



**FUNDAMENTAL
RIGHTS
VIOLATIONS IN
EU FUNDS IN
BULGARIA**

**National research
report – Bulgaria**

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AUTHOR

Aneta Genova Mircheva

RESEARCH AND EDITORIAL CONTRIBUTION BY

Tanya Tsaneva
Venera Simeonova
Miroslav Moravski

Network of Independent Experts-NIE Association

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Executive summary

The report identifies a number of key problems that impede the effective implementation of fundamental rights in Bulgaria:

Legislative Framework Deficiencies: Even though the report does not provide a comprehensive analysis of the legislative framework, the major deficits, such as limited access to justice for vulnerable groups, discrepancies between European legislation and national practices, and challenges in implementing international instruments, are discussed.

The same applies to the **Oversight Mechanisms**. We found that the ineffective mechanisms for overseeing the expenditure of EU funds, lack of transparency, and participation of affected communities remain significant issues.

Systemic Discrimination and Segregation: Discrimination and segregation in various sectors, disproportionately affecting Roma communities, people with disabilities, and refugees/migrants. This report reveals particularly several huge problems and their link with the EU funded programs, procedures and projects.

Trans-institutionalization: The deinstitutionalization process often leads to trans-institutionalization, where people are moved from large institutions to smaller ones that replicate the same institutional model. This process is funded with EU funds.

Border Violence and Pushbacks: Border management practices, especially regarding pushbacks, are subject to criticism from human rights organizations. A lot of programs, procedures and projects directly contribute to these practices.

Lack of Meaningful Consultation: Lack of meaningful consultation with affected communities in the design, implementation, and monitoring of EU funded projects.

Misuse of EU Funds: EU funds in many cases are used in ways that directly or indirectly contribute to the violation of fundamental rights.

The analysis reveals that EU-funded projects, despite their stated goals of promoting social inclusion and equality, often fail to address the root causes of discrimination and inequality. In some cases, these projects even exacerbate existing problems, leading to further violations of fundamental rights. The report highlights specific examples of projects that perpetuate segregation, support institutional care models, or fail to provide sufficient support for vulnerable groups.

Introduction

"If we start from the highest level, from top to bottom, we can see that at the governmental and state level, fundamental rights are not a priority. [...] No one ever discusses what this money is being spent on. When we look at the parliament, there is a parliamentary committee specifically created to oversee European funding. It could exercise control over fundamental rights and assess whether the funded projects actually help people. But if you look at their transcripts, they deal only with how much has been spent, how to spend everything, and if there is anything left that we cannot spend, how to make sure we spend it faster. In this sense, fundamental rights are an obstacle because they require consultation with NGOs and communities, which always have demands and conditions that slow down public procurement and the spending process."

This report presents a thorough analysis of the systemic challenges hindering the effective protection and promotion of fundamental rights in Bulgaria, particularly within the context of the allocation and implementation of European Union funds. The analysis reveals a complex interplay of legislative deficiencies, inadequate oversight mechanisms, and discriminatory practices that disproportionately affect vulnerable groups, including Roma communities, people with disabilities, and refugees/migrants. These systemic failures undermine the principles enshrined in the Charter of Fundamental Rights of the European Union, hindering the realization of a just, equitable, and inclusive society.

This report highlights specific discriminatory practices and violations of fundamental rights.² These practices and violations are detailed in numerous reports by human rights organizations, including international ones, such as the Validity Foundation, the European Roma Rights Center, the Agency for Fundamental Rights, as well as international bodies tasked with monitoring compliance with rights (the Committee on the Rights of Persons with Disabilities, the European Commission, etc.). This report is one of the few, if not the first, to link specific projects funded by European funds to violations of fundamental rights. The aim of the report is to shed light on these problems, to point out that they exist, to provoke discussion. In the course of preparing the report, only a few authorities responded to our persistent requests for dialogue. We hope this position will improve over time and in the upcoming discussions, making meaningful dialogue possible.

The report is based on a thorough review of existing literature, including legislation, policies, reports from international and local organizations, as well as interviews with experts and representatives of affected communities. The analysis reveal that despite existing legal frameworks and international commitments, Roma communities, people with

disabilities, and refugees/migrants continue to face systemic discrimination and inequalities in various areas of public life, including housing, education, employment, and access to services.

¹ Interview with a representative of an NGO, researcher and lawyer with specific experience in researching the EU funds management in Bulgaria.

² Fundamental rights are the basic rights and freedoms guaranteed to all individuals in the European Union. They are enshrined in the Charter of Fundamental Rights of the European Union and include, among others, the right to dignity, freedom, equality, solidarity, civil rights, and justice.

Research Objective and Methodology

1. Research Objective and Thematic Focus Areas

This research aims to gather qualitative and quantitative data on discrimination in EU funds allocation and implementation within Bulgaria. It seeks to identify gaps, challenges, and existing responses related to discrimination against vulnerable groups. The research concentrates on the following key areas:

- Integration and independent living of people with disabilities;
- Roma inclusion;
- Integration of people with a migrant background.

2. Methodology

Data Collection and Review

The research team employed a mixed-methods approach, including:

Desk research and Literature Review: An in-depth review of relevant sources, including legislation, case law, policy and strategic documents, reports related to the European Investment and Structural Funds and its spending (including publicly available programs, procedures, implementation reports, Monitoring Committee reports, and contracts), media reports, etc.

Stakeholder Engagement: The research team, with extensive experience in studies on vulnerable groups—primarily people with disabilities, also consulted experts in Roma and refugee rights. A representative from a Roma organization and a representative from an organization protecting the rights of refugees, were involved as project consultants.

Additionally, interviews were conducted with representatives of several Roma organizations and organizations working with refugees and migrants. Efforts were made to engage authorities responsible for the policy and investments in these areas; however, in most cases, these attempts were unsuccessful. For instance, the Ministry of Health, the Ministry of Regional Development, and the State Agency for Refugees declined to participate.³

Questionnaire: A questionnaire⁴ was developed and distributed to civil society representatives, human rights bodies, and relevant authorities. Despite being designed for easy completion and submission, the response rate remained low at only 15%. A number of authorities explicitly refused participation, while some completed the questionnaire but declined interviews.⁵ Telephone conversations were held with some authorities, however, confidentiality restrictions prevented the inclusion of direct quotes. Comprehensive details on the findings from this phase of the research are provided in Annex 2.

Interviews: Despite over 60 invitations being sent, only 13 individuals responded to interview requests, of which 11 were successfully conducted. Many declined to participate, citing scheduling conflicts or other unspecified reasons. In numerous cases, representatives of the authorities asserted that there were no violations of fundamental rights in EU-funded projects and programs⁶. The reluctance to engage and the lack of explicit reasons for refusal were recurring patterns, limiting the ability to gather comprehensive insights from institutional stakeholders.

Political Context: The research period coincided with significant political instability in Bulgaria, marked by several caretaker governments. This instability had a considerable impact on access to governmental representatives and resulted in delays and limited responses.

³ The refusals were documented and considered in the analysis.

⁴ See more in this direction in Annex 2.

⁵ Responses are documented.

⁶ Some authorities explicitly stated this in their letters.

Literature Review

As a first step in this project, we conducted a literature review to identify previous research on this topic. Numerous studies in Bulgaria address the situation of Roma and other vulnerable groups. These studies, along with discussions with relevant experts, interviews, and consultations, helped us outline the challenges faced by these groups. This report, however, cannot comprehensively cover every aspect of these complex issues. We encourage readers to explore the cited literature for a deeper understanding.

For a broader understanding of the topic and to establish the research framework, we relied on the research and publications of the Fundamental Rights Agency (FRA), particularly their report: "EU funds: Ensuring compliance with fundamental rights".⁷ National-level studies exist on the management of European funds in Bulgaria; however, none directly examine how this management affects the fundamental rights of vulnerable groups. These studies, nonetheless, highlight challenges concerning fundamental rights and existing mechanisms to prevent violations. This includes an overview of both state-provided guarantees and instances of their absence.⁸

The legal framework governing EU funds and their implementation in Bulgaria presents significant challenges to protecting the rights of vulnerable groups. While Bulgaria's legal system incorporates international human rights conventions and EU directives, the practical application often falls short. Access to justice for affected individuals is limited due to a lack of clear legal standing and mechanisms for redress. Moreover, the connection between EU legislation and national practices is often weak, leading to a disconnection between abstract legal principles and the realities faced by vulnerable groups. This is exacerbated by a lack of transparency and accessibility regarding information on EU-funded projects and the overall process of their implementation.

One key report on European funding in Bulgaria is

from the Center for the Study of Democracy (2024).⁹ This report examines two operational programs often associated with fundamental rights violations: the Operational Programme "Human Resources Development" and the Operational Programme "Regions in Growth".

"The research team selected two operational programmes to focus on during the fieldwork phases: OP "Human resources development" (ОП „Развитие на човешките ресурси“) and OP "Regions in growth" (ОП „Региони в растеж“). These are the programmes most often associated with fundamental rights concerns during 2014-2020 (and the preceding 2007-2014) cycle. They were the leading EU financial instruments that played a significant role in the deinstitutionalisation process of children (incl. children with disabilities) and adults with disabilities in Bulgaria within the already described "integrated programme". That process was related to a series of fundamental rights concerns raised by the civil society sector and the Ombudsman in Bulgaria. In addition, NGO interview respondents outlined concerns that reproduced the practices related to the DI in other areas, such as the construction of social housing dwellings and complexes".¹⁰

These two programs are discussed further in this report, as they heavily affected the rights of the vulnerable groups.

The programs affected the Roma rights as well. The attempt by the Bulgarian government to invest approximately 12 million euro in social housing through EU funds largely failed. A significant portion of these funds was redirected to road construction projects. While the 2007-2013 Regional Development Programme allocated funds for "modern social housing for vulnerable and minority groups,"¹¹ implementation was hindered by bureaucratic delays, inadequate community engagement, and the shifting of funds to other priorities. In several municipalities, support for social housing projects was only secured with the inclusion of young families and single parents, effectively limiting access for Roma

⁷ Fundamental Rights Agency (FRA), "EU funds: Ensuring compliance with fundamental rights.", 2023, available at: <https://fra.europa.eu/en/publication/2023/eu-funds>

⁸ See for example Center for the Study of Democracy, "The Role of National Human Rights Institutions in Guaranteeing Compliance with Fundamental Rights When Using EU Funds," Sofia: Center for the Study of Democracy, 2024. Available in English: https://fra.europa.eu/sites/default/files/fra_uploads/country-research-eu-funds-nhris-bulgaria_en.pdf

⁹ Center for the Study of Democracy, "The Role of National Human Rights Institutions in Guaranteeing Compliance with Fundamental Rights When Using EU Funds," Sofia: Center for the Study of Democracy, 2024. Available in English: https://fra.europa.eu/sites/default/files/fra_uploads/country-research-eu-funds-nhris-bulgaria_en.pdf

¹⁰ Ibid, page 11.

¹¹ Initiative for Equal Opportunities, Demolition of Roma Homes in Bulgaria Report, 2022. <https://equalopportunities.eu/images/2022/demolition-of-roma-homes-in-bulgaria-report-bg-20220616.pdf>

families. In one instance, the municipality of Varna controversially used EU funds earmarked for social housing to instead demolish Roma homes, claiming they obstructed new construction.¹² This highlights the insufficient investment and ineffective strategies surrounding the provision of social housing to Roma families, and the frequent misallocation of EU funds intended for this purpose.

Numerous studies examine the rights of specific groups, rights violations, and recommendations for legislative and policy changes.¹³ We cite these studies in relevant sections. Additional key reports are mentioned throughout this document. Our research also included reviewing reports from managing bodies, program guidelines, audit reports, meeting transcripts, local-level European funds management decisions, and media coverage. We also considered case law regarding complaints against managing bodies, focusing particularly on the lack of legal recourse for vulnerable groups impacted by EU-funded projects. Some sources are cited throughout the report to further explain issues, while others contribute to the overall context.

We encourage the readers to review the literature cited in the Annex 3 to have deeper understanding about some specific issues.

¹² Ibid.

¹³ See for example: "Poor her for having dreams", a report by the Validity Foundation - Budapest and the Independent Expert Network - NIE Association, from April 2024, based on monitoring visits to a psychiatric hospital, a large institution and a number of family-type residential centres, available in Bulgarian here: <https://validity.ngo/wp-content/uploads/2024/04/20240411-BG-Monitoring-Report-BG-1.pdf>

EU Funding in Bulgaria: Stakeholder Engagement and Fundamental Rights Compliance

An important part of this research is to study stakeholder perspectives on the implementation of EU-funded programs in Bulgaria and the occurrence of fundamental rights violations affecting vulnerable groups. As we discussed above, the research employed a mixed-methods approach, including desk research, stakeholder engagement, questionnaires, and interviews.

Despite considerable efforts to contact municipalities, authorities, civil society representatives, and human rights bodies, engagement was limited. The low initial interest was likely due to political instability and the succession of caretaker governments. However, after a regular government was formed, response rates improved but remained low overall. While most responses were questionnaire submissions, refusals to participate in interviews were also frequent.

Only in one case, the respondent demonstrated an awareness of potential rights violations, suggesting a conscious effort to adopt more rights-informed practices. For instance, a revised handbook on managing the Education Programme was issued, incorporating compliance with the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities.¹⁴

However, communication with municipal authorities was consistently difficult, with many refusing direct communication, despite letters and attempts to contact regional governments. Even when contact was established, securing interviews proved challenging. The prevalent response from authorities was that project implementation was legally compliant, precluding any acknowledgment of rights violations.

In contrast, civil society representatives—experts from various fields—participated extensively in the study. While some lacked detailed knowledge of specific EU projects and could not identify specific

projects that violated the fundamental rights, they possessed extensive familiarity with project outcomes and fundamental rights violations.¹⁵ Municipality and the State authority representatives, on the other hand, displayed strong programme knowledge but demonstrated a limited understanding of the consequences of potential rights violations.¹⁶

This disparity underscores a pattern of disinterest and denial regarding potential rights violations, reflecting a recurring challenge identified by the Fundamental Rights Agency (FRA) in previous research on EU projects.¹⁷ Further highlighting this issue, human rights bodies, though invited, did not participate in the study. This lack of involvement was attributed, in part, to the absence of an active Ombudsman at the time of the research and the formal, rather than substantive, role of the Commission for Protection against Discrimination in project oversight.¹⁸

Analysis of the responses received from questionnaires and letters sent to municipality and the State authority representatives revealed a striking pattern: a near-universal lack of acknowledgment regarding potential fundamental rights violations related to EU funding. Almost every response asserted strict legal compliance and the absence of any complaints regarding project implementation. Some authorities even claimed irrelevance to the topic. This pervasive dismissiveness suggests either a superficial (or complete lack of) understanding concerning fundamental rights and their potential infringement through EU funding mechanisms, or a significant lack of interest in the matter. This observation is further explored in the following sections.

Annex 2 details the data collection methods and results.

¹⁴ Representatives of the Ministry of Education provided with us a handbook and its emphasis on fundamental rights are detailed further in the report.

¹⁵ This highlights the importance of including civil society expertise in project design and monitoring to address potential rights concerns.

¹⁶ This knowledge gap underscores the need for improved training and awareness-raising regarding fundamental rights and their relevance to EU projects.

¹⁷ The FRA's findings on similar non-cooperation are discussed in the report cited above.

¹⁸ The limited functionality of these bodies is discussed in other parts of the report.

Mapping Operational Programs, Priorities, and Procedures Impacting the Fundamental Rights of Vulnerable Groups in Bulgaria

This section describes EU-funded operational programs in Bulgaria and begins to establish a connection between these programs and their impact on the fundamental rights of vulnerable groups, as analyzed in this report: persons with disabilities, the Roma community, and refugees/migrants. In this section we aim to collect information about specific programs, priority axes, and projects to identify potential instances of rights violations. While subsequent sections will provide detailed analyses of specific instances, this section highlights key programs and initiatives, setting the stage for further investigation into the extent to which EU funding mechanisms have inadvertently contributed to, or failed to mitigate, fundamental rights violations affecting these vulnerable groups. Later sections will reference this introductory overview of the programs and initiatives analyzed within this report.

1. Operational Programs and their relation to the persons with disabilities situation: Operational Programs Funding DI process.

The deinstitutionalization (DI) process in Bulgaria presents significant challenges regarding fundamental rights.¹⁹ Funded through multiple operational programs, it integrates and coordinates the efforts of the "Human Resources Development" (2014-2020) and "Regions in Growth" (2014-2020) programs.²⁰ While "Regions in Growth" focuses on building of infrastructure, the "Human Resources Development" program focuses on soft measures, such as services within the newly built infrastructure. This section provides information on specific programs and funding axes and some projects referenced above, in the section dedicated to how the EU projects reflect on the fundamental rights of persons with disabilities.

1.1. Operational Programme "Regions in Growth" (OPRG, 2014-2020)

The OPRG, funded by the EU's European Regional Development Fund (ERDF) and the Bulgarian national budget, aimed to stimulate growth and employment across Bulgaria. Its approach targets regional development and urban policy, focusing on urban

balance, sustainable development, and improved quality of life. The infrastructure, ensuring the DI process in Bulgaria was built mostly with the financial resources, coming from this program and the funding ensured in the previous program period.²¹

The "Regions in Growth" Operational Programme (2014–2020), with a total budget of BGN 3,188,830,656.65, comprised 11 priority axes. The Ministry of Regional Development and Public Works served as the managing authority. This analysis focuses on Axis 5 ("Regional social infrastructure"), one of the areas where this report connects specific programs, priority axis and projects to fundamental rights violations.

The analysis, in the coming sections, demonstrates this connection through the examined program, its priority axis (with examples from specific projects) and the violation of the fundamental rights of the persons with disabilities. For example, in 2022 alone, Axis 5 funded the construction of at least 159 social infrastructure facilities, including family-type residential care centers, as evidenced in the program's 2022 annual report.²² The building of such facilities is considered a significant factor contributing to trans-institutionalization and the perpetuation of institutional practices, thus reinforcing segregation and marginalization of vulnerable groups. The link between the construction of group homes and segregated infrastructure, is highlighted in some legal sources, as Guidelines for Institutionalization, including in emergency²³ and human-rights organizations reports.²⁴

This priority Axis encompassing two programs:

- BG16RFOP001-5.002 "Support for deinstitutionalization of social services for the elderly and people with disabilities". (Total budget: BGN 27,630,504.46; EU funding: BGN 23,153,228.85). This program supported 28 beneficiaries and 30 projects, with at least 27 involving the construction of residential care centers for adults with disabilities.²⁵
- BG16RFOP001-5.001 "Support for the Deinstitutionalisation of Childcare". (Total budget: BGN 36,315,943.44; EU funding: BGN 30,734,081.18). This program funded 46 beneficiaries and 53 projects. At least 22 of these

¹⁹ This refers to the findings from interviews and the literature review included in the report. The precise sources are detailed in subsequent sections.

²⁰ Further details would be provided in a subsequent section of the report.

²¹ For example, the annual report for 2022 of the Operational Programme "Regions in Growth" (2014-2020) shows that 159 social infrastructure sites in the process of deinstitutionalization were supported under Axis 5 "Regional Social Infrastructure".

²² Ministry of Regional Development and Public Works, General Directorate "Strategic Planning and Regional Development Programmes," Managing Authority of Operational Programme "Regions in Growth" 2014-2020, Annual Implementation Report for Operational Programme "Regions in Growth" 2014-2020, 2023, p. 26, available at: https://www.eufunds.bg/sites/default/files/uploads/oprd/docs/2023-05/Annual%20Report_OPRG_01_05_2023.pdf

²³ Committee on the Rights of Persons with Disabilities. (2017). General comment No. 5 on living independently and being included in the community. See also CRPD/C/5: Committee on the Rights of Persons with Disabilities. (2022, October 10). Guidelines on Deinstitutionalization, Including in Emergency; available at: <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpd5-guidelines-deinstitutionalization-including>.

²⁴ See for example: Validity Foundation. (2021, September). Deinstitutionalization and Life in the Community in Bulgaria: A Three-Dimensional Illusion, available at: <https://validity.ngo/wp-content/uploads/2021/09/Deinstitutionalisation-and-Life-in-the-Community-in-Bulgaria-FINAL.pdf>.

²⁵ See Notice of Awarded Grants for Non-Reimbursable Financial Assistance under Operational Programme "Regions in Growth" 2014-2020, Priority Axis 5: "Regional Social Infrastructure," Procedure BG16RFOP001-5.002 ("Support for Deinstitutionalization of Social Services for the Elderly and People with Disabilities"). (Updated November 30, 2020), available at: <https://www.eufunds.bg/sites/default/files/uploads/oprd/docs/2020-12/03.12.20-5.002-Prilojenie%206.18.Obiavlenie%20za%20vazlagane%20na%20dogovori%20v.7-%205.002.pdf>.

projects focused on constructing residential care centers, predominantly for children with disabilities.²⁶ The Ministry of Health and various municipalities served as beneficiaries.

The procedure guidelines reveal serious contradictions. They emphasized transitioning from institutional care to family- or family-like community-based settings.²⁷ And while the first part highlights the need to support families, the second part raises human rights concerns, as it **allows relocation of funding for building new types of institutions**. These guidelines explicitly state that the placement of children in specialized institutions violates their rights under international conventions to which Bulgaria is a party, including the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. Such placements limit children's access to quality care and services. Furthermore, the Updated Action Plan,²⁸ aimed at implementing the National Strategy "Vision for the Deinstitutionalization of Children in Bulgaria," prioritized ensuring children's access to a family environment and quality care.²⁹ Despite this stated commitment to community-based care, the program guidelines still allocate funding for the construction of multiple residential facilities, including: 10 Family-type Residential Care Centers for Children, 28 Transitional Housing units for children aged 15-18, 17 Supervised Housing units for youth aged 18-21, 20 Centers for Specialized Health and Social Care for Children with Disabilities, and 8 Centers for Children with High-Risk Behavior.³⁰ As these are all residential services, albeit smaller than traditional institutions, they represent a form of trans-institutionalization, potentially perpetuating institutional care and segregation. Therefore, the procedure's implementation demonstrably resulted in trans-institutionalization, failing to achieve genuine deinstitutionalization and raising serious concerns regarding human rights.

