

Table 18: Monthly allowance rates for children with permanent disability (age <18)

|  |  |
| --- | --- |
| **Certified level of disability** | **Monthly allowance** |
| Children with 90 and over 90% disability | BGN 930 (€ 477) |
| Children with 70 to 90% disability | BGN 450 (€ 231) |
| Children with 50 and 70% disability | BGN 350 (€ 179) |

Table 19: Capacity of community-based services for children with disabilities

|  |  |  |
| --- | --- | --- |
| **Type of service** | **Number of services** | **Total capacity** |
| Family-type Accommodation Centres (FTAC) for children/young people with disabilities | 128 | 1,730 |
| FTAC for Children with Disabilities | 1 | 9 |
| FTAC for children/young people in need of constant medical care | 8 | 64 |
| Day-care centre for children and/or young people with disabilities | 74 | 2,015 |
| Day-care centre for children and adults with disabilities | 11 | 477 |
| Day-care centre for children and young people with disabilities for weekly care | 6 | 133 |
| Transitional homes for children | 17 | 138 |
| Centres for Social Rehabilitation and Integration for Children | 49 | 1,703 |

*Source: Social Assistance Agency, 2017 Annual Report, p.18*

Table 20: Capacity of adult services

|  |  |  |
| --- | --- | --- |
| **Type of service** | **Number of services** | **Capacity** |
| FTAC for adults with psychosocial disabilities | 3 | 42 |
| FTAC for adults with intellectual disabilities | 2 | 25 |
| FTAC for adults with physical disabilities | 1 | 8 |
| FTAC for adults with dementia | 5 | 75 |
| Sheltered house for persons with psychosocial disabilities | 3 | 20 |
| Day-care centre for adults with disabilities | 2 | 27 |
| Centres for social rehabilitation and integration | 7 | 200 |