1.2. Human Resources Development Operational Programme

The Human Resources Development Operational Programme, co-funded by the European Social Fund Plus (ESF+) and the national budget, aimed to develop the workforce, address labor market challenges, and promote social inclusion. Targeting 850,000

individuals, it had a budget of BGN 2,940,633,787.42 (EU funding: BGN 2,918,756,954.31), encompassing seven priority axes.³¹

Of particular relevance to this study is the priority axis "Reducing poverty and promoting social inclusion".³²

Several procedures within this priority axis are examined below. However, it is important to note that they and some of the other procedures under this priority axis are relevant, particularly those that involve training personnel and developing activities within group homes (such as, Family-type Residential Care Centers). Group homes, by their nature, constitute a form of institutionalization; therefore, activities conducted within these settings inherently support the institutionalization of people with disabilities, thereby violating their fundamental rights. The scope of the report doesn't allow us to describe all procedures and projects in them.

Among the key procedures under the "Reducing Poverty and Promoting Social Inclusion" priority axis are:

- BG05M9OP001-2.061 "Support for persons with disabilities - Component 2". This procedure (budget: BGN 7,093,087.39; EU funding: BGN 6,029,124.02) focused on the construction and renovation of daycare centers and supported eight municipalities.³³
- BG05M9OP001-3.005 "New standards for social services". Fully EU-funded (BGN 1,723,474.20), this procedure (implemented 2016-2020) aimed to improve the accessibility, efficiency, and deinstitutionalization process of social services for children, adults, and the elderly with disabilities.³⁴
- BG05M9OP001-2.090 "New Long-Term Care for the Elderly and People with Disabilities – Stage 2 – Provision of New Services". (This procedure had a total budget of BGN 12,831,915.48 (EU funding: BGN 10,907,126.87) and focused on training personnel, including those working in residential services.³⁵
- BG05M9OP001-2.012 "Continuing Support for the Deinstitutionalization of Children and Youth": (The total budget allocated to this procedure amounts to BGN 2,011,153.87, of which BGN 1,709,480.78

²⁶ See: Project BG16RFOP001-5.001 ("Support for Deinstitutionalization of Childcare"): Project documentation from the Information System for Management and Monitoring of EU Funds in Bulgaria (2020), available at: <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/f662381a-8df1-46d7-9acc-87f9c3774d60>.

²⁷ Ibid.

²⁸ Adopted by the Council of Ministers Decision No. 859/13.10.2016.

²⁹ Both of the documents are available at: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=601>

³⁰ Information System for Management and Monitoring of EU Funds in Bulgaria (2020). Project Documentation: BG16RFOP001-5.001 ("Support for Deinstitutionalization of Childcare"), available at: <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/f662381a-8df1-46d7-9acc-87f9c3774d60>.

³¹ More information is available at: https://2020_eufunds.bg/bg/4/0/OPPProfile.

³² More information is available at: https://2020_eufunds.bg/bg/4/0/PriorityLines.

³³ Detailed information about all supported projects is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=sZWN6%2FF9aWlMvDadYS-GtNg%3D%3D&Proc=v6SqArcpmdVm5F7A11xVA%3D%3D&showRes=True.

³⁴ Detailed information about all supported projects is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=sZWN6%2FF9aWlMvDadYS-GtNg%3D%3D&Proc=FKKrlcR0Rk8q5umZmTGN1g%3D%3D&showRes=True

³⁵ Detailed information about all projects supported by this program is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=sZWN6%2FF9aWlMvDadYS-GtNg%3D%3D&Proc=OCY0YpnjuDtntjqgwdR1qg%3D%3D&showRes=True

is derived from European funding.³⁶ This procedure is one of several designed to support the continued functioning of residential care centers.

It is crucial to note that a significant portion of the projects implemented under these procedures involved staff training and activities conducted within group homes. This reinforces the inherent contradiction between the stated goals of deinstitutionalization and the actual practices that maintain or even exacerbate the institutionalization of people with disabilities, thus violating their fundamental human rights.

1.3 Human Resources Development Programme, (2021-2027)

The Human Resources Development Programme (2021–2027), with a total budget of BGN 1,574,225,299.19 (EU funding: BGN 1,567,345,791.64), included five priority axes.³⁷ Relevant for this analysis is the “Social Inclusion and Equal Opportunities” axis, which had a budget of BGN 1,369,460,540 (EU funding: BGN 1,147,779,620).³⁸

Numerous procedures fall under this axis, and most of them are relevant to this study.

We highlight the procedure BG05SFPR002-2.010 “Improving the efficiency of providing social services and monitoring them”.³⁹ This procedure, with a budget of BGN 6,868,888.86 (EU funding: BGN 5,756,953.14), involved a single project (BG05SFPR002-2.010-0001) implemented by the Agency for Quality of Social Services to monitor and control social services. The period of implementation is from the 1st of January 2025 to 31st of December 2027).⁴⁰ The implicit support for institutional care within the social service quality monitoring system is a fundamental rights violation. The failure to address institutional culture, promote deinstitutionalization and to evaluate service quality based on its ability to support independent community living for people with disabilities is unacceptable. This has direct consequences on all affected individuals.

In conclusion, many of the projects implemented under the programs, priority axes, and procedures discussed above - particularly those focused on building, managing, and monitoring social services, including group homes and other forms of segregated residential services - we consider problematic from a fundamental rights perspective. These projects inherently support the continuation of institutional

practices, perpetuating the institutionalization of people with disabilities and, consequently, violating their fundamental rights.

Similar rights violations, characterized by the funding of segregated services that perpetuate institutional cultures, were observed in many procedures across both program periods (2014–2020 and 2021–2027). Due to the scope of this report, not all projects are analyzed in detail; however, select case studies in the following sections illustrate this issue.

2. Operational Programmes and their Relation to the Roma Communities and Roma rights

The National Strategy of the Republic of Bulgaria for Equality, Inclusion, and Participation of Roma (2021–2030) is the most important policy document addressing Roma integration.⁴¹ As detailed in the section, discussing the situation of Roma in Bulgaria, Roma communities disproportionately experience extreme poverty, substandard housing, segregation, and racial discrimination. But despite stated goals in the Strategy and significant resources (a substantial portion of which originates from European programs) meaningful progress toward Roma inclusion has not been achieved.

This section outlines several key programs, procedures, and projects, which failed to achieve the aims of the Strategy. In the section, dedicated to the concrete examples, we will examine how these initiatives affect the Roma population and we will describe in detail the violation of the fundamental rights, linked to these programs, procedures and projects. In general, the main problems are related to lack of adequate consideration of the specific needs and perspectives of Roma communities, lack of culturally appropriate designs and failure to address the underlying causes of social and economic disadvantage, like extreme poverty, discrimination, racism, segregation.

2.1 Operational Programme "Regions in Growth" (OPRG) (2014–2020):

The OPRG⁴² was previously discussed in relation to its impact on the rights of persons with disabilities. This part re-examines the program, focusing on its effects on Roma communities. The program's eleven (11) priority axes included Axis 5 (“Regional social infrastructure”), which is of particular interest as it relates directly to housing, community spaces, and infrastructure, areas where Roma often face significant inequalities and discrimination.⁴³

36 More information is available at: https://2020_eufunds.bg/bg/4/0/Prioritylines

37 More information about the program is available at: <https://esf.bg/wps/portal/program-hrd/home>

38 More information about the Priority Axis is available at: <https://esf.bg/wps/portal/program-hrd/procedures/ophrd-2021-2027/procedure2>

39 More information for the procedure is available at: https://2020_eufunds.bg/bg/8010709/0/Project/Search?Prior=dqxd%2B2wy6J77yEi%2B8jkb-vA%3D%3D&Proc=70G0s4Yzw9Kcf1bqpZ4fUA%3D%3D&showRes=True

40 More for the project is available at: https://2020_eufunds.bg/bg/8010709/0/Project/BasicData?contractId=Ef6EU8R4Zd9cz1HE37AJyA%3D%3D&isHistoric=False

41 National Strategy for Equality, Inclusion, and Participation of Roma (2021–2030), available at <https://nrpcsystem.government.bg/legal/forms/allitems.aspx>

42 As it was described above, the total budget is BGN 3,188,830,656.65; EU funding: BGN 1,276,273,521.06). The program is managed by the Ministry of Regional Development and Public Works.

43 The program is discussed in the part related to the rights of the persons with disabilities, but here we are investigating it from another

2.1.1 Priority Axis: Sustainable and Integrated Urban Development⁴⁴

This priority axis, with a total budget of BGN 1,501,498,260.07 (EU funding: BGN 1,276,273,521.06), comprised 42 separate procedures, each focusing on a specific municipality. This decentralized approach often resulted in a lack of meaningful Roma community participation in planning or formal approach to the inclusion. The stated objective—improving quality of life and fostering growth in Bulgarian cities through sustainable urban development strategies addressing economic, environmental, climate, social, and demographic challenges—was frequently not realized in practice. A detailed analysis of projects under this axis⁴⁵ reveals significant shortcomings regarding Roma inclusion. While some projects aimed to build or renovate social housing, the lack of meaningful consultation with Roma communities often resulted in the creation of new segregated housing areas, or even the displacement of Roma families from existing homes. Furthermore, the design and implementation of these projects frequently overlooked culturally appropriate designs and failed to consider the specific needs and perspectives of Roma communities. Additionally, the construction of new facilities did not address the underlying causes of social and economic disadvantage, and, in many cases, exacerbated existing inequalities.

In the Guidelines, related to the procedures under this priority axis it is stated that: *“The objective of the present procedure is to provide funding for the implementation of Integrated Urban Regeneration and Development Plans. These plans are designed to address, in a sustainable and lasting manner, the high concentration of economic, environmental, and social issues affecting 39 cities across three hierarchical levels within the framework of the Bulgarian National Spatial Development Concept (2013–2025).”*⁴⁶

These procedures are geographically targeted, focusing on specific municipalities. Several examples illustrate this approach:

- BG16RFOP001-1.019 Implementation of Integrated Urban Regeneration and Development Plans 2014–2020—Vratsa. This procedure (total budget: BGN 16,708,729.90; EU funding: BGN 14,202,420.41) supported seven projects. The project aimed at the construction of social housing (BG16RFOP001-1.019-0006-C04) was never implemented.
- BG16RFOP001-1.010 “Implementation of Integrated Urban Regeneration and Development

Plans 2014–2020—Vidin”. This procedure (total budget: BGN 36,759,359.28; EU funding: BGN 31,095,609.67) supported 6 projects, including the construction of 37 social housing units (BG16RFOP001-1.010-0005).

- BG16RFOP001-1.026 “Implementation of Integrated Urban Regeneration and Development Plans 2014–2020—Montana”. This procedure (total budget: BGN 15,839,078.24; EU funding: BGN 12,864,470.62) supported four projects, including the renovation of social housing (BG16RFOP001-1.026-0003) for vulnerable groups.

The above mentioned guidelines for implementing these procedures⁴⁷ contained contradictory statements. While permitting the construction of social housing, they also stipulated that project proposals must demonstrate community support and social tolerance through public consultations, campaigns, roundtables, etc., involving both the target group and affected parties.⁴⁸ Furthermore, these guidelines emphasized that social housing must be located strategically to integrate marginalized groups, preventing the creation of isolated communities. They highlighted the importance of ensuring sufficient technical, social, and educational infrastructure near new housing.⁴⁹ This vision of spatial integration, focused on preventing the marginalization of specific groups and facilitating access to key community resources, contrasts sharply with the reality on the ground. While this can be seen as an attempt to ensure desegregation of the Roma population, in reality it leads to inaction and/or further segregation. The Bulgarian National Spatial Development Concept (2013–2025),⁵⁰ while comprehensively detailing territorial development, notably omits any strategies to address spatial segregation affecting Roma communities or to resolve their housing issues. Given the widespread anti-Roma prejudice in Bulgaria, securing community support for desegregated social housing is exceedingly difficult without actively mitigating discrimination, hate speech, and social exclusion, especially considering that Roma are frequently a minority in non-segregated areas. This explains the lack of social housing construction in many areas, and, for instances where social housing was built, it was often not allocated to Roma or was situated in segregated locations. These issues will be analyzed further in the section related to the situation of the Roma population in Bulgaria, where also concrete examples will be provided.

However, the update of the Concept happened in 2019 – it was funded by EU project

angle.

⁴⁴ More information is available at: <https://2020.eufunds.bg/bg/3/0/PriorityLines>

⁴⁵ All project can be accessed here: <https://2020.eufunds.bg/bg/3/0/PriorityLines>

⁴⁶ Ministry of Regional Development and Public Works. (2014–2020). Operational Programme “Regions in Growth”: Direct Grant Application Guidelines, Priority Axis 1: “Sustainable and Integrated Urban Development, available at: <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/bcd58962-cacc-4f44-9e4c-cb9bbf71a962>

⁴⁷ Ibid.

⁴⁸ Ibid, page 63.

⁴⁹ Ibid, page 61.

⁵⁰ The Concept has been updated in 2019 but the De-segregation strategy and its link with the Roma Strategy is still missing.

BG16RFOP001-8.002-0005 under the “Regions in Growth” Operational Programme 2014–2020).⁵¹

2.2 Human Resources Development Operational Programme (2014–2020)

The Human Resources Development Operational Programme (2014–2020) had a total budget of BGN 2,940,633,787.42, with EU funding amounting to BGN 2,918,756,954.31.⁵² This part focuses on aspects of the program most relevant to this study's analysis of Roma inclusion.

2.2.1 Priority Axis: Reducing Poverty and Promoting Social Inclusion

This priority axis aimed to implement the National Strategy for Reducing Poverty and Promoting Social Inclusion (horizon 2030).⁵³ This strategy specifically addresses the disproportionate poverty experienced by the Roma population; however, many of the proposed measures are insufficient and unsustainable, directly impacting the approach to the procedures examined below. The ways in which specific projects under these procedures affect the fundamental rights of Roma will be examined in subsequent sections.

This priority axis⁵⁴ encompassed over 100 procedures, categorized according to various principles. Some were geographically targeted, focusing on specific local areas, while others covered the entire country. Several key procedures are highlighted below:

- BG05M9OP001-2.045 “Local Initiative Group SREDEC – Social Economic Integration of Marginalized Communities such as Roma”. This procedure, with a budget of BGN 233,967.86 (fully EU-funded), supported one project (BG05M9OP001-2.045-0001) in Sredets Municipality (1 October 2019 – 1 February 2021). This project provided supported employment for 18 individuals for 12 months, incorporating selection activities, motivational training, and professional qualifications to develop social and professional skills. The vocational training focused on landscaping and agriculture.⁵⁵
- BG05M9OP001-2.002 “Independent Living”. This procedure addressed independent living initiatives across Bulgaria.
- BG05M9OP001-2.012 “Continuing Support for the Deinstitutionalization of Children and Young People”. This procedure (total budget: BGN

2,011,153.87; EU funding: BGN 1,709,480.78). Management body is the Ministry of Labour and Social Policy. The sole beneficiary is the Social Assistance Agency. The procedure supported activities related to the implementation of Bulgaria's deinstitutionalization vision, but it is used to support some activities related to placement of children in the institutions like group homes. In this case the activities are related to individual assessment. The practice shows that there is a significant risk of disproportionately placing Roma children in residential settings, thereby perpetuating institutionalization. The signature of the project is BG05M9OP001-2.045-0001-C01.⁵⁶

2.2.2 Priority Axis: Modernization of Institutions in Social Inclusion, Health, Equal Opportunities, Non-discrimination, and Working Conditions

This priority axis had a budget of BGN 77,143,262.00 (BGN 65,571,773.00 allocated to the Social Inclusion and Social Mobility Programme).⁵⁷

Several procedures within this axis are highlighted below:

- BG05M9OP001-3.001 “Development and Implementation of a Monitoring, Evaluation, and Control System for the National Strategy of the Republic of Bulgaria for Roma Integration 2012–2020”.⁵⁸ This procedure (budget: BGN 1,999,980.00), implemented one project (BG05M9OP001-3.001-0001). The core objective of this project was to develop and implement a comprehensive monitoring and evaluation system (“SYSTEM”) to improve the effectiveness of policies aimed at combating poverty and promoting the integration of vulnerable ethnic minorities, with a particular focus on Roma. The project activities included: reviewing existing legislation and structures; identifying relevant European best practices; developing a stakeholder network; creating the “SYSTEM’s” concept and methodology; pilot testing the “SYSTEM”; implementing the “SYSTEM”; and preparing the necessary documentation to improve institutional capacity at national and local levels. Despite the comprehensive approach, the project ultimately failed to produce meaningful improvements in combating poverty or promoting the integration of vulnerable Roma communities, falling far short of its stated objectives.

⁵¹ The information is available at: https://2020_eufunds.bg/bg/3/0/Project/BasicData?contractId=QzzbbA0kSwFgU%2FX%2FL4yx4A%3D%3D&isHistoric=False

⁵² More information about the program is available at: https://2020_eufunds.bg/bg/4/0/0PPProfile

⁵³ The Strategy is available at: <http://strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=790>

⁵⁴ More information about this Priority Axis and the programs it includes is available at: https://2020_eufunds.bg/bg/4/0/PriorityLines

⁵⁵ More information is available at: https://2020_eufunds.bg/bg/3/0/Project/BasicData?contractId=QzzbbA0kSwFgU%2FX%2FL4yx4A%3D%3D&isHistoric=False

⁵⁶ More information is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=sZWN6%2FF9aWlMvDadYSGtNg%3D%3D&Proc=%2BDUhgVucwKwXqB-p6jQe0%3D%3D&showRes=True

⁵⁷ See more at: https://2020_eufunds.bg/bg/4/0/PriorityLines

⁵⁸ More information is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=N30vWHRPlmslIDuvE7d3x0%3D%3D&Proc=%2BnRu8M-bA5ad%2BxFOqYrPrkw%3D%3D&showRes=True

2.3 Human Resources Development Programme (2021–2027)

The Human Resources Development Programme (2021–2027)⁵⁹ had a total budget of BGN 1,574,225,299.19, with EU funding comprising BGN 1,567,345,791.64. The program included five priority axes; this analysis focuses on the “Social Inclusion and Equal Opportunities” axis, which had a budget of BGN 1,369,460,540 (EU funding: BGN 1,147,779,620). (Footnote 2) Thirteen procedures fell under this axis; however, this analysis will focus on BG05SFPR002-2.003 (FUTURE FOR CHILDREN),⁶⁰ given its relevance to this study’s aims.

2.4 Science and Education for Intelligent Growth Programme (2014–2020)

This programme (total budget: BGN 1,349,999,954.93) included seven procedures.⁶¹ This analysis focuses on the “Educational Environment for Active Social Inclusion” priority axis, which encompasses 29 procedures. While some were geographically specific (local initiative groups), others had nationwide application. Due to the scope of this study, only two procedures are highlighted:

- BG05M9OP001-2.018 “Socio-Economic Integration of Vulnerable Groups: Integrated Measures to Improve Access to Education—Component 1”. This procedure (budget: BGN 14,056,430.98; EU funding: BGN 11,947,964.83) aimed to improve access to education.
- BG05M9OP001-2.056 “Socio-Economic Integration of Vulnerable Groups: Integrated Measures to Improve Access to Education—Component 2”. This procedure (budget: BGN 5,768,973.95; EU funding: BGN 4,903,627.48) also focused on improving access to education.

Both procedures aimed to improve quality of life, social inclusion, and poverty reduction, promoting the sustainable integration of marginalized communities, including Roma, through comprehensive measures and an integrated approach.

3. Operational Programs and their Relation to Refugees’ Rights

This section describes operational programmes in Bulgaria that impact refugees’ rights. The further analyses will demonstrate that while programmes ostensibly aimed to support refugees, their design and implementation often fell short, leading to inadequate protection and the violation of fundamental rights. The analysis will specifically focus

on the Asylum, Migration and Integration Fund (AMIF) program (2014–2020) to illustrate these issues.

3.1 Programme: Asylum, Migration and Integration Fund (AMIF) (2014–2020)

This program⁶² (total budget: BGN 49,801,325.43) had six priority axes: Asylum, Integration/Legal Immigration, Return, Solidarity, Special Cases, and Technical Assistance. Beneficiaries included the State Agency for Refugees, the Directorate of Migration, municipal administrations, and NGOs. While the program aimed to strengthen the asylum system and improve the integration of refugees, its implementation frequently results in violation of rights.

3.1.1 Priority Axis: Asylum

This priority axis (budget: BGN 18,164,242.15; EU funding: BGN 13,623,181.61) encompassed several procedures, many of which are relevant to this analysis. However, this analysis will focus on the following key procedures due to their specific relevance to the report’s aims:

- BG65AMNP001-1.005 “Improvement of the Asylum System in Bulgaria”:⁶³ Under this procedure BGN 621,755.80 (EU funding: BGN 466,316.86) was allocated to two projects aimed at upgrading infrastructure at State Agency for Refugees facilities. However, despite this investment, numerous reports have documented a significant deterioration in the living conditions and overall situation within these facilities, raising serious concerns. A detailed analysis of this issue and its implications will be provided in chapter VII.
- BG65AMNP001-1.011 “Provision of Funds for Running Costs, Food, and Security”:⁶⁴ This procedure (budget: BGN 5,303,138.00; EU funding: BGN 3,977,353.49) addressed the provision of essential resources for asylum seekers.
- BG65AMNP001-1.003 “Maintaining and Enhancing Initial Administrative Capacity”:⁶⁵ This procedure (budget: BGN 921,996.04; EU funding: BGN 691,497.03) focused on building administrative capacity, providing legal advice, and offering social and psychological support.
- BG65AMNP001-1.009 “Provision of Funds for Running Costs, Food, and Security for Persons Seeking International Protection”:⁶⁶ This procedure (budget: BGN 5,091,956.00; EU funding: BGN 3,818,967.00) addressed the provision of essential resources.

59 More information is available at: https://2020_eufunds.bg/bg/8010709/0/OPPProfile

60 More information is available at: https://2020_eufunds.bg/bg/8010709/0/Project/Search?Prior=dqxd%2B2wy6J77yEi%2B8jbkVA%3D%3D&Proc=jeG7xAb-z%2FhWCH%2FtoeIXpyw%3D%3D&showRes=True

61 More information is available at: https://2020_eufunds.bg/bg/7/0/OPPProfile

62 More information about the program is available at: https://2020_eufunds.bg/bg/8010436/0/PriorityLines

63 More information is available at: https://2020_eufunds.bg/bg/8010436/0/PriorityLines

64 Ibid.

65 Ibid.

66 Ibid.

- BG65AMNP001-1.007 “Improvement of Infrastructure, Living Conditions, and Capacity for Accommodation”:⁶⁷ This procedure (budget: BGN 1,895,309.05; EU funding: BGN 1,421,481.73) addressed improving the conditions in accommodation centers. The concern raised in the mentioned above reports are relevant to this procedure as well, and to BG65AMNP001-1.001 (Improvement of Infrastructure and Living Conditions)⁶⁸ as well. This procedure (budget: BGN 825,347.60; EU funding: BGN 619,010.70) also addressed improving the conditions in accommodation centers.
- BG65AMNP001-1.006 “Maintenance and Enhancement of Initial Administrative Capacity”:⁶⁹ This procedure (budget: BGN 1,585,645.53; EU funding: BGN 1,189,234.10) focused on building administrative capacity, providing legal advice, and offering social and psychological support.
- BG65AMNP001-1.002 “Improvement of the Mechanism for Social and Psychological Assistance”:⁷⁰ This procedure (budget: BGN 183,053.67; EU funding: BGN 137,290.26) addressed providing social and psychological support.

Further analysis of other priority axes within the AMIF program and additional case studies illustrating violations of refugees’ rights are presented in subsequent sections.

While this report examines key programs and initiatives, it is important to note that the description of projects may not be exhaustive; significant violations of fundamental rights may also exist within other programs and procedures.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

Rights of Persons with Disabilities: General overview and EU funding programs. Fundamental rights violations

“According to me, there are more [projects funded by European resources, which violated fundamental rights-author’s note], not to say that all projects concerning the construction of [family-type residential care centers or “small houses”] [...] The so-called soft measures for managing already constructed small houses - little homes or however we name these small institutions, these so-called ‘soft measures,’ certainly involve the violation of human rights for the simple reason that there [in these ‘small house’], they place [people with disabilities] in one little house with a certain number of people. There is nothing familial, there is nothing inclusive. [...] Unfortunately, these places turn into permanent ones, and for me, this is a violation of the human right to freely choose where to live, at the very least.”⁷¹

Person with disabilities, activist

This section examines the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) in Bulgaria and analyzes how EU funding mechanisms have impacted the realization of these rights. While the CRPD’s norms should theoretically supersede national laws, significant conflicts remain.

1. International Legal Framework and its Relationship to Bulgarian National Law

1.1 Conflict between CRPD and National Legislation: Implementation Challenges and Interpretation of the CRPD

Bulgaria ratified the CRPD in 2012, but conflicts persist between its provisions and national legislation. Article

12 of the CRPD (legal capacity) directly contradicts Article 5 of the Persons and Families Act (allowing the legal guardianship). Despite acknowledging this incompatibility, the Constitutional Court upheld the national provision, citing potential legislative gaps.⁷² Even with changes in legislation during the years, this gap still exists. Similarly, while Article 19 of the CRPD guarantees the right to independent living, its practical implementation is hindered by the lack of adequate support systems and deinstitutionalization efforts.

According to the 1969 Vienna Convention on the Law of Treaties, interpretations of international treaties, such as General Comments and Guidelines, are binding. Therefore, Bulgaria should consider together with CRPD documents like the Guidelines on Deinstitutionalization and General Comment 5 on Article 19 when implementing the CRPD. However, this rarely occurs in practice.

Guidelines on deinstitutionalization, including in emergencies are an important document, which should be applied at domestic level. Unfortunately, there is a lack of understanding on a domestic level about its importance and the crucial link with the fundamental rights.

1.2 National Disability Strategy and Policy Alignment

Bulgaria’s National Disability Strategy 2021-2030 outlines the country’s commitment to disability rights. Its four (4) strategic objectives include:⁷³

⁷¹ Interview with a person with disability, activist. The original text is in Bulgarian: “Според мен са повече (проектите, финансирани с европейски средства, които нарушават основните права - бел. автора), да не кажа, че всички проекти, които касаят изграждане на [центрове за настаняване от семеен тип или “малки къщички”] [...] Така наречените меки мерки по управление на вече изградени малки къщички - домчета или както и да ги наречем тези малки институции, тези така наречените “меки мерки”, при тях със сигурност има нарушаване на човешките права по проста причина, че там [в тези “малки къщички”] ги слагат [хората с увреждания] в една къщичка по еди си колко човека. Няма нищо семейно, няма нищо приобщаващо. [...]Тук, за съжаление, тези места се превършват в постоянни и това за мен е нарушаване на човешкото право на свободен избор къде да живееш най-малко.”

⁷² Constitutional Court of Bulgaria. (2014, July 17). Decision No. 12, Constitutional Case No. 10/2014. Available at: <https://www.constcourt.bg/bg/case-479>

⁷³ The National Disability Strategy 2021-2030 .is available here: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=1342>. Action plans for the periods 2021-2022 and 2023-2024 are also available on the same page.

- (1) Promoting independent living and community inclusion.
- (2) Ensuring access to social support and an adequate standard of living.
- (3) Improving access to healthcare, education, employment, and suitable working conditions.
- (4) Preventing social exclusion through integrated policy approaches.

The Strategy aligns with international human rights standards, the UN Sustainable Development Goals, and the European Pillar of Social Rights, specifically Principle 17 on the integration of persons with disabilities. It also acknowledges the importance of EU funding in achieving these objectives. However, the practical implementation and enforcement of these policy goals remain a challenge, particularly given the existing conflicts between national law and the CRPD.

1.3 The Situation of People with Disabilities in Bulgaria: A Critical Analysis

1.3.1 Statistical Overview and Key Challenges

The National Disability Strategy 2021-2030 highlights the prevalence of disability in Bulgaria,⁷⁴ stating that 19% of Bulgarians experience health-related limitations to social participation, and 20% of those over 16 years of age have long-term physical disabilities. Paradoxically, Bulgaria reports low numbers of working-age individuals with disabilities, while the prevalence increases significantly among older age groups.

The Strategy identifies several key challenges:

- (1) Labor market access: Difficulties in accessing employment opportunities due to inadequate support.
- (2) Poverty: Higher rates of poverty among people with disabilities.
- (3) Access to education: Limited access due to a shortage of specialists and inaccessible infrastructure.
- (4) Geographic isolation: Challenges faced by individuals in remote areas with poor infrastructure, disproportionately affecting people with disabilities.
- (5) Community living support: Insufficient support for

independent living.

2. Institutionalization and Deinstitutionalization: A Critical Gap

While the Strategy addresses the issue of “poor treatment” in institutions, it fails to explicitly acknowledge the problem of institutionalization and trans-institutionalization, where individuals are moved from large institutions to smaller residential care facilities that often replicate the institutional model. This omission is concerning, especially considering that the CRPD, General Comment 5, and the DI Guidelines clearly define institutionalization as a form of discrimination. Although the Strategy mentions the goal of enabling independent living, it does not explicitly recognize smaller residential services as a form of institutionalization.⁷⁵

Deinstitutionalization is a process aimed at dismantling large institutions placed individuals with disabilities and/or social challenges, facilitating their reintegration into the community. The goal is to enable people to live in the community, accessing appropriate services and support to achieve a higher quality of life and greater independence. However, in Bulgaria, as in other countries, this process is often misinterpreted as simply transferring individuals from large institutions to smaller ones, such as small group homes. In many cases, these smaller settings replicate the very problems found in larger institutions, such as a lack of individualized care, limited community access, and insufficient support. This effectively results in trans-institutionalization—a shift from one type of institution to another—without achieving the true goal of deinstitutionalization: full and meaningful community inclusion.⁷⁶

Examining the dynamics of institutionalization and deinstitutionalization in Bulgaria is essential, as these processes are deeply intertwined with the broader challenges faced by people with disabilities, particularly the persistent risks and inadequate support systems. While the challenges faced by people with disabilities in Bulgaria are multifaceted, this discussion will focus on several key issues. One critical concern is the institutionalization of individuals with disabilities—a problem that has long been a focal point for human rights organizations and has been the subject of numerous legal cases and advocacy efforts aimed at implementing the principles of the CRPD. Addressing this issue is paramount as it encapsulates numerous other problems. Individuals with disabilities are at risk of institutionalization if they lack family support,

⁷⁴ The strategy is citing Eurostat data.

⁷⁵ Institutionalization is the practice of placing individuals with disabilities and/or social challenges in facilities of any size, where care is often regimented and lacks personalization, leading to social isolation and dependence. According to the Social Services Act, Paragraph 1, Point 5 of the Additional Provisions, ‘institutionalization’ refers to a condition wherein an individual has difficulty leading an independent life due to reliance on care from others, resulting from living in an environment that restricts their right to choice, privacy, and independence, and creates conditions that undermine human dignity.

⁷⁶ Numerous reports and opinions have criticized Bulgaria’s approach to deinstitutionalization, highlighting the prevalence of trans-institutionalization and the misuse of European funds to support these discriminatory practices. These reports emphasize the need for a genuine shift towards community-based support systems that promote independent living and uphold the rights of people with disabilities. See for example: “Poor her for having dreams” - a report by the Validity Foundation - Budapest and the Network of Independent Experts - NIE Association, from April 2024, based on monitoring visits to a psychiatric hospital, a large institution and a number of family-type residential centres, available in English here: <https://validity.ngo/wp-content/uploads/2025/01/BG-Monitoring-report-EN-20250129.pdf> and in Bulgarian here: <https://validity.ngo/wp-content/uploads/2025/01/BG-Monitoring-Report-BG-20250129.pdf>

experience poverty and unemployment, or if their communities lack adequate support programs to address situations of risk. Such programs are often scarce or, even when existing, fail to address all potential risks. For example, there is currently no program to assist individuals with disabilities who are victims of abuse, particularly when the abuser is also their caregiver, creating a cycle of dependency. Moreover, rather than providing alternatives that promote independent living, the national legislation—specifically the Social Services Act—often reinforces institutional placement.⁷⁷

The challenges faced by people with disabilities in Bulgaria have been extensively documented in numerous reports and statements over the years. Recently, several reports have strongly warned that the so-called de-institutionalization process in Bulgaria has actually resulted in trans-institutionalization. This is characterized by a widespread proliferation of small residential care facilities that replicate the institutional model. These reports highlight institutionalization as a form of discrimination, yet it continues to receive funding from European Union sources.⁷⁸

In this report and specifically in this chapter we aim to investigate how the EU funded projects contribute to this process of trans-institutionalization.

As previously discussed, the Operational Programmes “Regions in Growth” and “Human Resources Development” have been repeatedly criticized for violating fundamental rights.⁷⁹ This is particularly evident regarding people with disabilities, where widespread trans-institutionalization has led to significant rights violations.

The “Regions in Growth” program (2014-2020), designed to promote regional development and improved quality of life, funded the construction of numerous group homes. Two key procedures under its “Regional social infrastructure” priority axis—one for adults and one for children with disabilities—resulted in the creation of many new residential care centers. While aiming to replace institutional models with community-based services, these programs ultimately replicated institutional settings on a smaller scale. Beneficiaries included the Ministry of Health and municipalities.

Guidelines to the implementation of these procedures condemned institutional placement as a violation of international conventions (UNCRC, UNCRPD), yet the two key procedures funded the construction of numerous new residential centers: at least 27 for adults and 22 for children with disabilities. These included various types of residential care, from

family-type centers to specialized facilities. These new facilities, although smaller than traditional institutions, fundamentally replicate the institutional model.

This represents a substantial discrepancy between stated policy goals and actual implementation, perpetuating the very system the programs intended to replace.

The involvement of Municipalities and the Ministry of Health as beneficiaries underscores a systemic reliance on institutional solutions, even as the construction of these new, smaller-scale institutions, funded in part by EU resources, represents only a fraction of the overall expansion of residential facilities across the country.

The Human Resources Development Operational Programme (co-funded by the European Social Fund+ and the national budget), while aiming to promote social inclusion and equal opportunities, inadvertently supports the functioning of group homes. As detailed in [chapter IV], this program includes priority axes that directly fund infrastructure and services related to disability care. One axis, “Reducing poverty and promoting social inclusion,” included a procedure (BG05M9OP001-2.061) that invested heavily in the construction and renovation of daycare centers, primarily benefiting municipalities. Another axis, “Modernisation of institutions,” included a procedure (“New Standards for Social Services”) aimed at improving deinstitutionalization processes. However, the funding for this program, despite its stated objectives, ultimately contributes to the maintenance and even expansion of the system of group homes, reinforcing the very system it aims to reform.

The next part details how the “Regions in Growth” and “Human Resources Development” Operational Programmes, despite their stated aims, inadvertently facilitated the continuation of institutional care. This case study demonstrates how this interplay specifically resulted in the trans-institutionalization of children with disabilities in Bulgaria.

2.1 The Perpetuation of Institutional Care for Children with Disabilities.

The process of closure of the Homes for Medico-Social Care for Children – the example which illustrates the whole DI process

Institutionalization profoundly violates the rights of children with disabilities, contravening fundamental principles enshrined in both the UN Convention on the Rights of Persons with Disabilities (CRPD) and

⁷⁷ Please see the National Report, conducted in Bulgaria, aimed to gather experiences of women and children with disabilities who are victims of gender-based violence under Dis-connected project, in English here: https://validity.ngo/wp-content/uploads/2024/04/DIS-CONNECTED_NatRep_BG_EN_approved-1.pdf and in Bulgarian here: https://validity.ngo/wp-content/uploads/2024/04/DIS-CONNECTED_NatRep_BG_BG_approved-2.pdf

⁷⁸ See for example: “Poor her for having dreams”, as mentioned in the above, available in English here: <https://validity.ngo/wp-content/uploads/2025/01/BG-Monitoring-report-EN-20250129.pdf> and in Bulgarian here: <https://validity.ngo/wp-content/uploads/2025/01/BG-Monitoring-report-BG-20250129.pdf>. The visited residential settings are financed with European Funds through out several program periods.

⁷⁹ See for example FRANET research for Bulgaria “The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds”, available at: https://fra.europa.eu/sites/default/files/fra_uploads/country-research-eu-funds-nhris-bulgaria_en.pdf

the Charter of Fundamental Rights of the European Union.

The very act of placing a child in an institution can be considered a form of violence, depriving them of their right to a family life (Article 24, UNCRC; Article 24, Charter) and their inherent dignity (Article 7, UNCRC; Article 1, Charter). Institutional settings often expose children to various forms of abuse, neglect, and discrimination based on their disability and social status (Article 21, UNCRC; Article 21, Charter), failing to uphold their right to the best interests of the child (Article 3, UNCRC; Article 24, Charter). The lack of family support, coupled with the continued funding of institutions rather than family-based services (Article 33, UNCRC), further exacerbates these violations. This contradicts the right to respect for private and family life (Article 7, Charter).

Additionally, children in institutions are frequently denied adequate access to education (Article 28, UNCRC; Article 14, Charter) and community integration (Article 26, UNCRC; Article 24, Charter), leading to social isolation and restricted opportunities for personal development, violating their right to non-discrimination (Article 21, Charter). Furthermore, their vulnerability is compounded by exclusion from the protections afforded by consumer protection legislation (Article 38, UNCRC) and ineffective access to justice regarding their institutional placement (Article 47, UNCRC; Article 47, Charter). In some cases, the conditions experienced within institutions constitute inhuman and degrading treatment (Article 4, UNCRC; Article 4, Charter), violating their fundamental right to safety and protection. The right to physical and mental integrity (Article 3, Charter) is also infringed upon.

Every project supporting trans-institutionalization—whether through infrastructure development, operational funding, or staffing—actively perpetuates these rights violations.

By investing in smaller-scale residential facilities rather than in community-based support systems that prioritize family inclusion and independent living, these projects fail to uphold the fundamental rights of children with disabilities.

The continued emphasis on institutional care, despite overwhelming evidence of its harmful effects, represents a systemic failure to prioritize the best interests of children and to ensure their full enjoyment of their human rights under both the CRPD and the Charter of Fundamental Rights of the

European Union.

Despite national policy prioritizing the transition of children with disabilities from institutional care to community-based services (which should be for example a support for families), EU funding under the “Regions in Growth” programme (specifically, procedure BG16RFOP001-5.001 “Support for the deinstitutionalization of childcare”) has resulted in trans-institutionalization. While the stated goal was to eliminate institutional care for children under three years old (3) (regardless of disability) and provide quality community-based services for all children, the implementation created a discriminatory effect. The aim was formulated as follows: “eliminating residential care for children under three without disabilities and ensuring quality care for all children and young people, including those with mild to severe disabilities, by establishing a broad range of social and integrated health and social services.”⁸⁰

In this case study, we examine how children with disabilities are denied the right to live in the community and with a family through the use of European funds. The focus is on children who, before the DI process, were placed in the so-called Homes for Medical and Social Care for Children (HMSSC). While children without disabilities transitioned to family or foster care, children with disabilities remained in largely residential settings, staffed by the same personnel and housed in renovated but essentially identical facilities. This outcome, facilitated by the Ministry of Health as the primary beneficiary, directly contradicts the stated aims of deinstitutionalization.

The infrastructure, needed for trans-institutionalization of the children with disabilities from former HMSSC to new build Centers for Family Type Care for Children Need Constant Medical Care (and for those with risky behavior) was funded mostly by Operative Programme Regions in Growth, under procedure BG16RFOP001-5.001 “Support for the deinstitutionalization of childcare” (see for more details example 1 in Annex 1).

Projects such as BG16RFOP001-5.001-0003 “Establishment of infrastructure for provision of specialized health and social care for children with disabilities-2”, implemented by the Ministry of Health (see for more details example 1 in Annex 1) and BG16RFOP001-5.001-0054 “Establishment of infrastructure for provision of specialized health and social care for children with disabilities-2”, both implemented by the Ministry of Health (see for more details example 2 in Annex 1) exemplify this trans-

⁸⁰ The Guidelines state the following: “The placement of children in specialized institutions violates their rights guaranteed by international conventions to which the Republic of Bulgaria is a party (UN Convention on the Rights of the Child, UN Convention on the Rights of Persons with Disabilities) and leads to limiting their access to quality care and services.” and “With Decision No. 859/13.10.2016 of the Council of Ministers, the Updated Action Plan for the Implementation of the National Strategy “Vision for the Deinstitutionalization of Children in the Republic of Bulgaria” was adopted. The leading priority is to achieve the main goal of the National Strategy: “Guaranteeing the right of children to a family environment and access to quality care and services according to their individual needs”. At the time of adoption of the Guidelines, 17 DMSGDs were operating, in which 647 children were placed. The guidelines indicate that the program will finance the construction of 10 Family-type Accommodation Centers for Children; 28 Transitional Housing for Children from 15 to 18 years of age, 17 Supervised Housing for Youth from 18 to 21 years of age, 20 Centers for Specialized Health and Social Care for Children with Disabilities in Need of Permanent Medical Care, 8 Centers for Specialized Health and Social Care for Children with High-Risk Behavior and Need for Special Health Care. As these are residential services, they represent institutions, albeit smaller, compared to the specialized institutions being closed.

institutionalization. These projects demonstrate how EU funds inadvertently perpetuated institutional care for children with disabilities. To understand this, let's examine the cited projects.

A comparison of the publicly available information and the published data on the implemented projects in the Information System for the Management and Monitoring of EU Funds in Bulgaria (2020), clearly shows the issues mentioned above: the funds were primarily used to finance the same buildings, which were formally rebranded from homes to care centres without altering their institutional nature. The pictures below illustrate what has been said: the first picture shows the building that is a HMSCC and the second shows the same building, now a Family Type Center.



Image 1 Home for Medico-Social Care for Children, Debelets, before.⁸¹



Image 2: The center in Debelets, in the same building as the former Home for Medico-Social Care for Children.⁸²

2.2 Children's safety was at risk during the implementation of the projects:

2.2.1 The issue goes beyond just the building and renovation of facilities.

During the implementation of projects related to the closure of the Homes for Medico-Social Care for

Children (HMSCC) some dangerous practices that put children at risk were documented. Despite children remaining in essentially the same type of institutional care, projects were implemented haphazardly, with little actual care provided for the children. This resulted in significant risks to their lives and health. The 2020 annual report of the National Preventive Mechanism⁸³ highlights the chaotic transfer of children with disabilities between institutions, and from Homes for Medico-Social Care for Children (HMSCC) to residential care centers. The NPM recommended halting this disorganized process, but it continued nonetheless.

The entire relocation process was characterized by haphazard execution and a focus on bureaucratic objectives rather than the best interests of the children.

While we cannot identify specific projects, this issue is systemic and affects the entire process described in this report. It is not uncommon to assume that children are moved from one place to another simply to facilitate construction work. This practice often prioritizes infrastructural needs over the well-being of the children, reinforcing the cycle of institutionalization rather than promoting genuine inclusion and support within the community.