*Source: Social Assistance Agency, 2017 Annual Report, p.28.*

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2. Further explanation and analysis of the comparative data and methodology is included in ANED’s annual statistical reports relevant to the EU2020 goals, available at <http://www.disability-europe.net/theme/statistical-indicators>. [↑](#footnote-ref-3)
3. UN CRPD, Concluding Observations on the Initial Report of Bulgaria, 21 September 2018, available in English at: <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBGR%2fCO%2f1&Lang=en>. [↑](#footnote-ref-4)
4. <http://www.strategy.bg/FileHandler.ashx?fileId=1652>. [↑](#footnote-ref-5)
5. <http://www.mlsp.government.bg/ckfinder/userfiles/files/dokumenti/drugi/Plan%20CRPD%202015%202020.pdf>. [↑](#footnote-ref-6)
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7. <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1048>. [↑](#footnote-ref-8)
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11. <https://ec.europa.eu/eurostat/web/health/disability/data/database>. [↑](#footnote-ref-12)
12. Employment Agency, *Report for the Implementation of the 2017 Action Plan*, p.8, available in Bulgarian at: <https://www.az.government.bg/pages/otchet-za-deinostta-na-az/>. [↑](#footnote-ref-13)
13. Several court rulings have dealt with the ‘no right to work’ ruling, which medical panels include in the final document granting disability status. It has been established by the Court that such statement is in violation of human rights. [↑](#footnote-ref-14)
14. National Social Security Institute, *2017 Pension Yearbook*, <http://www.nssi.bg/images/bg/about/statisticsandanalysis/statistics/pensii/STATB42017.pdf>. [↑](#footnote-ref-15)
15. National Social Security Institute, *2016 Pension Yearbook*, <http://www.nssi.bg/images/bg/about/statisticsandanalysis/statistics/pensii/yearbook_pensions_2016.pdf>, p.43. [↑](#footnote-ref-16)
16. Ministry of Labour and Social Policy, *Fiche for Programs, Projects and Measures funded by the State budget*, Annex 3 at the 2018 National Employment Action Plan, available at: <https://www.mlsp.government.bg/index.php?section=POLICIESI&I=249&lang>. [↑](#footnote-ref-17)
17. Employment Agency, *Report for the Implementation of the 2017 Action Plan*, p. 14. [↑](#footnote-ref-18)
18. For each job opening at which **unemployed persons with permanent disabilities,** referred by the Employment Agency, are hired **full or part-time** the employer receives funding for the salary, all social and health security contributions (including for paid vacation) for the period while these employees are hired but **not more than 12 months**. [↑](#footnote-ref-19)
19. Employment Promotion Act, Art.36, para.2 - For each job opening at which an unemployed person up to 29 years of age with permanent disabilities as well as young person from specialized institutions or user of community-based residential social services who finished their education and is referred by the Employment Agency, is hired, the employer receives funding for the salary, all social and health security contributions (including for paid vacation) for the period while these employees are hired but not more than 18 months. The employer receives the funding if he/she ensures employment of unemployed persons, referred by the Employment Agency, for an additional period equal to the period of subsidized employment. [↑](#footnote-ref-20)
20. Employment Promotion Act, Art 51, para 2 - For each job opening at which an unemployed person with permanent disabilities, referred by the Employment Department, is employed the employer receives funding for the salary and the social and health security contributions (without the paid vacation) for the period while the person was hired but this period cannot be shorter than 3 months and longer than 12 months. The employer receives the funding if he/she ensures employment of unemployed persons, referred by the Employment Agency, for an additional period equal to the period of subsidized employment. [↑](#footnote-ref-21)
21. Employment Promotion Act, Art.52 - For each job opening at which unemployed persons with permanent disabilities, referred by the Employment Agency, are hired full or part-time the employer receives funding for the salary, all social and health security contributions (including for paid vacation) for the period while these employees are hired but not more than 12 months. The employer receives the funding if he/she ensures employment of unemployed persons, referred by the Employment Agency, for an additional period equal to the period of subsidized employment. [↑](#footnote-ref-22)
22. Ministry of Labour and Social Policy, *Fiche for Programs, Projects and Measures funded by the State budget*, Annex 3 at the 2018 National Employment Action Plan, available at: <https://www.mlsp.government.bg/index.php?section=POLICIESI&I=249&lang>. [↑](#footnote-ref-23)
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25. Specialised enterprises are regulated by Art. 28 of Integration of Persons with Disabilities Act. They are legal entities – in most if the cases private – registered under the Trade Act or the Law on Cooperatives, which report 30% of their employed staff to have disability status and have registration with the Agency for Persons with Disabilities. <http://lex.bg/bg/laws/ldoc/2135491478>. [↑](#footnote-ref-26)
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29. Ministry of Labour and Social Policy, *2017 National Employment Action Plan*, Annex 1, p.13-16 and *Report about the Implementation of the 2016 National Employment Action Plan*, p. 11. [↑](#footnote-ref-30)
30. Agency for Persons with Disabilities, *2016 Activity Report*, p.10, available in Bulgarian at: <http://ahu.mlsp.government.bg/home/>. [↑](#footnote-ref-31)
31. Agency for Persons with Disabilities, *2016 Activity Report*, p.10. [↑](#footnote-ref-32)
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46. National Network for Children, *2018 Report Card*, p. 36. [↑](#footnote-ref-47)
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55. See the 2015 ANED country report on social protection: <http://www.disability-europe.net/theme/social-protection?country=bulgaria>. [↑](#footnote-ref-56)
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73. Persons with Disabilities Act (1.01.2019), Art.40. [↑](#footnote-ref-74)
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107. Regulations for Implementation of Integration of Persons with Disabilities Act, Art.24-31. [↑](#footnote-ref-108)
108. Persons with 50 and over 50% disability have the right to monthly allowance for education/training and rent and if they have mobility problem – to transport. Persons with 70 and over 70% have the right to monthly allowance for transport, education/training, food and medicines and if they have sight/hearing problem – to accessible information. Persons with 90 and over 90% disability have the right to monthly allowance for transport, information and telecommunication services, education/training, rent, food and medicines, recreation (if an assistant joins the persons with disability the amount is up to €200/year) and for persons with sight/hearing disabilities – accessible information. [↑](#footnote-ref-109)
109. Art. 103 of the Social Security Code determines the size of the personal aid supplements at the level of 75% of the social pension for old age. [↑](#footnote-ref-110)
110. Social Assistance Agency, *2016 Annual Report*, p.40. According to this report monthly allowances for transport were paid to 523,999 persons; for information and telecommunication services – to 87,229 persons; for education/training – to 381 persons; for food and medicines- to 408,555 persons; for accessible information – to 127,985; for recreation – to 6,740 persons; for rent of municipal house - to 999 persons; for adaptation of flat/house – to one person; for adaptation of a vehicle – to 3 persons. [↑](#footnote-ref-111)
111. Social Assistance Agency, *2016 Annual Report*, p.40. [↑](#footnote-ref-112)
112. Social Assistance Agency, *2017 Annual Report,* p.33. [↑](#footnote-ref-113)
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125. Bulgarian Helsinki Committee, *2017 Annual Report*, p.140. [↑](#footnote-ref-126)
126. Bulgarian Helsinki Committee, *2017 Annual Report*, p.141. [↑](#footnote-ref-127)
127. Bulgarian Helsinki Committee, *2017 Annual Report*, p.141, available in English at: <http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2017_issn-2367-6930_en.pdf>. [↑](#footnote-ref-128)
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149. 2018 National Reform Program, p.63. [↑](#footnote-ref-150)
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153. The methodology is further explained in the annual statistical reports of ANED, available at <http://www.disability-europe.net/theme/statistical-indicators>. [↑](#footnote-ref-154)
154. A discontinuity in the German disability data due to a definitional change in 2015 (reducing prevalence estimates) and affected the estimation of EU average indicators and trends. A break in the Italian prevalence data in 2016 was also large enough to affect the EU average. [↑](#footnote-ref-155)
155. There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition in 2015. [↑](#footnote-ref-156)