2.2.2 Justification of the investments: The Ministry of Health's Position and the Continued Expansion of Institutional Care

The Ministry of Health's response to our questions about the future of children with disabilities from HMSCC in light of projects BG16RFOP001-5.001-0003 and BG16RFOP001-5.001-0054 underscores the persistent gap between stated policy regarding deinstitutionalization and the ongoing creation of new residential facilities.

In a letter dated January 30, 2025, the MH reported that projects BG16RFOP001-5.001-0003 and BG16RFOP001-5.001-0054 (focused on building specialized care facilities for children with disabilities) were scheduled for completion by July 31, 2025, and July 23, 2025, respectively. The MH maintains that these projects align with deinstitutionalization efforts by providing "family-like" care settings. However, this statement fails to address the fundamental contradiction between this approach and international legal frameworks (including the UN Convention on the Rights of Persons with Disabilities and the DI Guidelines) that advocate for community-based, family-integrated care. The MH's position ignores the inherent conflict between building new residential facilities and the goal of deinstitutionalization.

81 Source: webpage of the Home, still exists at: <https://registarnazdraveopazvaneto.com/%D0%B4%D0%BE%D0%BC-%D0%B7%D0%B0-%D0%B-C%D0%B5%D0%B4%D0%B8%D0%BA%D0%BE-%D1%81%D0%BE%D1%86%D0%B8%D0%B0%D0%BB%D0%BD%D0%B8-%D0%B3%D1%80%D0%B8%D0%B6%D0%B8-%D0%B7%D0%B0-%D0%B4%D0%B5%D1%86%D0%B0> (accessed on 11.01.2025)

82 Source: Veliko Tarnovo Municipality website, available here: <https://radiovelikotarnovo.com/%D0%B4%D0%BE%D0%BC%D1%8A%D1%82-%D0%B2-%D0%B4%D0%B5%D0%B1%D0%B5%D0%BB%D0%B5%D1%86-%D1%81%D1%82%D0%B0%D0%B2%D0%B0-%D1%86%D0%B5%D0%BD%D1%82%D1%8A%D1%80-%D0%B7%D0%B0-%D0%BA%D0%BE%D0%B-C%D0%BF%D0%BB%D0%B5/>

83 Ombudsman of the Republic Bulgaria; IX Thematic Report issued by the National Preventive Mechanism 2020, available at: [https://www.ombudsman.bg/pictures/NPM%202020\(2\).pdf](https://www.ombudsman.bg/pictures/NPM%202020(2).pdf)

The MH's justification for these projects needs to be understood within the broader context of ongoing investment in institutional care, dating back to at least 2007. The current investments build upon similar projects funded under the 2007-2013 programming period,⁸⁴ which resulted in the construction of numerous family-type residential centers and sheltered housing units. While specific details on the extent of this earlier investment are beyond the scope of this study, existing data indicates a substantial expansion of residential facilities. This pattern reveals a persistent reliance on institutional solutions despite stated intentions to the contrary and a disregard for the human rights of children with disabilities, even in the context of seemingly positive initiatives like the "Vision for the Deinstitutionalization of Children in the Republic of Bulgaria" national strategy.

2.2.3 Role of the Operational Programme "Human Resources Development"(2014-2020) in the process of trans-institutionalization of the children from HMCC.

The Operational Programme "Human Resources Development," Priority Axis "Reducing Poverty and Promoting Social Inclusion," allocated funding (through procedure BG05M9OP001-2.012, "Continuing Support for the Deinstitutionalization of Children and Youth") to ostensibly support the transition of children from institutional care. However, the allocation of funds to a single project -BG05M9OP001-2.012-0001 (see Annex 1, example 3), with the Social Support Agency as a beneficiary), primarily focused on assessments without clear vision that each assessment must lead to integration of the child into a family.

While the project goals mentioned the importance of family-based care and assessing parental capacity, they ultimately reinforce the existing system of institutional care, particularly for children with disabilities. The project's emphasis on assessments—individual development tracking, evaluations of the needs, and care plans for children in residential settings—fails to adequately address the inherent discriminatory nature of institutionalization itself. The implicit assumption that some children require specialized residential care (only on the basis of

the disability) is a form of subtle discrimination. Furthermore, the assessment of parental capacity without offering concomitant support services to enable family-based care demonstrates a lack of commitment to community integration. This approach perpetuates a system that prioritizes institutional placement over family-centered care, thus violating the rights of children with disabilities to grow up in family environments. Investing in assessments without simultaneously providing the resources to support children in families and families themselves, is not only ineffective but also contributes to the discriminatory practice of institutionalization.

This pattern is further exemplified by other procedure from the same Priority Axis: procedure BG05M9OP001-2.019 ("Continuing Support for Deinstitutionalization of Children and Youth" - STAGE 2 - Provision of Social and Integrated Health and Social Services for Children and Families"),⁸⁵ which allocated more than BGN 35 000 000, supporting numerous projects including segregated day centers and group homes. The focus on staffing, while important, overlooks the overarching issue: the failure to prevent separation of children and families, ultimately rendering the deinstitutionalization process ineffective despite the considerable investment. A Know-How Center study (2020-2021)⁸⁶ concludes that despite the investment and transfer of children to new facilities, many children remain institutionalized. This highlights the crucial need to shift focus from merely transferring children to smaller settings and instead prioritize community-based solutions that ensure meaningful family connections and avoid replicating the harmful aspects of institutional culture.

A study by the Know-How Center provides crucial insight: "It has been proven that institutions harm children not because of the buildings they house, but because of the human relationships they cultivate." This study underscores how institutional relationships, governed by administrative procedures and strict internal order, often fail to provide the secure attachment crucial for healthy development. This lack of attachment, coupled with imposed rules, shift work, and limited personal space, negatively affects both children and staff. The failure to prevent

84 The investment in new institutional buildings during the Program Period 2014-2020 follows the investment made during the previous Program period. For example, the Operational Programme Regions in Growth for the 2007-2013 programming period supports a scheme called "Support for the deinstitutionalization of social institutions offering services for children at risk" under the OPRD, which aims to provide "appropriate and effective social infrastructure contributing to the provision of a new type of residential and accompanying services in the community, which will replace institutional care." This scheme finances activities for the construction, renovation, equipment and furnishing of family-type accommodation centres and sheltered housing. The total amount of funds invested is more than euro 48 million, with 132 family-type accommodation centres and 19 sheltered housing units being built, and 7 sheltered housing units being renovated. The information is available in the Draft Final Report on the Implementation of the OP Regions in Growth 2007-2013, accessible here: <http://old.bgregio.eu/op-regionalno-razvitie/izpalnenie-na-oprr-2007-2013.aspx>. Information about specific projects is available in other sources. For example, on the Sofia Municipality website (available here: <https://www.sofia.bg/w/-/proekt-izgrazhdane-na-socialna-infrastruktura-v-podkrepa-na-deinstitucionalizacia-na-socialni-institucii-predlagasi-uslugi-za-deca-v-risk-na-teritoria>) It is noted that the project "Construction of social infrastructure in support of deinstitutionalization of social institutions offering services for children at risk on the territory of Sofia Municipality" has been implemented. The project is financed under the Operational Program "Regional Development" 2007-2013 (OPRD), Priority Axis 1 "Sustainable and Integrated Urban Development", Operation 1.1 "Social Infrastructure", Grant Scheme: BG161P0001/1.1-12/2011 "Support for deinstitutionalization of social institutions offering services for children at risk" with a total eligible cost of BGN 9,758,867.24 for the construction of 13 Family-type Accommodation Centers and 3 Sheltered Housing. Within the framework of this study, we have not collected further information on which municipalities have used funds under European programs and what they have built, as this significantly exceeds the scope of this study. A list of contracts concluded with individual municipalities, current as of 31.12.2020, is available here: <https://www.eufunds.bg/sites/default/files/uploads/oprd/docs/2020-12/03.12.20-5.002-Prilojenie%206.18.Obiavlenie%20za%20vazlagane%20na%20dogovori%20v.7-%205.002.pdf>

85 More information about procedure and the projects supported is available at: https://2020_eufunds.bg/bg/4/0/Project/Search?Prior=sZWN6%2F-F9aWlmVdadYSgtNg%3D%3D&Proc=fynrVhT5hfwX9vGvyAK5dQ%3D%3D&showRes=True

86 Know-How Center - Bulgarian Deinstitutionalization - failure or success? (Results of a national study of the process conducted in the period 2020-2021). The study is available here: <https://knowhowcentre.nbu.bg/balgarskata-deinstitucionalizacia-proval-ili-uspeh/>

separation of children and families is highlighted, along with the lack of support for families to care for their children. Moreover, these programs do not address how children will maintain contact with their parents or how families will be supported in the care giving process. They also fail to consider how children with disabilities will ultimately leave the care system, or how they will acquire necessary life skills. Importantly these programs fail to encourage critical thinking among staff regarding the inherent harm caused by institutionalization, nor do they provide training on identifying and addressing segregation and institutional elements within services. There is a notable absence of training on human rights, violence prevention, and the consequences of abuse. Finally, the lack of connection with systems beyond healthcare condemns children within this system to both isolation within group homes and systemic isolation from other areas of life. The scope of this report prevents a detailed analysis of all projects focusing on staff funding without a corresponding focus on children’s well-being. However, the sheer number of such projects underscores how this approach enables the persistence of a system of institutionalization for children with disabilities.

It is important to note as well that the Human Resources Development Operational Programme continues to play a similar role in reinforcing institutional care during the subsequent programming period (2021-2027). While the specific program structures may have changed, the continued emphasis on staffing and operational support for residential facilities, without a parallel focus on family support and community integration, suggests that the systemic issues identified remain unresolved. This underscores the need for a fundamental shift in approach towards deinstitutionalization, moving beyond the mere provision of resources for institutional settings and actively investing in community-based services that prioritize the well-being and rights of children.

2.3 From Large Institutions to Smaller Ones: The Persistence of Institutionalization for Adults with Disabilities in Bulgaria

The deinstitutionalization of adults with disabilities, mirroring the approach taken with children, has largely relied on EU funding, resulting in widespread trans-institutionalization. While the construction and renovation of facilities are primarily funded through the Operational Programme “Regions in Growth,” staffing and training fall under the “Human Resources Development” Operational Programme. This focus on buildings and personnel, rather than on enabling independent living, has perpetuated institutional models. Newly constructed “family-type”

residential centers offer little improvement over larger institutions; individuals remain largely confined to institutional settings. In recent years, there has been a trend towards creating complexes that formally encompass several services but functionally remain large institutions, sometimes exceeding the capacity of their predecessors. This is exemplified by a complex in Dryanovo.

Project BG16RFOP001-5.002-0018, Building a complex for care for persons with mental disorders in Dryanovo (see for details Annex 1, example 4), comprising seven residential care centers within a single complex housing over 100 individuals—effectively a large institution located in an isolated location unsuitable for community integration. The Complex is isolated from the community.

On the map below you can see where the complex is located - on the edge of town, an isolated large plot of land that does not suggest conditions for community inclusion.



The red point shows the address of the complex.

The Municipality of Dryanovo published information on their website about the start of the project⁸⁷. They included a picture that clearly illustrates the lack of any substantial infrastructure around the complex, highlighting its isolation. It is also evident from the image that the building closely resembles the previous large institution, further emphasizing the continuation of institutional models rather than a shift toward community-based care.



The original picture is published on the Dryanovo Municipality web page.

⁸⁷ The information is available at:

This pattern of trans-institutionalization violates the rights of adults with disabilities to community inclusion and independent living. While the stated aim is to transition individuals from large institutions to smaller community-based settings, the reality is that many remain confined to institutional models, albeit in newly constructed facilities. Furthermore, this approach is not only supported by the Operational Programmes described but also by several national policies that contradict the spirit of deinstitutionalization. For example, the Bulgarian National Spatial Development Concept (2013–2025), despite being revised with EU funding, maintains its emphasis on building institutional facilities, addressing only the insufficient number of places rather than providing community-based housing alternatives. Similarly, the National Strategy for Poverty Reduction and Social Inclusion (2030) lacks specific attention to addressing the poverty of individuals in residential care. This confluence of policies results in the continued exclusion of people with disabilities, regardless of whether they are housed in large institutions or smaller residential settings. The absence of a comprehensive strategy that prioritizes truly deinstitutionalized, inclusive housing options for adults with disabilities leads to continued institutionalization and reinforces systemic discrimination.

In the end, as discussed in the previous section regarding the trans-institutionalization of the children with disabilities, we have to repeat the same conclusion: The institutionalization violated persons' with disabilities fundamental rights. This issue is equally critical for adults with disabilities, for whom institutionalization also leads to severe violations of their rights and freedoms.

The institutionalization of adults with disabilities represents a form of systemic violence that restricts their rights to lead independent lives and make their own choices. These individuals often find themselves deprived of the right to family and personal relationships (Article 16, CRPD; Article 7, Charter), undermining their inherent dignity (Article 1, Charter) and their right to self-determination.

Adults in institutions frequently face abuse, neglect, and discrimination, contradicting their right to protection (Article 4, Charter). They also often lack equal access to education and vocational training (Article 26, CRPD; Article 14, Charter), leading to social isolation and limited opportunities for personal development. The violation of their right to non-discrimination (Article 21, Charter) becomes particularly pronounced, as many adults with disabilities struggle to receive adequate support for community integration (Article 19, CRPD).

Additional rights that are frequently infringed upon include the right to marry (Article 23, CRPD), the right to work (Article 27, CRPD), and the right to appropriate social services that ensure assistance for community integration (Article 19, CRPD). The lack of adequate

services, along with ongoing financial support for institutional structures rather than community-based services, exacerbates these rights violations.

Every project supporting the institutionalization of adults with disabilities—whether through infrastructure development, operational funding, or staffing—actively perpetuates these rights violations. By investing in smaller residential facilities rather than in community support systems that prioritize family inclusion and independent living, these projects reflect a systemic failure to prioritize the rights of adults with disabilities and to ensure their full enjoyment of human rights under both the CRPD and the Charter of Fundamental Rights of the European Union.

As a conclusion, we have to say that the construction and renovation of institutional housing units, even the ones labeled as “family-type,” inherently contradict the principles of independent living and community inclusion enshrined in the CRPD. These facilities, regardless of their size, perpetuate a system of segregation and control, limiting the autonomy and self-determination of children and adults with disabilities. The lack of individualized care, limited community access, and insufficient support within these settings effectively trap residents in a cycle of dependence, hindering their ability to fully participate in society.

Furthermore, the failure to address the root causes of institutionalization, such as poverty, discrimination, and lack of community-based support systems, exacerbates the vulnerability of children and adults with disabilities. The absence of adequate resources for family support, coupled with discriminatory attitudes and practices, often leads to the unnecessary placement of children and adults in residential care, perpetuating a system that prioritizes institutional solutions over family-centered and community-based alternatives.

It is crucial to recognize that the projects highlighted in this report are not isolated incidents. In fact, a significant portion of the activities related to the so-called “deinstitutionalization” process for children and adults with disabilities in Bulgaria has been carried out with European funds, primarily focusing on the construction of buildings and the provision of operational support for these smaller institutions. Hundreds of examples could be provided to illustrate this pattern of EU funding being used to perpetuate a system that violates the fundamental rights of children and adults with disabilities.

The systemic nature of these violations underscores the urgent need for a fundamental shift in approach, one that prioritizes the rights and dignity of children and adults with disabilities, promotes independent living and community inclusion, and ensures the effective and accountable use of EU funds.

2.4 Intersecting Blind Spots

2.4.1 The Overlooked Vulnerabilities of Individuals with Disabilities Facing Gender-Based Violence

Adults with disabilities, particularly women, and children with disabilities who are victims of gender-based violence face an increased risk of institutionalization. This is driven by legislative frameworks, such as the Social Services Act, which stipulates that placement in residential care is a measure of protection. Although the law designates this as a last resort, instances of violence and neglect within the family often lead to this outcome.

In residential services (as well as in any segregated social service), there is a significant lack of programs aimed at helping victims recover from the violence they have experienced. The EU funded projects do not incorporate measures specifically designed to support victims of gender-based violence. Furthermore, there are no efforts to ensure and guarantee access to justice or provide specialized programs that address the needs of these individuals.⁸⁸

2.4.2 Legal and Social Implications of Antisocial Behavior in the Context of Disability

When children and adults with disabilities living in residential services exhibit behaviors that could be classified as antisocial or criminal—often minor offenses such as petty theft, violence, or bodily harm—they rarely have access to justice. Instead, they are directed towards psychiatric care. This practice effectively turns psychiatry into a punitive and restrictive measure, either through the application of chemical methods for controlling behavior and immobilization, or through isolation in psychiatric hospitals, or both. In this regard, projects funded with European resources not only fail to provide solutions but actively facilitate the continuation of these practices.

For example, a described project (see projects BG16RFOP001-5.001-0003 and BG16RFOP001-5.001-0054) explicitly includes the establishment of group homes for individuals with high-risk behaviors. This implies that children who engage in antisocial conduct will be isolated in facilities associated with psychiatric hospitals to ensure more effective behavioral control. This raises significant concerns as it undermines the oversight of the judiciary regarding detention and the administration of psychiatric medications. This serious issue currently lacks public debate and discourse, calling for urgent attention and advocacy.

⁸⁸ Kera Foundation, 2024, Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children, available at: <https://www.kerafoundation.com/wp-content/uploads/2024/04/DIS-CONNECTED-Bulgarian-National-Briefing-Paper-BG.pdf>

Roma Inclusion in Bulgaria: A Critical Analysis of Challenges, and EU Funding Programs

"In practice, there is no funding from Europe for the renovation of Roma neighborhoods. Not because Europe does not give any, but simply because it is a vicious circle. [...] [T]hey (municipalities) were obliged to identify precisely those neighborhoods with the most unfavorable social, environmental and economic characteristics. And these neighborhoods were to be prioritized, [...], (to be) assisted so that they were no longer the most backward neighborhoods. And in fact, the key here is that Municipalities do not prioritize working in the neighborhoods that have the worst social, economic and environmental characteristics, but work where they want."⁸⁹

Systemic discrimination continues to impact the Roma community in Bulgaria, despite existing legal frameworks and international commitments to protect their rights. While Bulgaria, as an EU member state, is obligated to uphold fundamental human rights, these rights are frequently violated for Roma people. This report will examine the systemic failures that perpetuate this inequality, highlighting the inadequacy of current policies and the often-counterproductive nature of some EU-funded interventions. We will analyze these problems using data from a literature review, insights gathered from interviews with individuals working in the field of Roma integration, information obtained from authorities, and publicly available data on European projects and their implementation.

1. The Human Cost of Inaction: Roma Inclusion in Bulgaria

The statistics paint a stark picture: high rates of poverty, limited access to education, and pervasive discrimination continue to affect the Roma population in Bulgaria. These are not merely numbers; they represent the real-life consequences of ineffective

policies and inadequate implementation of existing legal protections designed to guarantee the rights of ethnic minorities. For generations, Roma communities have faced systematic marginalization, resulting in significant disparities in virtually every aspect of life, from housing and healthcare to employment and social participation.

While Bulgaria, as an EU member state, has committed to upholding fundamental human rights, including the rights to equality, non-discrimination, adequate housing, and education, these rights are frequently violated for Roma people. Persistent segregation, both spatial and social, coupled with widespread discrimination in employment, education, and access to public services, creates a cycle of disadvantage that is difficult to break.

For the purposes of this report, segregation is defined as the enforced or de facto separation of individuals or groups based on race, ethnicity, or other protected characteristics, resulting in unequal access to resources and opportunities.⁹⁰ Conversely, desegregation refers to the process of dismantling systems of segregation and actively integrating previously separated groups to ensure equal access and opportunity for all.⁹¹

This cycle is often perpetuated, ironically, by some European-funded projects aimed at addressing these very issues. The lack of meaningful consultation with Roma communities in the planning and implementation of these projects frequently results in solutions that are not only ineffective but, in some cases, actively worsen existing inequalities and undermine fundamental rights. Poorly designed or implemented projects may unintentionally lead to increased marginalization, further violating principles of non-discrimination and social inclusion.

⁸⁹ Interview with civil society representative. The original in Bulgarian: "На практика финансиране от Европа за обновяване на ромски квартали не се прави. Не защото Европа не дава, а просто защото това е омагьосан кръг. [...] [Т]е (общините) бяха задължени да идентифицират точно тия квартали, които са с най-неблагоприятни социални, екологични и икономически характеристики. И тези квартали трябваше приоритетно, [...], (да бъдат) подпомогнати така, че те да не са вече най-изостаналите квартали. И всъщност тук ключът е в това, че общините не приоритизират да работят в кварталите, които са с най-лоши социални, икономически и екологични характеристики, а работят там където искат.]

⁹⁰ Based on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 3, which condemns racial segregation and apartheid, and the Universal Declaration of Human Rights (UDHR), Article 2, which prohibits discrimination of any kind.

⁹¹ Based on the principles of equality and non-discrimination as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2, and the Convention on the Rights of the Child (CRC), Article 2, both of which call for the elimination of discrimination and the promotion of equal rights and opportunities for all children.

The following sections will delve deeper into the specific challenges confronting the Roma community, examining how existing laws and policies often fail to translate into tangible improvements. We will explore the systemic obstacles to meaningful Roma inclusion, focusing on the problematic ways that some EU-funded projects contribute to the perpetuation of existing inequalities and fundamental rights violations, and offer potential solutions for improved implementation.

2. Barriers and Discrimination: The Roma Experience in Bulgaria

2.1 The Roma community, accounting for 4.9% of Bulgaria's population (325,343 individuals as per the 2011 census), encounters numerous entrenched challenges that obstruct their full participation in society. However, it's important to note that other sources cite significantly higher figures. According to data cited by the European Commission, an estimated 750,000 Roma live in Bulgaria, which amounts to 10.33% of the total population.⁹² This discrepancy may be due to the fact that many Roma prefer not to report their ethnicity due to fear of discrimination.

Despite the Bulgarian Constitution and international human rights instruments guaranteeing fundamental rights, including self-determination, these are consistently undermined by systemic barriers and widespread discrimination. Many Roma people even choose to identify with other ethnicities, likely due to societal pressures and a desire for easier social integration - highlighting the painful realities of discrimination and exclusion they experience.

A 2020 review of Bulgaria's adherence to the Framework Convention⁹³ for the Protection of National Minorities identified several critical issues:

- **Insufficient Integration:** A lack of effective strategies for socio-economic inclusion severely limits opportunities in education, employment, and housing for the Roma.
- **Educational Barriers:** Roma children frequently lack access to quality education, and inclusive educational practices are often absent.
- **Discriminatory Housing Practices:** Roma communities disproportionately suffer from illegal construction, forced evictions, and substandard housing conditions.
- **Discrimination and Hate Crimes:** Hate crimes against Roma are underreported and under-prosecuted, highlighting the urgent need for

improved investigation and stronger protection mechanisms.

- **Limited Access to Public Services:** Roma communities face significant obstacles in accessing essential public services and effectively participating in decision-making processes.

These observations are corroborated by a 2020 report from the Bulgarian National Statistical Institute,⁹⁴ which reveals the pervasive impact of socio-economic inequalities, discrimination, harassment, and victimization experienced by Roma individuals. The report highlights significant challenges in the education system, where Roma children face high exclusion rates. Additionally, data from the Institute for Market Economics reveals that Roma populations are unevenly distributed across Bulgaria, with certain regions experiencing more severe issues related to exclusion and fundamental rights violations.⁹⁵

The Advisory Committee on the Framework Convention for the Protection of National Minorities echoed these concerns in its 2024 Fifth Opinion on Bulgaria,⁹⁶ further emphasizing the over-reliance on EU funding for Roma-focused programs and the insufficient state funding for long-term sustainability. Many initiatives aimed at addressing Roma issues rely heavily on European funding, raising concerns about the long-term viability of these efforts.

The limited effectiveness of EU-funded projects in addressing these deep-seated disparities will be examined further in the following section.



Source: Institute for Market Economics⁹⁷

2.2 Socioeconomic Disparities and the Impact of Segregation

The Roma community in Bulgaria encounters significant socioeconomic challenges characterized by spatial segregation, limited access to essential services, and pervasive discrimination. These interrelated issues create a persistent cycle of disadvantage. The Strategy for Roma Equality,

⁹² European Roma Rights Center, *Blighted Lives: Romani Children in State Care*, 02 February 2021, available at: <https://www.errc.org/reports--submissions/blighted-lives-romani-children-in-state-care> both in Bulgarian and English. See also information provided by European Commission at: https://commission.europa.eu/publications/assessment-report-member-states-national-roma-strategic-frameworks-full-package_en

⁹³ Advisory Committee on the Framework Convention for the Protection of National Minorities. (2020). Fourth Opinion on Bulgaria. ACFC/OP/IV(2020)001Final. Adopted 26 May 2020, available at: <https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

⁹⁴ Tomova, I., & Stoytchev, L. (2022). Thematic Report on Roma. Novelea, available at: https://www.novelea.bg/wp-content/uploads/2022/10/Tematichen-doklad-za-romite_ENG.pdf

⁹⁵ For more information see at: <https://ime.bg/articles/karti-naselenie-po-etnieska-prinadlejnost-spered-prebroyavane-21/>

⁹⁶ Council of Europe. (2024). Fifth Opinion on Bulgaria. Advisory Committee on the Framework Convention for the Protection of National Minorities, available at: <https://rm.coe.int/5th-com-bulgaria-en/1680b1dc22>

⁹⁷ The map is available at: <https://ime.bg/articles/karti-naselenie-po-etnieska-prinadlejnost-spered-prebroyavane-21/>

Inclusion, and Participation (2021-2030)⁹⁸ highlights these stark disparities.

| Indicator | General Population | Roma Population |
|---|--------------------|-----------------|
| Risk of poverty | 3.8% | 66.2% |
| Risk of poverty (children under 18) | 28.5% | 73.3% |
| Material deprivation (children aged 0-15) | 18.4% | 64% |
| Living in housing with poor conditions | 8.6% | 43.5% |
| Living in overcrowded housing | 39.5% | 76.9% |
| Living in households without a bathroom or toilet | 7.4% | 34.7% |
| Unmet medical needs | 6.8% | 31.9% |

These figures reveal the significant disadvantages faced by the Roma population across various aspects of life, including income, housing, and healthcare. This inequality is not simply a matter of economic disparity; it reflects deeper systemic issues of discrimination and social exclusion.

2.2.1 Spatial Segregation and its Devastating Consequences

The concentration of Roma in segregated neighborhoods has intensified over the past 15 years, creating a vicious cycle of poverty and marginalization. This spatial segregation leads to several devastating consequences:

Social Isolation: Limited interaction with the broader society contributes to a sense of exclusion and hinders social mobility. Social isolation violates Articles 26 and 27 of the Universal Declaration of Human Rights; Article 29 of the UN Convention on the Rights of the Child; Article 21 of the Charter of Fundamental Rights of the EU – non-discrimination.

Deteriorating Housing Conditions: Substandard infrastructure, poor sanitation, and lack of access to basic utilities create unhealthy and unsafe living conditions. This violates Article 11 of the International Covenant on Economic, Social and Cultural Rights; Article 24 of the UN Convention on the Rights of the Child; Article 34 of the Charter of Fundamental Rights of the EU – right to housing. Forced evictions further infringe upon the right to housing and security of tenure.

Limited Access to Services: Difficulties in accessing transportation, healthcare, and other essential

services perpetuate existing inequalities. This violates Articles 2 and 26 of the Universal Declaration of Human Rights; Article 12 of the International Covenant on Economic, Social and Cultural Rights; Article 20 and 21 of the Charter of Fundamental Rights of the EU – non-discrimination and equality.

Reduced Economic Opportunities: Limited access to quality education and employment opportunities reinforces a cycle of poverty and disadvantage. This violates Articles 23 and 26 of the Universal Declaration of Human Rights; Articles 6, 28 of the UN Convention on the Rights of the Child; Article 13 of the International Covenant on Economic, Social and Cultural Rights; Article 14 of the Charter of Fundamental Rights of the EU – right to education; Article 15 of the Charter of Fundamental Rights of the EU – right to vocational training.

A thematic study⁹⁹ further underscores the severity of the housing crisis faced by Roma communities. The study reveals that a substantial proportion of Roma live in households' deprivation, often without access to basic amenities such as proper sanitation and running water. Furthermore, Roma households face significantly higher rates of eviction (2.7% reported being forced to leave their homes) than the general population. This systematic lack of access to adequate housing, combined with the environmental hazards often present in segregated communities, significantly compromises the health, well-being, and overall development of Roma families. The root causes of these problems are complex and multifaceted, extending beyond the scope of this study. However, it is critical to note that analysis of European housing funds shows that the implemented solutions have often been superficial and ineffective, failing to create meaningful change. European funding in the area of housing does not demonstrate effective solutions, as measures implemented have often been superficial and failed to yield meaningful change.

2.3 Education and segregation

“Attendance of segregated preschools and schools predetermines unequal access to good quality education. Most segregated schools offer a very low quality of education and have high levels of absenteeism and a high risk of early school leaving.”¹⁰⁰

Roma children and youth in Bulgaria face systemic barriers to accessing quality education, perpetuating poverty and social exclusion. Although the Law on Pre-School and School Education (2016) prohibits racial segregation, it does not address de facto segregation resulting from the territorial distribution of Roma communities. This “natural segregation,” as the Ministry of Education, refers to it, is compounded by poverty and housing market discrimination, limiting

98 The Strategy is available at: <https://www.strategy.bg/publicconsultations/View.aspx?lang=bg-BG&Id=6706>

99 T Tomova, I., & Stoytchev, L. (2022). Thematic Report on Roma. Novelea, available at: https://www.noveleaa.bg/wp-content/uploads/2022/10/Tematichen-doklad-za-romite_ENG.pdf

100 T Tomova, I., & Stoytchev, L. (2022). Thematic Report on Roma. Novelea, available at: https://www.noveleaa.bg/wp-content/uploads/2022/10/Tematichen-doklad-za-romite_ENG.pdf

the school options available for Roma families. The Ministry lacks mechanisms to tackle this issue, as it falls outside its remit. As a result, the intersection of educational and residential segregation creates significant challenges for Roma children.

The Law on Protection against Discrimination prohibits forced segregation, but its narrow interpretation often misses cases where Roma families lack educational choices. According to a 2022 study by the “Amalipe” Center:¹⁰¹

Bulgaria hosts 930 general education schools, 150 vocational high schools, and 483 kindergartens with concentrations of vulnerable groups.

The center reports as follow:

“Desegregation in elementary schools is needed in 85 cities (25 regional cities and 60 others). They have 723 schools, teaching mainly in the basic stage of education. Of these - 185 are schools with concentrations of vulnerable groups, 120 segregated and 65 at risk of segregation.”

120 general education and 77 vocational schools are segregated, with others at risk.

The center reports as follow:

“With regard to secondary education, desegregation is needed in 84 localities (23 regional towns and 61 others). Of the 650 schools teaching at secondary level, 159 have concentrations of vulnerable groups: 81 segregated and 78 at risk of segregation.¹⁰²

Despite substantial evidence, legal redress for Roma children in such situations is rare. In 2021, the Bulgarian Helsinki Committee supported a successful case against a school for discrimination. Digital inequality further exacerbates disparities, with only 27.8% of Roma children aged 6-18 having access to a computer at home, compared to 90.7% of ethnic Bulgarians—a gap that widened during COVID-19.

Roma children are also vulnerable to discrimination and bullying:

- Institutional Bias: 10.6% of Roma report discrimination by school authorities, compared to 1.4% of the general population;
- Bullying: Often under reported due to fear of retaliation and distrust in school responses, particularly affecting children under 16.

2.3.1 Early Childhood Education (0-6 years)

Roma children face significant barriers to early childhood education:¹⁰³

- Kindergarten Attendance: Only 27.7% of Roma children (0-4 years) attend kindergartens, contrasting with 46% of Bulgarian children;
- Pre-School Participation: 58.3% of Roma (3-6 years) participate, compared to 83% for Bulgarians.

Barriers include poverty, inadequate infrastructure, and limited kindergarten availability. Programs exist to address these disparities but are insufficiently comprehensive to close the gap.

2.3.2 Formal Education and Early School Leaving (7-24 years)

Enrollment among Roma children remains lower than the general population:¹⁰⁴

- School Attendance (7-15 years): 86.2% of Roma children attend, compared to 96.6% of others.

Despite efforts to increase Roma children’s enrollment in the Bulgarian education system, significant disparities persist. While school attendance has improved, the enrollment rate for Roma children aged 7-15 remains considerably lower than for their non-Roma peers: only 86.2% of Roma children attend school compared to 96.6% of non-Roma children.¹⁰⁵ While many inclusion initiatives focus on enrollment, they often fail to acknowledge the evolving priorities within Roma communities. Previous generations of Roma parents primarily prioritized their children’s safety in predominantly non-Roma schools, fearing violence and discrimination. However, a notable shift has occurred; today’s parents increasingly emphasize the quality of education. This crucial change in perspective, however, remains largely unaddressed in current programs and projects. As one NGO representative with extensive experience working with Roma communities noted: “Now we have to start talking about the quality of education that is provided, both within childhood education and in its subsequent phases.”¹⁰⁶

A major factor contributing to this lower educational quality is school segregation. Segregation in preschools and schools directly correlates with unequal access to quality education. Segregated schools consistently offer substandard education, leading to high absenteeism and a significantly increased risk of early school leaving.

¹⁰¹ The information is available at: <https://amalipe.bg/no-segregation-conference/>. See also Nunev, I. (2020). Monitoring of the Processes of Inclusion and Educational Integration and Models for Desegregation of Roma Education. Astara. ISBN 978-954-350-283.

¹⁰² Ibid.

¹⁰³ IT Tomova, I., & Stoytchev, L. (2022). Thematic Report on Roma. Novelea, available at: https://www.novelea.bg/wp-content/uploads/2022/10/Tematichen-doklad-za-romite_ENG.pdf

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ The statement and the conclusion are coming from an interview, conducted during the research with a representative of an NGO with extensive experience with Roma inclusion.

2.3.3 Secondary Education

Only 28% of Roma youth (20-24 years) complete secondary education, with a notable gender gap (31.8% males vs. 23.4% females). Contributing factors include:

- Segregation: 63.5% of Roma children (6-14) attend predominantly Roma schools, characterized by low educational quality and limited integration.
- Insufficient Support: Lack of effective programs like free after-school clubs and mentoring, often poorly implemented despite EU funding.

These systemic challenges demand comprehensive solutions to ensure equitable educational opportunities for Roma children and youth in Bulgaria.

2.3.4 Violation of Fundamental Rights in the area of education of Roma children

The systemic barriers to education and social integration faced by Roma children in Bulgaria constitute violations of fundamental human rights as outlined in both the Charter of Fundamental Rights of the European Union and other international legal instruments. Article 21 of the Charter prohibits discrimination based on race or ethnic origin, mandating equality and dignity for all individuals. Meanwhile, Article 14 guarantees the right to education, emphasizing accessibility and quality education for everyone. These provisions highlight the need to ensure that all children, regardless of ethnicity, have equal opportunities to succeed. Furthermore, these issues contravene the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which obligates state parties in Article 5 to prohibit and eliminate racial discrimination in all forms and guarantee the right of everyone, without distinction as to race, to equality before the law, particularly in the enjoyment of public services, and the right to education.

Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) underscores the right to education in Article 13, committing state parties to make secondary education generally available and accessible to all by every appropriate means, and to progressively achieve the full realization of this right.

The persistent segregation and educational inequalities experienced by Roma communities breach these international commitments, underscoring the urgent need for Bulgarian authorities to implement effective policies that address these violations. Ensuring equal

access to quality education and eliminating systemic discrimination are crucial steps toward fulfilling Bulgaria's obligations under international human rights law.

2.4 The National Roma Integration Strategy: A Gap Between Policy and Practice

Despite the involvement of various stakeholders, including local authorities and Roma organizations, in developing Bulgaria's National Roma Integration Strategy (NRIS), significant concerns remain regarding its effectiveness. While the NRIS ostensibly aligns with Bulgaria's international obligations to combat discrimination and promote Roma inclusion, a considerable gap separates its stated goals from their actual implementation. This is evident not only in the strategy's inherent shortcomings but also in the implementation plan itself, which falls short of translating policy into meaningful, sustainable improvements for the Roma community. This disconnect is further highlighted by the absence of any consideration of Roma-specific issues, such as spatial segregation, within the National Spatial Development Concept (NSDC)¹⁰⁷, a document that serves as a strategic framework for national spatial planning. This critical omission underscores the need for a more integrated and comprehensive approach to address the complex challenges facing the Roma community in Bulgaria. The lack of integration between the NRIS and the National Strategy for Poverty Reduction and Social Inclusion¹⁰⁸ further compounds this problem, as neither document effectively addresses the issue of spatial segregation, a key driver of Roma poverty and marginalization. The strategy's deficiencies manifest in several key areas:

- Lack of Specific Action Plans: The NRIS lacks the detailed and concrete action plans necessary to translate its broad goals into real improvements. While it addresses key areas such as education, housing, and employment, the specifics of how these challenges will be tackled remain unclear and insufficient. Many initiatives repeat previously ineffective measures, lacking the detailed steps and allocated resources necessary for lasting change. This is reflected in the National Action Plan (NAP)¹⁰⁹ for 2024-2027, which, despite listing several objectives, does not provide clear mechanisms or timelines for their realization. The NAP's overreliance on funding from sources external to the state budget, such as EU programs, raises concerns about long-term sustainability. The National Strategy for Poverty Reduction¹¹⁰ similarly suffers from a lack of specific, measurable goals and concrete implementation

¹⁰⁷ National Spatial Development Concept is available at: <https://www.mrrb.bg/static/media/ups/articles/attachments/d747ca682ac1a70380428fd-1dc664fb3.pdf>

¹⁰⁸ National Strategy for Poverty Reduction and Social Inclusion 2030, adopted with Council of Ministers Decision № 976/31.12.2020 r., available at: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=1345>.

¹⁰⁹ The National Action Plan for implementation of the Poverty Reduction and Social Inclusion 2030 is available at: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=1345>.

¹¹⁰ National Strategy for and Social Inclusion 2030, adopted with Council of Ministers Decision № 976/31.12.2020, available at: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=1345>. It should be noted that the National Development Program 2030 - the most important strategic document (available at: <https://www.minfin.bg/bg/1394>) also fails to provide any sufficient guarantees that the issues faced by vulnerable groups will be properly addressed and it does not ensure that the impact of the investments will be measured effectively.

plans, making it difficult to assess progress and hold policymakers accountable for achieving the stated objectives.

- **Insufficient Resource Allocation and Monitoring:** The NAP demonstrates a heavy reliance on external funding (e.g., EU programs), raising doubts about long-term sustainability. The allocated resources, while substantial for specific initiatives (as evidenced in the NAP's detailed breakdown of funding by priority and measure), are insufficient to address the scope of the challenges outlined in the NRIS. Furthermore, the monitoring and evaluation mechanisms are inadequate. The absence of clearly defined indicators and data collection protocols within the NAP hinders the ability to track progress and identify areas requiring improvement, creating a significant impediment to effective policy implementation and adjustment. Existing systems for data collection on Roma inclusion are not harmonized, and clear definitions are lacking, thus hindering the ability to thoroughly assess progress against the stated objectives. The National Strategy for Poverty Reduction and Social Inclusion¹¹¹ similarly lacks adequate mechanisms for monitoring and evaluation, further undermining the ability to assess progress and effectiveness.¹¹²

Weak Policy Design: The strategy's overall design is inadequate for dealing with the deeply ingrained systemic problems of Roma marginalization. The NAP often seems to treat Roma inclusion as a separate endeavor rather than integrating it as a key element of broader societal policies. The absence of concrete and coordinated measures to dismantle systemic discrimination and address deep-seated societal biases and prejudices makes achieving meaningful change extremely difficult.

2.4.1 Monitoring and Evaluation: A Critical Shortcoming

The strategy's monitoring and evaluation mechanisms are insufficient. The absence of clear performance indicators, robust data collection methods, and regular reporting makes it impossible to accurately track progress toward stated objectives. Furthermore, the lack of clearly defined parameters for measuring success severely hinders the identification of areas requiring improvement and the evaluation of the strategy's overall impact. This deficit prevents a feedback loop, essential for adapting and refining policy to effectively address the complex needs of the Roma community. The limited capacity to gather and analyze relevant data—whether on participation in projects or progress on various aspects of the Roma

community's situation—further contributes to this fundamental weakness. This issue is exacerbated by the inconsistent application of existing data collection systems across various governmental levels and agencies, thus hampering both overall tracking and precise analysis of the data at hand.

The Strategy and the Action plan had been analyzed by the European Commission as well.¹¹³

3. Broken Promises: EU Funds, Roma Rights, and the Failure of Integration in Bulgaria

This chapter explores the complex relationship between EU-funded operational programs and the realization of Roma rights in Bulgaria. Building upon the analysis of Roma challenges presented in the above section, this part examines how the implementation of these programs, while ostensibly aimed at promoting Roma inclusion, has often failed to achieve this goal and has sometimes even worsened existing inequalities and violated fundamental rights. Chapter 3.1 details the specific programs, priority axes, and procedures analyzed in this section, highlighting the intricate interplay between stated policy objectives, legislative frameworks, and the allocation of EU funds. This chapter will demonstrate how these various factors frequently intersect to create conditions that significantly undermine the rights of Roma people.

Our analysis will focus on key areas where Roma rights have been significantly compromised: segregation, extreme poverty, discrimination in education, and the inadequacy of de-segregation initiatives. We will draw upon findings from previously cited sources that have emphasized the link between EU funding and the challenges faced by Roma communities in Bulgaria. Finally, we will examine several illustrative projects which highlight how the very systems designed to promote Roma integration have, in practice, failed to do so and frequently excluded Roma participation.

This critical intersection of policy, legislation, and funding mechanisms has resulted in widespread violations of Roma rights. The detailed analysis of specific projects and programs that exemplify these systemic failures is provided in subsequent sections.

3.1 Fundamental Rights Violations: Systemic Housing Discrimination and the Inadequacy of EU-Funded Interventions

Roma communities in Bulgaria face disproportionately high rates of poverty and social exclusion, significantly worsened by severe housing deprivation and spatial segregation. A 2022 UNICEF report¹¹⁴ highlights the

¹¹¹ National Strategy for Poverty Reduction and Social Inclusion 2030, adopted with Council of Ministers Decision № 976/31.12.2020 r., available at: <https://www.strategy.bg/strategicdocuments/View.aspx?lang=bg-BG&Id=1345>. Note, that the National Development Program 2030 - the most important strategic document (available at: <https://www.minfin.bg/bg/1394>) also doesn't provide any sufficient guarantees that the problems of the vulnerable groups will be addressed properly and the impact of the investment will be measured properly.

¹¹² See the Standpoint related to National Strategy for Poverty Reduction and Social Inclusion 2030, expressed by Trust for Social Alternative, available at: <https://socialachievement.org/bg/kakvo-pravim/novini/otnosno-stanovishte-i-preporuki-kym-nacionalna-strategija-za-namaljavane-na-bednostta-i-nasyrchavane-na-socialnoto-vkluchvane-s-horizont-2030/285/>, page 14.

¹¹³ See more at: https://commission.europa.eu/publications/assessment-report-member-states-national-roma-strategic-frameworks-full-package_en.

¹¹⁴ UNICEF, 2022, Un/Equal Childhood: Deep Dive in Child Poverty and Social Exclusion in Bulgaria. This in-depth analysis provides the basis

considerably higher risk of poverty among Roma children compared to other children, underscoring the devastating impact of inadequate housing. This disparity is further amplified by regional differences, with some areas exhibiting drastically higher rates of poverty and social exclusion than others. The report emphasizes the heavier housing burden in rural areas, disproportionately affecting Roma communities who predominantly reside in impoverished regions. The significant number of dwellings lacking necessary permits and documentation in neighborhoods with insufficient infrastructure further contributes to homelessness and severe housing deprivation within the Roma community. This severe housing crisis is frequently compounded by discriminatory housing policies, evictions, and the demolition of Roma homes. Roma communities are often relegated to segregated, informal settlements, a situation frequently justified by disingenuous claims of “choice,” which conveniently ignore the systemic discrimination and exclusion experienced by the Roma population. The fundamental problem lies in the absence of a comprehensive housing policy aligned with international legal standards. The authorities justify the actions and inaction simplifying the problems or even refuse that they exist.

The complexity of housing poverty and segregation is consistently underestimated by the authorities. Attempts to offer simplistic explanations for the situation such as blaming the Roma population for their own plight for example—represent a clear evasion of responsibility for finding solutions. This approach, common in situations of systemic violence, seeks to shift blame from the perpetrators to the victims, masking the underlying structural issues and systemic inequalities. The consequences of this approach are profound, resulting in the continued marginalization and vulnerability of Roma communities, who remain acutely dependent on state authorities for the provision of basic necessities and the protection of their human rights.

Analysis of relevant policy and strategic documents concerning Roma integration¹¹⁵ and territorial development¹¹⁶ reveals a systemic failure to address the root causes of Roma housing insecurity. Even at the highest policy levels, Roma-specific challenges, such as spatial segregation, are often not effectively integrated into broader national strategies. Municipal and national authorities frequently fail to acknowledge, much less address, the widespread problem of substandard, and often illegally constructed housing

within Roma communities. Numerous projects undertaken by civil society organizations have demonstrably shown that successful interventions are possible, yet authorities demonstrate a reluctance to adopt similar approaches.¹¹⁷ This seeming “blindness” to the historical context of Roma segregation, and to the complex dynamics perpetuating such exclusion, underscores the vulnerability of Roma families, who are often at the mercy of state authorities that may resort to forceful demolitions of housing, under the pretext of removing illegally constructed buildings, even when the existence of these settlements stems from systemic discrimination and exclusion.

- The project BG16RFOP001-1.015-0005, “Construction of municipal infrastructure for the provision of social services,”¹¹⁸ (See Annex 1 example 5) exemplifies this systemic failure. While seemingly addressing the needs of vulnerable groups, the project’s focus on constructing a new homeless shelter and a crisis center for victims of gender-based violence, without addressing the underlying causes of homelessness or spatial segregation, demonstrates a fundamental lack of understanding of the complex needs of marginalized groups. The stated justification for the project—“These services are new for the municipality and are necessary in light of the growing number of people from minority groups”¹¹⁹—is illustrative of this approach. While the shelter provides temporary housing for 20 individuals, the absence of accompanying support services to address the factors leading to homelessness renders the project ineffective. This highlights not only a fundamental lack of understanding of the complex problem of homelessness among vulnerable groups but also a profound failure to invest in structural changes needed to address the underlying systemic issues driving Roma marginalization. The construction of this facility, without accompanying infrastructural developments or social support programmes, merely perpetuates existing inequalities. This project’s failure to engage meaningfully with Roma communities and its lack of culturally appropriate design further exacerbate existing societal inequalities.
- The BG16RFOP001-1.015-0005 project, by focusing solely on providing temporary shelter without addressing the underlying causes of homelessness and segregation, violates Article 21 (Non-discrimination) and Article 34 (Right to Housing) of the Charter of Fundamental Rights

for the European Child Guarantee National Action Plan in Bulgaria, available at:

<https://www.unicef.org/bulgaria/documents/%D0%BD%D0%B5%D1%80%D0%B0%D0%B2%D0%BD%D0%BE-%D0%B4%D0%B5%D1%82%D1%81%D1%82%D0%B2%D0%BE-%D1%86%D1%8F%D0%BB%D0%BE%D1%81%D1%82%D0%B5%D0%BD-%D0%B0%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7-%D0%BD%D0%B0-%D0%B4%D0%B5%D1%82%D1%81%D0%BA%D0%B0%D1%82%D0%B0-%D0%B1%D0%B5%D0%B4%D0%BD%D0%BE%D1%81%D1%82-%D0%B8-%D1%81%D0%BE%D1%86%D0%B8%D0%B0%D0%BB%D0%BD%D0%BE%D1%82%D0%BE-%D0%B8%D0%B7%D0%BA%D0%B-%D1%8E%D1%87%D0%B2%D0%B0%D0%BD%D0%B5-%D0%B2-%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F>

¹¹⁵ National Strategy for Roma Equality, Integration and Participation (2021-2030) is available at: <https://www.strategy.bg/publicconsultations/View.aspx?lang=bg-BG&Id=6706>

¹¹⁶ National Spatial Development Concept is available at: <https://www.mrrb.bg/static/media/ups/articles/attachments/d747ca682ac1a70380428fd-1dc664fb3.pdf>

¹¹⁷ Most of the interviews conducted confirm this conclusion.

¹¹⁸ The project is funded by OP Regions in Growth 2014-2020, Priority Axis “Sustainable and Integrated Urban Development”.

¹¹⁹ See the project justification, available at: https://2020_eufunds.bg/bg/3/0/Project/BasicData?contractId=I5xPDYfW4JgLIjWn1Rt1w%3D%3D&isHistoric=False

of the European Union. The project's failure to meaningfully consult with Roma communities in the planning and implementation stages, exacerbates this violation.

Let's now examine another angle, replicated in the projects, aimed to build or reconstruct social houses. Such projects implemented under the Operational Programme "Regions in Growth" reveal additional ways in which authorities circumvent the need to address the fundamental issues of housing insecurity and Roma segregation. Segregation encompasses not only residential patterns but also the lack of access to essential infrastructure (water, sanitation, electricity, and sometimes even transportation) and social infrastructure (healthcare facilities, schools, and kindergartens). While social housing projects, in theory, offer a means of addressing housing poverty, they can also inadvertently exacerbate segregation.

The construction or renovation of social housing without due consideration of broader social factors merely leads to the relocation or eviction of families without addressing the underlying causes of housing insecurity. This practice, as noted in an interview describing the replication of deinstitutionalization practices (initially implemented for children with disabilities) in the context of Roma housing, frequently results in the creation of new, segregated settlements.¹²⁰ A prime example is the conversion of an abandoned kindergarten in Vidin into a social housing complex, described by a civil sector representative as a de facto "ghetto."

- The project BG16RFOP001-1.026-0003, "Provision of modern social housing for accommodation of vulnerable groups of the population on the territory of "Mladost" complex, Montana"¹²¹ [See Annex 1, Example 6], implemented under Procedure BG16RFOP001-1.026, serves as a further illustration. While aimed at improving housing conditions for vulnerable groups, this project, like many others, neglected to address underlying issues of segregation and the lack of access to essential infrastructure. The project is cited not only because of the shortcomings in its implementation, but more importantly because it serves as an example of how social housing initiatives have been used to address the effects of segregation, rather than the root causes of the problem itself, including the need to ensure equal access to essential resources for Roma communities and to combat discriminatory housing policies. The project's focus on potentially segregated houses constitutes a violation of the Charter of Fundamental Rights of the European Union. Specifically, this project fails to meet the requirements of Article 21 (Non-discrimination),

and Article 34 (Right to housing), as created conditions for isolation and segregation of the Roma people.

To conclude our examination of the systemic failures contributing to Roma housing insecurity and spatial segregation, we now turn to the issue of the demolition of illegally constructed Roma homes. A Report from the Initiative for Equal Opportunities and the Open Society European Policy Institute¹²² reveal a consistent pattern of such demolitions, often resulting in the displacement of Roma families without adequate alternative housing options. In many instances, these demolitions occur following anti-Roma protests and expressions of hate speech, thus exacerbating existing societal prejudices and marginalizing Roma communities further. Several cases illustrate this pattern:

- **Garmen:** The case demonstrated how the demolitions here serve as a form of punishment against Roma, while authorities fail to provide adequate alternative housing or address the lack of affordable housing solutions.
- **Varna:** The case illustrates how demolitions can be strategically timed to coincide with local elections, frequently fueled by anti-Roma activism from far-right political parties.

While these examples do not definitively demonstrate a direct link to EU-funded projects, the lack of adequate response to the systemic problem of Roma housing insecurity strongly suggests that such a connection may exist. Further research is necessary to definitively establish whether EU funding has been indirectly involved in perpetuating or exacerbating the issues highlighted above. This could involve reviewing individual project proposals, examining funding decisions, and investigating reports of housing demolitions across various municipalities.

- In Plovdiv, the project BG16RFOP001-1.003-0006, "Construction of municipal infrastructure for the provision of social services"¹²³ [see Annex 1 example 7] exemplifies the potential for EU-funded projects to unintentionally exacerbate segregation. The new social housing development is situated between a pre-existing segregated Roma settlement and an



¹²⁰ Interview with a researcher, representative of civil society.

¹²¹ Implemented under Procedure "Implementation of integrated urban regeneration and development plans 2014-2020-Montana," within the Operational Programme "Regions in Growth" (2014-2020).

¹²² The Demolition of Illegal Dwellings in Roma Settlements: A Sustainable Solution for Roma Integration or a Problem of Discrimination against Roma in Bulgaria? (March 2017). Sofia: Initiative for Equal Opportunities.

¹²³ The project implemented under Procedure BG16RFOP001-1.003, "Implementation of integrated urban regeneration and development plans 2014-2020-Plovdiv," within the Operational Programme "Regions in Growth"

industrial zone, suggesting that the construction of this building may have involved the demolition of informal Roma housing. Furthermore, there is a notable lack of adequate infrastructure surrounding the building and, at the time of this report, it remains unoccupied.

The placement of the new social housing development between a pre-existing segregated Roma settlement and an industrial zone raises serious concerns about the project's potential to perpetuate, rather than alleviate, existing inequalities. This spatial arrangement effectively reinforces the social and physical isolation of the Roma community, limiting their access to essential services, employment opportunities, and broader social integration.



The potential demolition of informal Roma housing to make way for the new development further compounds these violations. Forced evictions, without adequate provision for alternative housing, are a direct infringement on the right to housing, leaving families displaced and vulnerable. Even if alternative housing is provided, if it is located within the same segregated area, it fails to address the underlying issue of spatial inequality and may even exacerbate existing patterns of discrimination.

The lack of adequate infrastructure surrounding the new housing development further undermines the residents' ability to lead a dignified life. Without access to basic amenities such as clean water, sanitation, transportation, and healthcare, the housing development fails to provide a safe, healthy, and sustainable living environment. The fact that the building remains unoccupied at the time of this report suggests that the project has not been effectively implemented, leaving vulnerable groups without access to the housing and services they desperately need.

These actions, taken together, demonstrate a failure to uphold the fundamental rights of the Roma community, perpetuating a cycle of poverty, marginalization, and discrimination. The project, rather than promoting social inclusion and equality, inadvertently reinforces existing patterns of segregation and violates the rights to non-discrimination, housing, and a dignified life.

In conclusion, a significant portion of EU funds have been utilized in ways that demonstrably violate the fundamental rights of Roma concerning housing access (the right to housing), and non-discrimination within housing and territorial policies. Despite this, the Ministry of Regional Development and Public Works, the managing authority for the "Regions in Growth" Programme, asserts that no violations have occurred, refusing possibilities for such violations and stressed on the opinion that none are possible.¹²⁴ We strongly disagree. Even the Bulgarian National Spatial Development Concept (2013–2025), which entirely excludes the Roma population from territorial development plans, was created with EU funding - project BG16RFOP001-8.002-0005,¹²⁵ which has a budget of 4 250 423.90 BGN.

This demonstrates a systemic failure to address Roma needs, despite the explicit requirements for non-discrimination in EU funding regulations.

The Science and Education for Intelligent Growth Programme (2014–2020) included the Priority Axis "Educational environment for active social inclusion," which featured numerous projects aimed at improving educational access for vulnerable groups, including Roma communities. While the Ministry of Education cites initiatives such as additional Bulgarian language classes, inter-ethnic activities, and practice laboratories to promote inclusive education, civil society critiques reveal persistent challenges.

Despite significant investment in education, segregated schools remain, and secondary segregation is evident. Analysis of EU-funded education projects reveals issues mirroring those in residential segregation. For example, the closure of segregated schools, intended to promote integration, can, in practice, severely restrict access to education for Roma children due to increased distance to alternative schools. Simultaneously, continued investment in existing segregated schools reinforces segregation. A more comprehensive approach is needed, addressing residential segregation, labour market access, poverty, and discrimination (including hate speech and school violence). Consequently, investments in segregated schools, without addressing these wider issues, can be considered violations of fundamental rights.

3.2 Educational Disparities: A Critical Analysis of Roma Inclusion in the Bulgarian Education System

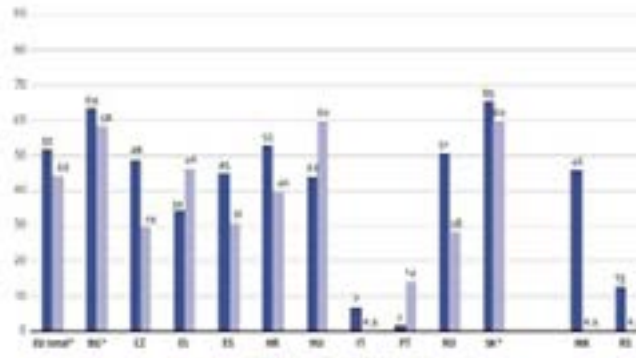
A paradox exists within Bulgaria's inclusive education system—a paradox replicated in other systems across the country. Significant resources are invested to address a problem, yielding minimal, largely symbolic progress, while the core issue remains unresolved.

¹²⁴ Letter received from the Deputy Minister of Regional Development and Public Works.

¹²⁵ The information is available at: https://2020_eufunds.bg/bg/3/0/Project/BasicData?contractId=0zzbbA0kSwFgU%2FX%2FI4yx4A%3D%3D&isHistoric=False

This is precisely the case with Roma inclusion in the education system. While the Science and Education for Intelligent Growth Programme (2014–2020)¹²⁶ and its priority axes suggest substantial efforts towards educational integration, dozens of fully segregated schools and those at high risk of segregation persist, as previously noted. A worrying trend towards secondary segregation is also evident, with students from majority groups increasingly withdrawing from schools with significant Roma populations.

This raises crucial questions: What explains this persistent paradox? What role does European funding play? In any case, the statistical data, presented by FRA in the report issued in 2022, between 2016 and 2021 the number of the Roma children in the segregated schools increased from 58 to 65 %.¹²⁷



Source of the picture: FRA, Roma in 10 European countries. Main results - ROMA SURVEY 2021

The problem we observe is common to systems tasked with safeguarding the rights of vulnerable groups. The education system is no exception; it exemplifies a broader trend: solutions are sought locally and in isolation, neglecting the systemic nature of the problem and its deep-rooted causes. In education, the challenges are far more complex than mere school dropout rates or low educational interest. Addressing these complex issues requires a holistic approach, rather than focusing on isolated, fragmented solutions. This piecemeal approach results in the persistent recurrence of problems, despite significant effort and investment.

To illustrate this point, we will examine a specific case: the Bratya Daskalovi Municipality in Plovdiv Region. This relatively small municipality encompasses several villages, some with no Roma population and others with a Roma majority. The municipality is impoverished; the average annual income per capita is a mere BGN 8,738 (approximately €4,369).¹²⁸ The Municipality's action plan for implementing the

regional strategy for Roma integration¹²⁹ are fully segregated, along with one segregated kindergarten.

- During the 2014–2020 funding period, a single project was implemented in the municipality: BG05M2OP001-3.001-0081 [see Annex 1, example 8].¹³⁰ The project description states that it aims to address the integration challenges of pre-school children from ethnic minorities, particularly in small villages. Measures focus on reducing isolation, preventing early school leaving, and fostering future labor market integration. The project includes activities such as assessing children's attitudes, identifying contributing factors, and understanding parental expectations; establishing interest-based groups in kindergartens; providing supplementary Bulgarian language classes; and organizing extracurricular activities to enhance engagement.

While ostensibly addressing access to mandatory pre-school education, this project primarily focuses on behavioral correction and attitude change within minority communities. The underlying assumption—that successful pre-school integration equates to equal opportunity—is flawed. This approach not only fails to address broader issues of poverty and spatial segregation but also neglects the deeper, systemic factors contributing to educational disparities. Critically, the excerpt from the municipality's development plan reveals a tendency to blame the minority community, showcasing discriminatory attitudes rather than exploring underlying systemic problems. The plan's explanation for school dropout rates, while mentioning economic factors and migration, disproportionately focuses on cultural practices within the Roma community. This approach overlooks potential contributing factors such as the lack of mother-tongue instruction (a point of criticism regarding Bulgaria's education system), failure to accommodate Roma cultural norms, and misunderstandings (and subsequent rejection) of Roma cultural practices. Such oversimplification ignores the complexity of the situation and prevents the development of truly effective integration strategies.

This superficial approach fails to address broader issues of poverty and spatial segregation, and makes no attempt to change majority community attitudes or combat discrimination and prejudice. The persistence of these challenges is confirmed in the Integrated Development Plan of Bratya Daskalovi Municipality 2021–2027, which states: "Currently, several factors contribute to school dropout in our country. Studies

¹²⁶ Integrated Development Plan of Bratya Daskalovi Municipality 2021–2027, available at: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1532>

¹²⁷ FRA, Roma in 10 European countries. Main results - ROMA SURVEY 2021, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf

¹²⁸ See Integrated Development Plan of Bratya Daskalovi Municipality 2021–2027, p. 88, available at: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1532>

¹²⁹ Bratya Daskalovi Action Plan for implementation of the Region Strategy for integration of the Bulgarian citizens from Roma origin, available at: <https://nrpcsystem.government.bg/Legal/%D0%90%D0%A0%D0%A5%D0%98%D0%92%20%D0%A1%D0%A2%D0%A0%D0%90%D0%A2%D0%95%D0%93%D0%98%D0%AF%202012-2020/24-%D0%A1%D1%82%D0%B0%D1%80%D0%B0%20%D0%97%D0%B0%D0%B3%D0%BE%D1%80%D0%B0/%D0%91%D1%80%D0%B0%D1%82%D1%8F%20%D0%94%D0%B0%D1%81%D0%BA%D0%B0%D0%BB%D0%BE%D0%B2%D0%B8-%D0%9F%D0%BB%D0%B0%D0%BD%202017-2020.pdf>

¹³⁰ Information about the project is available at: https://2020_eufunds.bg/bg/7/0/Project/Activities?contractId=Squ22%2B2w8qtC37StkkCdY-w%3D%3D&isHistoric=False

show a high rate of early school leaving among children from ethnic minorities. This trend is also present in Bratya Daskalovi, with the highest dropout rate observed at the end of primary education in the 2018/2019 academic year. Roma cultural norms often contribute to school dropout, due partly to education not being prioritized within the Roma community's value system. Another factor is the tradition of early marriage among Roma girls, frequently leading to school abandonment around the age of 12–13 due to marriage, pregnancy, or childbirth. Other factors include economic hardship, migration, and difficulties in grasping the curriculum.”

This demonstrates that investment in education, while seemingly positive and potentially contributing to integration, ultimately reinforces existing problems when focused on segregated institutions and fails to address deeper, long-term challenges. The result is a continuation of low educational attainment, increased later-stage school dropout, and an exacerbation of the initial problem.

Similar examples abound across various regions.

- For instance, in the Tundzha Municipality within Yambol Oblast, project BG05M9OP001-2.018-0013-2014BG05M2OP001 [see Annex 1, example 9]¹³¹ targeted segregated areas and schools. While the project included educational mediators (10 in total) and various activities aimed at fostering children's interests, it ultimately failed to address the root problem of educational segregation. Although employing educational mediators is a valuable practice with demonstrable positive outcomes, their impact is limited. Interviews revealed that these mediators operate at the limits of their capacity, facing low wages and high turnover. They are tasked with mediating and supporting stakeholders within a system where responsiveness from authorities is often lacking, even when present. Their success is inherently constrained by the limitations within which they must operate. This highlights a wider issue: the inadequacy of superficial interventions that fail to address systemic inequalities and the deeper societal factors that contribute to educational segregation. A more profound and holistic approach is needed to truly foster inclusive and equitable education for all.
- Furthermore, studies on inclusive education in specific municipalities (Sliven, Pavlikeni)¹³² corroborate the challenges faced by integration policies and practices. A study on Sliven's integration policies notes: “Some kindergarten directors acknowledge encountering resistance from Bulgarian parents who do not want their children in classes with Roma children. This

occurs even when the Roma children come from families that value education, have a good standard of living, and speak Bulgarian. Negative prejudices and discriminatory attitudes among some Bulgarian urban parents are evident. This highlights the need for engagement with Bulgarian parents.”¹³³

The examples above demonstrate that inclusive education, in many instances, remains merely a declared goal, rather than a realized practice. Inclusive education necessitates recognizing the equal value of all children, guaranteeing equal opportunities, and respecting cultural diversity. Despite significant EU investment in education, the focus often remains on segregation, with the quality of education being a secondary concern. As a consequence, Roma children are not afforded the same opportunities as their non-Roma peers.

Furthermore, investment in education, while seemingly positive and potentially contributing to integration, ultimately reinforces existing problems when focused on segregated institutions and fails to address deeper, long-term challenges. The result is a continuation of low educational attainment, increased later-stage school dropout, and an exacerbation of the initial problem.

The analysis of these projects reveals a pattern of systemic violations of fundamental rights, particularly concerning Roma children:

- Right to Non-Discrimination (Article 21 of the Charter of Fundamental Rights of the EU): By focusing primarily on behavioral correction and attitude change within minority communities, the projects imply that the problem lies within the Roma community itself, rather than addressing the systemic factors contributing to educational disparities.
- Right to Education (Article 14 of the Charter of Fundamental Rights of the EU): The projects fail to address broader issues of poverty and spatial segregation, which significantly limit Roma children's access to quality education.
- Right to Consultation (Article 41 of the Charter of Fundamental Rights of the EU): The lack of consultation with the Roma community regarding the needs and preferences of children, as well as the design and implementation of the project, represents a violation of their right to consultation and participation in decision-making processes that affect them.
- Rights of the Child (Convention on the Rights of the Child): The projects may violate several rights of the child enshrined in the Convention on the

¹³¹ See more information about the project at <https://2020.eufunds.bg/bg/7/0/Project/BasicData?contractId=ZTjUX2vz8n%2FwWb1s4Q1GF0%3D%3D&isHistoric=False>

¹³² FRA, 2016, Local commitment to Roma inclusion, Local Research, Pavlikeni, available at: https://fra.europa.eu/sites/default/files/fra_uploads/local-engagement-roma-bulgaria-pavlikeni_bg.pdf.

¹³³ Monitoring of the Processes of Inclusion and Educational Integration and Models for Desegregation of Roma Education. Astara. ISBN 978-954-350-283.

Rights of the Child, including the right to respect for the views of the child (Article 12), the right to protection from discrimination (Article 2), and the right to education (Article 28).

These violations highlight the need for a more holistic and rights-based approach to Roma inclusion in education, one that addresses systemic inequalities, promotes cultural understanding, and ensures the active participation of Roma communities in decision-making processes.

3.3 Beyond Segregation: The Unique Challenges Faced by Roma Girls in Education

The situation of Roma girls highlights the intersectional nature of discrimination. While there are general issues with segregated schools and low-quality education, Roma girls face specific challenges that further limit their educational opportunities:

- Gender-specific barriers: Patriarchal norms, prioritizing domestic roles and early marriage, coupled with a lack of safe transportation and sanitation, contribute to high early school dropout rates for Roma girls. This significantly outpaces dropout rates among Roma boys.
- Employment discrimination: Even educated Roma women face double marginalization (ethnicity and gender) in the labour market, diminishing the incentive to pursue further education.
- Structural poverty: Economic hardship often prioritizes boys' education, viewing them as future income providers.
- Systemic causes: This gendered inequality is rooted in patriarchal structures and the absence of successful Roma female role models, which reduces motivation.
- Institutional gaps (including EU-funded projects): A lack of gender-sensitive policies, support for pregnant students or teenage mothers, and mechanisms to combat early marriage within schools, alongside insufficient protection from gender-based violence, all compound existing inequalities.

In essence, while EU-funded education projects aim to improve quality of life and social inclusion, the needs of Roma girls are frequently overlooked. The existing strategies often fail to address the root causes of segregation and gendered inequalities within the education system.

In conclusion, we have to state that numerous education projects, despite the well-intended goals,

effectively violate children's rights. Projects based on a segregationist approach, regardless of their stated aims, contravene fundamental rights, specifically the right to education (Article 14 of the Charter of Fundamental Rights of the EU) and the right to non-discrimination (Article 21 of the Charter). Furthermore, virtually all projects reviewed fail to guarantee girls equal opportunities in education, violating Article 23 of the Charter.

3.4 Multiple Discrimination: Institutionalization of Roma Children

Reports and studies reveal widespread multiple discrimination against Roma children, particularly through institutionalization. This affects both Roma children with and without disabilities. Once institutionalized, these children often lack the necessary support for safe and timely reintegration with their families. In some cases, despite being placed in care as a protective measure, children face additional risks within the institutions themselves. The 2019 DRI report highlights how historical stereotypes have led to overrepresentation of Roma children in care, with many parents forced to relinquish custody due to poverty, disability, or social marginalization.¹³⁴

Despite significant investment in new facilities, the needs of vulnerable families are unmet, resulting in approximately 2,000 children annually separated from their families. A case study illustrates the prejudicial nature of institutionalization: a child's desire to live in the community was interpreted as a symptom of "Gypsy schizophrenia".¹³⁵ The Know-How Center's study emphasizes that poverty, rather than parental neglect or violence, often drives Roma parents to place their children in care.¹³⁶ The same conclusion is coming from the European Roma Rights Center.¹³⁷ These studies also criticize the system's failure to address poverty, violence, addiction, and health problems that lead to institutionalization, highlighting the need for supportive interventions to prevent family separation.

A report by Initiative for Equal Opportunities and the European Roma Rights Center¹³⁸ details how poverty and discrimination lead to Roma children entering both residential and foster care, depriving them of parental care and normal lives. While lacking precise data on Roma children's representation in specific facilities, the report criticizes the use of foster care, noting that many foster families lack awareness of Roma culture and language, leading to alienation. Furthermore, state investment in foster care fails to address the poverty that drives children into the care system, resulting in disproportionate numbers of

¹³⁴ Disability Rights International, 2019, A DEAD END FOR CHILDREN: Bulgaria's Group Homes, p5-8, available at: www.driadvocacy.org/reports/dead-end-children-bulgarias-group-homes

¹³⁵ Ibid.

¹³⁶ ERRC, 2024, Forgotten Futures: Romani Children in State Care in Bulgaria", available at: <https://www.errc.org/press-releases/new-research-exposes-institutional-racism--segregation-in-bulgarias-child-care-system>

¹³⁷ European Roma Rights Center, Blighted Lives: Romani Children in State Care, 02 February 2021, available at: <https://www.errc.org/reports--submissions/blighted-lives-romani-children-in-state-care> - both in Bulgarian and English.

¹³⁸ Ibid.

Roma children in care.¹³⁹

Despite the lack of official data, estimates from professionals working in the field suggest a significant overrepresentation of Romani children in the Bulgarian childcare system. While Roma account for just over 10% of the population, estimates indicate that they comprise between 30% and 85% of children in institutional care, depending on the region. This disparity highlights the urgent need for accurate data collection and targeted interventions to address the systemic factors contributing to this overrepresentation.¹⁴⁰

To illustrate the inadequacy of current protective measures, consider project BG16RFOP001-5.001-0049 [see Annex 1, example 10], implemented under the Human Resources Development Programme (2014–2020). While precise data on Roma children's placement in specific facilities was unavailable, research in the Vratsa Municipality revealed a case of systemic sexual abuse against Roma children, placed in institutional care.¹⁴¹ Although the abuse occurred outside the institution and the case reached court, it highlights the critical failure of institutional "protection" for Roma children. Projects supporting such systems violate fundamental children's rights. Further research is needed to fully understand the extent of this issue and its relationship to specific projects.

This pattern of over-representation and mistreatment reveals a series of fundamental rights violations:

- Violation of the Right to Non-Discrimination: The disproportionate number of Roma children in institutional care, regardless of disability, points to systemic discrimination and prejudice against the Roma community.
- Violation of the Right to Family Life and Care: The placement of Roma children in institutions, often due to poverty or social marginalization, deprives them of their right to family life and care.
- Violation of the Right to Protection from Violence, Neglect, and Exploitation: Even when placed in care as a protective measure, Roma children may face additional risks of violence, neglect, and exploitation within the institutions themselves.
- Violation of the Right to Effective Legal Remedies: The lack of official data on Roma children's representation in specific facilities and difficulties in accessing information hinder the ability to seek legal remedies and challenge discriminatory practices.

These violations underscore the urgent need for a comprehensive and rights-based approach to addressing the systemic factors that contribute to the

overrepresentation of Roma children in institutional care, ensuring that their fundamental rights are protected and upheld.

In conclusion, despite the presence of legal frameworks and international commitments, Roma communities in Bulgaria continue to face systemic discrimination and inequalities, exacerbated by ineffective policies and insufficient consultation with Roma communities in project planning and implementation. More targeted and integrated measures are needed, based on a thorough analysis of the problems and promoting the active participation of Roma in decision-making, to ensure the effective implementation of policies and achieve real improvement in their lives.

¹³⁹ Source: interview with a representative of the civil society.

¹⁴⁰ European Roma Rights Center, Blighted Lives: Romani Children in State Care, 02 February 2021, available at: <https://www.errc.org/reports--submissions/blighted-lives-romani-children-in-state-care>, both in Bulgarian and English.

¹⁴¹ See Decision, issued on 24.10.2017, case 1179/2016, District Court Vratsa, available at: <https://de1a.bg/Acts/0ad3fc81-d3f2-4a1a-a460-422cf0c94dd6>

Situation of the Refugees and Migrants in Bulgaria.

General overview and EU funding programs. Fundamental Rights Violations

Bulgaria, a signatory to key international refugee protection instruments including the 1951 Refugee Convention and its 1967 Protocol, has incorporated these obligations into its national legal framework. This framework comprises the Asylum and Refugees Act¹⁴² and Foreigners Act,¹⁴³ both integral to managing the situation of refugees and migrants within the country.

At the national level, Bulgaria's Asylum and Refugee Act dictates the process of granting various forms of protection to foreigners (asylum, international protection, temporary protection). The Act details the conditions and procedures for protection, outlining both the rights and obligations of those granted protection. The Law on Foreigners regulates the presence and status of all foreigners in Bulgaria, contributing significantly to the overall understanding of the refugee context within the country. As the primary implementing body of the Asylum and Refugee Act, the State Agency for Refugees operates under the Council of Ministers.

The National Council on Migration, Borders, Asylum, and Integration,¹⁴⁴ also under the Council of Ministers, plays a crucial role in shaping migration policies. Its responsibilities encompass developing and proposing strategic migration-related documents (annual plans, reports) to the Council of Ministers; improving the effectiveness of migration management; coordinating activities among state bodies, civil society, and other stakeholders; and proposing legislative adjustments to enhance capacity in migration-related fields. In 2022, the Council finalized and adopted the National Plan for 2023, focusing on reinforcing border management and addressing the issue of irregular third-country nationals. Bulgaria's migration policy is currently guided by the National Strategy on Migration of the Republic of Bulgaria (2021-2025), which succeeded the National Strategy on Migration, Asylum, and Integration (2015-2020).

1. General Information on Asylum Applications in Bulgaria

¹⁴² The Asylum and Refugee Act has been in force since 1.12.2002. Available here: <https://aref.government.bg/sites/default/files/2024-04/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%20%D0%B7%D0%B0%20%D1%83%D0%B1%D0%B5%D0%B6%D0%B8%D1%89%D0%B5%D1%82%D0%BE%20%D0%B8%20%D0%B1%D0%B5%D0%B6%D0%B0%D0%BD%D1%86%D0%B8%D1%82%D0%B5%20%28%D0%97%D0%A3%D0%91%29.pdf>

¹⁴³ The Foreigners' Act is available at: <https://lex.bg/laws/ldoc/2134455296>

¹⁴⁴ See at: https://iisda.government.bg/ras/executive_power/council/2853. The Council has been established with the Regulation for the organization and activities of the National Council on Migration, Borders, Asylum and Integration (RCM No 226/2019).

¹⁴⁵ State Agency for Refugees, (2024, January). "Annual Report", available at: <https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9F%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf>

Note, that in the time when the research has been conducted, the Annual Report for 2024 still was not available.

1.1 Asylum Applications in Bulgaria: Overview and Trends

Bulgaria's geographic location at the crossroads of Western and Central Europe, the Middle East, and Asia makes it a significant transit point for migrants, resulting in considerable migration pressure. This pressure led the Ministry of the Interior to implement an Emergency Action Plan in response to a surge in migrants from Turkey.

The year 2023 saw a record high of 22 518 applications for international protection in Bulgaria—the highest number since 1993. Key demographic trends, based on the State Agency for Refugees (SAR) 2023 Annual Report:¹⁴⁵

- Applicant Nationality: Syrians (55%), Afghans (26%), and Moroccans (12%) comprised the largest groups of applicants.
- Unaccompanied Minors: A significant 3,843 unaccompanied minors (17% of all applicants) sought international protection, a notable increase from 3,348 in 2022. Afghans and Syrians constituted the majority of this group.
- SAR Capacity: By December 31, 2023, the SAR accommodated 2,611 individuals (73% of capacity), while over 20 500 asylum seekers transited through SAR facilities during the year.

The SAR's 2023 report highlights significant operational challenges stemming from insufficient administrative capacity during the peak of the migration influx. These challenges were attributed to delays in recruitment processes under the Asylum, Migration, and Integration Fund Operational Programme (2021-2027), exposing a structural reliance on European funding and a potential for fragmented responses due to project-based funding.

2. Pushbacks, Border Violence, and Human Rights Violations at the Bulgarian Border

Bulgaria's border management practices, particularly regarding pushbacks, have been the subject of extensive scrutiny by human rights organizations. The construction of a border fence along the Bulgarian-Turkish border in 2014, despite widespread opposition,¹⁴⁶ has demonstrably failed to deter irregular migration. Subsequent investments in repairs and extensions have proven ineffective in curbing migration flows. This ineffectiveness, and the overall failure of border management strategies, is extensively detailed in a 2024 report by the Border Violence Monitoring Network (BVMN).¹⁴⁷ The BVMN report highlights how the increased deployment of surveillance technologies has not led to a reduction in illegal crossings or pushbacks, with numerous instances where the presence of such technology did not prevent human rights violations.

A 2021 Asylum Information Database (AIDA) report¹⁴⁸ highlighted systemic flaws in Bulgaria's border management, identifying an inadequacy in preventing irregular entries and providing safe legal channels for asylum seekers. The report documented widespread pushback practices, with 2 513 alleged incidents affecting 44 988 individuals. The ineffectiveness of the border fence was evident in video footage, leading to a ban on filming along the border. The BVMN report¹⁴⁹ significantly expands on this, providing detailed accounts from numerous testimonies documenting the scale of pushbacks and associated human rights violations.

The situation worsened in 2023. The national border surveillance mechanism reported a substantial increase in alleged pushbacks, with 9 897 incidents affecting 174 588 individuals.¹⁵⁰ This significant rise, coupled with a concurrent increase in asylum applications, underscores the failure of current border management to provide adequate protection for those seeking asylum in Bulgaria. The overwhelming

majority of migrants subjected to pushbacks were unable to access the asylum procedure or receive accommodation at SAR centers, instead being housed in temporary facilities run by the Ministry of the Interior.¹⁵¹ The BVMN report provides crucial context, detailing the systematic nature of pushbacks, the use of excessive force by border authorities, and the severe consequences experienced by POM.¹⁵²

2.1 Reports of Police Violence and Human Rights Violations

The BVMN report¹⁵³ includes numerous testimonies corroborating reports of police violence and human rights violations along the Bulgarian-Turkish border. These reports often include accounts of beatings, theft, and other forms of mistreatment. A Deutsche Welle provided information,¹⁵⁴ citing a BIRN investigation, further amplifies these concerns, highlighting the EU's failure to adequately address this issue.¹⁵⁵

2.2 Alleged Migrant Mistreatment at the Bulgarian Border

A BIRN report¹⁵⁶ details grim accounts of migrant mistreatment at the Bulgarian border, such as but not limited to allegations of stripping migrants naked, robbery, forced returns to Turkey (including into the water zones) regardless of swimming ability. Migrants, primarily from the Middle East, North Africa, and Asia, were often labeled as "Taliban" and subjected to dog bites and shootings. The report highlighted the lack of documentation following these incidents, leaving no official record (fingerprints, questioning, or formal documentation). These findings are substantiated by interviews with ten (10) Bulgarian border officers. The BVMN report¹⁵⁷ independently corroborates this, offering a wider array of testimonies that further illustrate the systematic nature of these abuses. Civil society reports provide further evidence of death,

146 Decision No. 24/17.01.2014 of the Council of Ministers is quoted in numerous sources, check of publicly available sources did not find the original text.

147 Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>

148 Bulgarian Helsinki Committee, Iliana Savova, Asylum Information Database (AIDA) report, available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf. Summary in Bulgarian is available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update_summary.pdf See also Catelli, Chiara. "Beyond Walls and Fences: EU funding used for a complex and digitalized border surveillance system" PICUM & ECRE, June 2024, available at: https://picum.org/wp-content/uploads/2024/07/Beyond-walls-and-fences-EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system_EN.pdf

149 Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>

150 Bulgarian Helsinki Committee; Annual Report for 2023, available at: <https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg-issn-2367-6922.pdf>

151 Bulgarian Helsinki Committee for 2023, available at: <https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg-issn-2367-6922.pdf>

152 Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>

153 Ibid.

154 "How the EU refuse to see the violence at the Bulgarian border" 26.02.2024. available at: <https://www.dw.com/bg/kak-es-si-zatvara-ocite-zanasilieto-po-blgarskata-granica/a-68371147> (Bulgarian) and in English, here: <https://balkaninsight.com/2024/02/26/schengen-in-sights-eu-and-frontex-overlook-violent-bulgarian-pushbacks/>

155 Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf> See also: Bulgaria migrant pushbacks: What's behind the rise in violence at the Bulgarian-Turkish border? at: www.infomigrants.net/en/post/51197/bulgaria-migrant-pushbacks-whats-behind-the-rise-in-violence-at-the-bulgarianturkish-border-14

156 See for example, the interview with the representative of the Mission Wings Foundation, who reported three child deaths in the border for-ests in one night, highlighting alerts to authorities, lack of action, and absence of investigation. The interview was broadcasted by Nova TV and it is available at: https://www.youtube.com/watch?app=desktop&v=0dxdcPF7FFk&fbclid=IwZxH0bgNhZw0CMTAAAR1PMebRB59LS-ZwvCHUM-Ehv5QOL_fw6J0NsWX-ES737cNe500VZ28LiA_aem_urZGC4bdpPh0F17kfvKhf

157 Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>

missing children, and border violence, often without investigation.¹⁵⁸

An article in *The Guardian* reports on the deaths of three Egyptian teenage boys who froze to death near the Bulgarian-Turkish border in late December 2024. Two humanitarian organizations compiled a dossier alleging that Bulgarian authorities ignored emergency calls and obstructed rescue attempts. The dossier includes photographic evidence, witness testimonies, and GPS data indicating that authorities failed to act despite knowing the boys' perilous situation. The report highlights this incident as a reflection of broader brutality against migrants at Europe's borders, particularly emphasizing documented human rights abuses, including illegal pushbacks to Turkey, along Bulgaria's border with Turkey. The Bulgarian interior ministry rejected the allegations, claiming its border forces responded promptly to distress calls, but the report identifies inconsistencies regarding the locations of the discovered bodies. The article also mentions a September 2024 report by *Balkan Insight*, which alleges that Frontex officers were being intimidated into silence about human rights abuses at the Bulgarian border.¹⁵⁹

3. Unaccompanied and Vulnerable Children Seeking International Protection in Bulgaria

The situation of unaccompanied children seeking international protection in Bulgaria raises serious human rights concerns. The 2023 SAR report registered a significant increase in the number of unaccompanied children, reaching 3 843—a notable rise from 3 348 in 2022. An additional 1 877 accompanied children were also registered.¹⁶⁰ This increase in the number of unaccompanied minors corresponds with the overall increase in asylum seekers witnessed in Bulgaria in 2023, which itself may be attributed, in part, to stricter border controls in neighboring countries.

The SAR report¹⁶¹ also documented the vulnerability of many children accommodated in its facilities:

| Vulnerability | Number |
|-----------------------------------|--------|
| Elderly persons | 20 |
| Single parents | 130 |
| Pregnant women | 34 |
| Chronic/serious health conditions | 147 |
| Disabilities | 54 |
| Mental disorders | 31 |
| Torture/rape/violence survivors | 3 |
| LGBTQ+ | 6 |

Despite the SAR's claim to use "validated" assessment tools and apply an "individual approach" prioritizing children's best interests, consultations suggest this is insufficient to provide adequate protection. The existing accommodation structures and insufficient SAR capacity leave children vulnerable to trafficking and other harms.¹⁶² The civil society representatives explained that the existing infrastructure is insufficient and, in some instances, actively detrimental to the wellbeing of those housed there.

The SAR's struggles are further highlighted by alarmingly low rates of school enrollment for refugee children. Only 92 children were enrolled in school during the 2022/2023 school year (a sharp drop compared to 1 118 in 2022), with only 20 completing the year. While the SAR attributed this to a lack of interest, consultations point to systemic failures in integration policies—a lack of understanding of children's cultural backgrounds, individual needs, and specific challenges.¹⁶³

3.1 Legal Representation and Accommodation Challenges for Unaccompanied Children

The 2021 AIDA report¹⁶⁴ detailed significant issues concerning the legal representation and accommodation of unaccompanied children. While legal aid lawyers are appointed to represent these children, the SAR frequently delays notification to the National Legal Aid Bureau, sometimes by over a month. This delay prevents children from accessing crucial information regarding their rights, including the right to family reunification in other EU countries

158 See for example, the interview with the representative of the Mission Wings Foundation, who reported three child deaths in the border forests in one night, highlighting alerts to authorities, lack of action, and absence of investigation. See for example the interview with the representative of the Foundation "Mission Wings, who reported 3 death cases of children in the forests on the border for one night only, signals to the authorities and lack of actions and investigation. The interview was broadcasted by Nova TV and it is available at: https://www.youtube.com/watch?app=desktop&v=d0xdxcPE7FFk&fbclid=IwZXh0bgNhZW0CMTAARIPMeBRB59LS-ZwvCHUM-Ehv500L_fmW6J0NsWXES737cNe500VZ28LLiA_aem_urZGC4bdpPh0F17KfvKhfg

159 "Bulgarian police 'blocked rescue' of teenage migrants who froze to death | Global development | *The Guardian*". The article is available at: <https://www.theguardian.com/global-development/2025/jan/27/bulgaria-border-police-block-rescue-egyptian-migrant-boys-freeze-death-human-rights-activists> See also: Three minors die at Bulgaria's border as activists accuse authorities of blocking rescue, available at: <https://www.infomigrants.net/en/post/62171/three-minors-die-at-bulgarias-border-as-activists-accuse-authorities-of-blocking-rescue>

160 State Agency for Refugees, (2024, January). "Annual Report", available at: <https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9F%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf>

Note, that in the time when the research has been conducted, the Annual Report for 2024 was still not available.

161 State Agency for Refugees, (2024, January). "Annual Report", available at: <https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9F%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf>

Note, that at the time when the research was conducted, the Annual Report for 2024 was still not available.

162 During the work on this report we had several consultations and conducted interviews with representatives of the civil society organizations. SAR position is not presented, as they refused to participate in the research activities. Information about all efforts in direction to ensure proper communication with SAR is available in the NIE archives.

163 Ibid.

164 Bulgarian Helsinki Committee, Iliana Savova, Asylum Information Database (AIDA) report, available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf. Resume in Bulgarian is available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update_summary.pdf See also Catelli, Chiara. "Beyond Walls and Fences: EU funding used for a complex and digitalized border surveillance system." PICUM & ECRE, June 2024, available at: https://picum.org/wp-content/uploads/2024/07/Beyond-walls-and-fences_EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system_EN.pdf

under the Dublin III Regulation. As a result, nearly half of these children abandon their asylum procedures and continue their journey irregularly.

3.2 Accommodation Shortfalls and Challenges

Two protected areas for unaccompanied children in Sofia, managed by the International Organization for Migration (IOM) with AMIF funding, exist. However, the significant increase in the number of unaccompanied children from 799 in 2020 to 3 172 in 2021 (+296%) overwhelmed the capacity of these safe zones (288 places). Many children were housed in mixed accommodations with adults, lacking adequate support and safety. This was also the case in larger reception centers like Harmanli, which operated without a designated safe zone for unaccompanied children.¹⁶⁵

3.3 Deteriorating Conditions in Reception Centers

Conditions in SAR-run reception centers have steadily worsened since 2015. Support remains limited to basic necessities—accommodation, meals, and medical care—with a critical lack of psychological support. These centers struggle with inadequate infrastructure and substandard material conditions, frequently failing to provide sufficient food and maintain basic hygiene standards. A 2022 SAR internal audit revealed a significant capacity shortfall (well below the requested 5 160 places) due to numerous uninhabitable rooms and buildings.¹⁶⁶ Even the designated “safe zones” within these centers suffer from compromised security due to unauthorized nighttime access by smugglers, drug dealers, and sex workers.

The dire conditions in many reception centers—described as being in “total disrepair”—include consistent problems with water access, infestations of vermin and pests, and a general lack of maintenance. These findings are corroborated by reports from the Bulgarian Ombudsman.¹⁶⁷ The Ombudsman’s reports also emphasize the severely inadequate surrounding infrastructure, hindering even basic outdoor activities for residents.

Refugees and migrants (excluding those from Ukraine) face extremely limited accommodation options outside these centers. Despite the poor conditions and security risks, many are forced to remain due to a lack of financial resources and limited access to the labor market. Leaving a center means losing the only available accommodation, with no possibility of return, effectively trapping many in inadequate living situations. Restrictive regulations further hinder access to social housing options.

¹⁶⁵ AIDA report for 2021 Information confirmed by the consultations conducted.

¹⁶⁶ State Agency for Refugees, (2024, January). “Annual Report”, available at: <https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9E%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf>

Note, that in the time when the research has been conducted, the Annual Report for 2024 still was not available.

¹⁶⁷ Ombudsman of the Republic of Bulgaria. (2023, October 11). Available at: https://www.ombudsman.bg/storage/pub/files/20231011150407_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%20%D0%BF%D1%80%D0%BE%D0%B2%D0%B5%D1%80%D0%BA%D0%B0%20%D0%B1%D0%B5%D0%B6%D0%B0%D0%BD%D1%86%D0%B8%20-%202023.pdf (Bulgarian version available at the same website).

4. The Nexus Between EU Funding and Human Rights Violations in Bulgaria

While the previous sections have outlined numerous human rights violations affecting migrants and refugees in Bulgaria, this section analyzes how European Union (EU) funding, intended to improve border management, asylum, and integration, has directly and indirectly contributed to these very violations.

This analysis moves beyond simply documenting the existence of violations; it aims to establish a causal link between funding mechanisms and the documented human rights concerns.

4.1 Bulgaria’s Systemic Failure to Protect Asylum Seekers: Pushbacks, Inadequate Reception, and the Failure of EU Funding

Bulgaria’s asylum system, despite receiving significant EU funding, is characterized by widespread human rights violations, most notably the rampant practice of pushbacks at its borders, but also with failure to ensure guarantee for protection of the rights of unaccompanied children, terrible conditions in accommodation centers, slow procedures, lack of enough staff and lack of proper training for the staff members. Many projects aimed to improve conditions and strengthen border security, but they have failed to prevent or even mitigate the alarming frequency and severity of illegal expulsions, often involving violence, theft, and the denial of due process. This chapter is focused on the systemic failures within the asylum system, including inadequate reception centers, insufficient staff training, and lack of transparency, and seeks to understand how the EU funding has failed to address the core human rights violations.

4.1.1 Bulgaria’s Border Crisis: EU Funding, Pushbacks, and Human Rights Violations

Many EU funded projects aim to strengthen the Bulgarian border. In the project period 2014-2020 they were implemented under the Internal Security Fund Programme, Priority Axis Borders. In this report we will focus our attention on one of the projects. This doesn’t mean that only this project creates conditions for violations of the fundamental rights of the refugees and migrants.

- **Analysis of Project BG65ISNP001-2.005-0001 (Priority Axis: Borders) within the Internal Security Fund Programme (2014-2020) [See Annex 1, example 11]**

This project, which is part of the “**Borders**” priority axis within Bulgaria’s Internal Security Fund

Programme (ISF) (2014-2020), aimed to enhance border control and security while facilitating legal border crossings. However, its implementation raises serious concerns regarding its compatibility with fundamental human rights, particularly in light of documented pushback practices and inadequate reception conditions. The project focused on the delivery of various vehicles: standard patrol cars, high-mobility patrol cars, and specialized vehicles for transporting service dogs.¹⁶⁸

While ostensibly aimed at improving border control capabilities, the project's focus on increasing the number of patrol vehicles, especially those with high mobility, may have indirectly facilitated pushback operations.¹⁶⁹ Providing border guards with more vehicles allows for increased patrols, potentially enabling quicker responses to irregular border crossings. However, this increased capacity has not correlated with a decrease in pushbacks or human rights violations; in fact, reports indicate an increase in the frequency and severity of pushbacks since 2013, often involving violence, theft, and illegal returns.¹⁷⁰ The availability of more patrol vehicles, therefore, could have enabled more efficient and widespread implementation of pushback tactics.

Further, the project's emphasis on acquiring specialized vehicles for transporting service dogs raises concerns about the potential use of these dogs in violent encounters with migrants.¹⁷¹ There are reports of dogs being used aggressively during pushbacks. The project's justification of these vehicles for "specific security activities" (including near airports) raises the question of whether this increased capacity for dog deployment was used to support potentially unlawful practices such as arbitrary detentions or intimidation.

The project's goals of "facilitating legal border crossings" and achieving "smooth border crossings in accordance with Schengen acquis" contrast sharply with the reality on the ground. The lack of adequate resources for reception centers and the consistently substandard conditions within these centers exacerbate the vulnerabilities of those seeking international protection and have led to multiple human rights violations, as highlighted in previous sections. While the project has increased border control capacity through more vehicles, this has not been accompanied by corresponding improvements in reception capacities or human rights protections.

The practices and problems described in the text violate several key provisions of the EU Charter of Fundamental Rights and other international human rights instruments. Specifically:

- Article 1 (Human dignity): Inhumane and degrading treatment is evident in the violence, theft, illegal returns, and denial of basic necessities experienced by those subjected to pushbacks. These actions undermine the fundamental principle of human dignity.
- Article 2 (Right to life): The lack of access to medical care and safety for individuals subjected to pushbacks creates a significant risk of death from preventable causes, representing a direct threat to the right to life.
- Article 3 and 4 (Prohibition of torture): The combination of violence, theft, illegal returns, and inadequate conditions (if any detention occurs) during pushbacks may constitute torture or inhuman and degrading treatment, depending on the specific circumstances.
- Article 18 could arguably apply indirectly if the pushbacks lead to violations of the 1951 Geneva Convention (e.g., if those subjected to pushbacks are denied the opportunity to seek asylum or if their asylum applications are rejected).
- Article 21 (Non-discrimination): Certain groups (e.g., women, children, specific ethnic or religious groups) may be disproportionately targeted for pushbacks, violating the principle of non-discrimination.

4.1.2 Inadequate Reception Centers: A Critical Examination of EU Funding and its Impact

EU funding has been allocated to improve conditions in State Agency for Refugees (SAR) reception centers. However, reports from NGOs¹⁷² and the Ombudsman's National Preventive Mechanism (NPM)¹⁷³ reveal that conditions in many centers remain far below minimum standards, characterized by inadequate infrastructure, hygiene, and psychological support. This leads to overcrowding, increased vulnerability to exploitation, and inhuman and degrading treatment. The lack of appropriate facilities for unaccompanied children is particularly concerning.

A review of EU-funded projects reveals initiatives designed to upgrade SAR accommodation facilities.

¹⁶⁸ Information about the activities under the project are available at: <https://2020.eufunds.bg/bg/8010437/0/Project/Activities?contractId=a6%2B30qM3B1xnFG%2Fky7esJA%3D%3D&isHistoric=False>

¹⁶⁹ See in this direction, for example, the violations described here: Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>. Consider also the information from previous parts of this section.

¹⁷⁰ The information in this direction is available in the previous chapter.

¹⁷¹ Like the death of the teenagers, described in the previous chapter.

¹⁷² Bulgarian Helsinki Committee Annual Report for 2023, available at: <https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg-issn-2367-6922.pdf>

¹⁷³ Ombudsman's National Preventive Mechanism Report This report from 2023 details findings from inspections of various facilities related to refugee reception and detention, highlighting deficiencies in conditions. The report is available at: www.ombudsman.bg/storage/pub/files/20231011150407_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%20%D0%BF%D1%80%D0%BE%D0%B2%D0%B5%D1%80%D0%BA%D0%B0%20%D0%B1%D0%B5%D0%B6%D0%B0%BD%D1%86%D0%B8%20-%202023.pdf. Bulgarian Helsinki Committee Annual Report for 2023, available at: <https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg-issn-2367-6922.pdf>

- Annex 1, Examples 12 and 13 - The NPM reports consistently cite issues such as inadequate sanitary facilities, lack of sufficient medical personnel (resulting in delayed or absent medical care), and a persistent problem with vermin infestations (bed bugs, cockroaches). These deficiencies create an environment that is detrimental to the health, safety, and wellbeing of those seeking refuge, with the situation for unaccompanied minors particularly dire. Despite the investments made in infrastructure improvements during the 2014-2020 programming period, the overall situation is described by the NPM as worsening.
- Article 21 (Non-discrimination): Some specific groups (unaccompanied minors, women) experience disproportionately worse conditions than others, this would represent a clear breach of the principle of non-discrimination.
- Article 24 (Rights of the child): These conditions are not appropriate for children and their best interest is not protected.

The shortcomings in the Bulgarian reception centers also breach provisions in several crucial international human rights instruments, echoing the EU Charter's concerns:

- The Universal Declaration of Human Rights (UDHR): Articles 3, 5, and 25 (right to life, liberty, and security, and an adequate standard of living), as well as the implicit prohibition of cruel, inhuman, or degrading treatment under Article 5.
- The International Covenant on Civil and Political Rights (ICCPR): Articles 6, 7, and 9 (right to life, freedom from torture, and liberty and security of person) are violated.
- The Convention on the Rights of the Child (CRC): Several articles are violated, including those concerning a child's right to survival and development, health, protection from harm, and freedom from torture and inhumane treatment.

4.1.3 Insufficient Support for Unaccompanied Children Seeking International Protection

EU funding has been allocated, via the "Resettlement" line, to improve the situation of unaccompanied children seeking international protection. The SAR report indicates that this funding is intended for transferring children from SAR centers to specialized social services offering individualized care aligned with the child's best interests.¹⁷⁴ Even though it was pointed as positive practice¹⁷⁵, some crucial questions remain unanswered.

The most burning issue is about the preparation of the staff to take care for these children:

- The staff members are not able to communicate with the children, because of the lack of translators.
- The significant lack of skills to deal with children with such backgrounds is also a huge problem.
- However, according to the SAR report, only a few dozen children have been successfully placed in these alternative services.¹⁷⁶ In 2023, this number was only 43.¹⁷⁷

According to the interviews we conducted during the preparation of this paper, some representatives of civil society organizations informed us that these

The discrepancies between the intentions of EU-funded projects and the reality on the ground underscore a critical gap in implementation. The projects focus on material resources rather than the systemic challenges driving the inadequate conditions. The reports from civil society and the NPM illustrate the need for a more holistic approach, one that prioritizes human rights and wellbeing. This means addressing not just infrastructure, but also the critical need for adequate staffing (particularly medical and support staff), improved hygiene standards, effective pest control measures, and appropriate psychological care, particularly for vulnerable groups such as unaccompanied children. The ongoing lack of progress in resolving these systemic issues, despite prior funding and recommendations, necessitates a comprehensive reevaluation of the effectiveness and implementation of EU-funded projects in the context of ensuring dignified and safe reception conditions.

The deplorable circumstances within these centers directly infringe upon several key provisions of the EU Charter:

- Article 1 (Dignity): The documented conditions – overcrowding, poor sanitation, lack of adequate medical care, potential exposure to violence and exploitation – constitute inhuman and degrading treatment, directly undermining the fundamental principle of human dignity.
- Article 2 (Life): While not a direct threat to life in all cases, the lack of access to essential medical care, sanitary facilities, and protection from violence significantly increases the risk of death due to preventable causes. The consequences of these failures pose a direct and serious threat to the right to life.
- Article 4 (Freedom from torture): The combination of overcrowding, unsanitary conditions, and the potential for violence and exploitation within the centers, particularly concerning unaccompanied minors, clearly constitutes inhuman and degrading treatment that may rise to the level of torture under certain circumstances.

174 SAR 2023 report, available at: <https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9E%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf> (<https://aref.government.bg/sites/default/files/2024-02/%D0%94%20%D0%9E%20%D0%9A%20%D0%9B%20%D0%90%20%D0%94%202023.pdf>)

175 BHC Annual Report 20203.

176 Ibid.

177 Ibid.

social centers opposed to the placement of such children.

- The transfer of children and adults from accommodation shelters to other locations was implemented under the FUMI 2014-2020 program BG65AMNP001-5.001, "Transfer and Resettlement" [see Annex 1, example 14]. This procedure falls under the Priority Axis "Special Cases".¹⁷⁸ Information about the activities under this procedure are unavailable from publicly accessible sources.¹⁷⁹ The example from the 2017-2018 phase of this program, selected for its limited publicly available data, illustrates this lack of transparency.

The establishment of "safe zones" in Sofia reception centers, while representing a positive step, hasn't addressed the fundamental issues. Although these zones provide better conditions than other areas, their limited capacity has resulted in many unaccompanied children being housed in mixed settings without adequate support or safety, even in the largest center in Harmanli.

This further perpetuates the systemic failures in ensuring that unaccompanied children are provided with appropriate care, particularly when considering that the number of unaccompanied children seeking protection in Bulgaria continues to rise.¹⁸⁰ The lack of a national strategy for children adds to these issues. Additionally, efforts to integrate children into the educational system and support them in learning Bulgarian remain inadequate.

It seems, the cited program just transfers the children without clear vision about how to ensure their rights will be properly protected.

The described above practices and project highlights several violations of the EU Charter of Fundamental Rights, particularly concerning the rights of the child. While some violations, such as those related to pushbacks and inadequate reception conditions, have been addressed previously, the following are specific to the situation of unaccompanied children within this context:

- Article 24 (Rights of the child): There are multiple violations of this crucial article. The lack of translators preventing communication with children indicates a failure to ensure the child's right to be heard (Article 12 of the CRC is also relevant here). The insufficient training of staff to care for children from diverse trauma backgrounds shows a failure to meet the child's best interests. The limited capacity of the "safe zones" which

leads to overcrowding and placement of children in mixed settings, without adequate support or safety, are further violations of the child's right to protection from harm and neglect. The absence of a national strategy for children further exacerbates these issues. Finally, the failure to effectively integrate children into the educational system and the lack of support to learn Bulgarian indicate the failure to provide opportunities for the child's development.

- Article 21 (Non-discrimination): The disproportionate impact of the insufficient resources and support on unaccompanied children, particularly those from certain nationalities or backgrounds, might violate this principle. The failure to provide appropriate care might disproportionately impact on vulnerable groups, possibly violating the principle of non-discrimination.
- Article 7 (Respect for private and family life): The separation of children from their families (as implied in the relocation process), and the lack of family reunification support, could potentially infringe on their right to family life and also contribute to the lack of appropriate care and protection. Further, the absence of privacy and safety, particularly in overcrowded and mixed settings outside of "safe zones" in the reception centers, points to a violation of this Article.

4.2 Return and Repulsion Practices in Bulgaria

Bulgaria faces a serious problem with the return and forced expulsion ("repulsion") of third-country nationals, practices recently criticized by Statewatch.¹⁸¹ Analysis of publicly available AMIF (Asylum, Migration and Integration Fund) data from the 2014-2020 programming period suggests that some of these practices may have been facilitated by projects such as:

- BG65AMNP001-3.002-0001, implemented under procedure BG65AMNP001-3.002, "Implementation of coercive administrative measures against third-country nationals and provision of translation" (see Annex 1, Example 15). This project's description on the AMIF website is extremely limited, stating only that it aimed to support "effective management of return procedures in accordance with common standards and specifically the requirements of Directive 2008/115/EC".¹⁸² This lack of detail hinders understanding of its role in potential human rights violations. The very absence of detailed information on AMIF projects represents a fundamental flaw in project management.

¹⁷⁸ Information about the Priority Axis "Special cases" is available at: <https://2020.eufunds.bg/bg/8010436/0/Project/Search?Prior=C0vi7W77I-64yxg1hm04Xkw%3D%3D&Proc=2sCBVAhgvg7fgrWHVdizw%3D%3D&showRes=True>

¹⁷⁹ The page dedicated to the activities on the project says only "Transfer and Resettlement". It is available at: <https://2020.eufunds.bg/bg/8010436/0/Project/Activities?contractId=nKjGkzjDwdxloSlg3s%2F%2B0%3D%3D&isHistoric=False>

¹⁸⁰ AIDA report, p. 14.

¹⁸¹ Statewatch article: "Deportations: New role for Frontex as EU pushes for more "voluntary" returns", available at: <https://www.statewatch.org/news/2025/january/deportations-new-role-for-frontex-as-eu-pushes-for-more-voluntary-returns/>

¹⁸² See information about the program and the project at: <https://eumis2020.government.bg/bg/s/Procedure/InfoEnd-ed/587aa95e-9a4a-4673-9d8c-6ced57fcf418>

Given the limited information and the authorities' unwillingness to engage with researchers, we can conclude that the project contributed to human rights violations through arbitrary returns.

Problems with returns persist, as evidenced by publicly available data. The "Return" priority axis is again featured in the current programming period, with significantly increased funding. However, available information on how funds are spent lacks evidence of progress in upholding fundamental human rights. While a program implementation Guidelines mandates compliance with the EU Charter of Fundamental Rights, the mechanisms for ensuring and enforcing this compliance remain unclear.¹⁸³

The analyzed example describes practices related to the return and expulsion of third-country nationals in Bulgaria that violate several articles of the EU Charter of Fundamental Rights. Some of them are covered in the previous parts, so we will focus our attention on the most important and relevant:

- Article 1 (Human dignity): The lack of transparency surrounding the AMIF project BG65AMNP001-3.002, coupled with evidence of arbitrary returns and the unwillingness of authorities to engage with researchers, indicates a disregard for the fundamental principle of human dignity. The Statewatch report further highlights this point by documenting the abusive nature of pushback practices.
- Article 4 (Prohibition of torture and inhuman or degrading treatment): The Statewatch report details accounts of violence, theft, and illegal returns associated with pushbacks, which may constitute torture or inhuman or degrading treatment depending on the specific circumstances.
- Article 21 (Non-discrimination): Certain groups may be disproportionately targeted by pushbacks, violating the principle of non-discrimination.

4.3 Current Challenges for Bulgaria's Asylum System in the Context of Schengen Accession

Bulgaria's Schengen accession and the 2024 EU Pact on Migration and Asylum present significant challenges. For years, Bulgaria has failed to effectively utilize EU funds to strengthen its asylum system.

An analysis by the Legal Aid Center¹⁸⁴ highlights Bulgaria's lack of preparedness for the new responsibilities and requirements outlined in the Pact.

The report concludes that the EU Pact's funding prioritizes migration deals and border externalization, ignoring past failures where security instability in neighboring countries destabilized Europe and hampered its foreign policy.¹⁸⁵ The EU's framing of security versus human rights, suggesting human rights undermine security, is criticized. For those fleeing oppression, however, human rights are fundamental to survival and security; for the EU, upholding human rights is vital to its security and stability. The absence of robust human rights protections leaves the EU vulnerable to unsustainable policies and legal liabilities.¹⁸⁶

The Pact's emphasis on border screenings further exacerbates this issue. Border regions, often isolated and lacking infrastructure and civil society capacity, present limited access for lawyers, NGOs, social workers, child protection officers, medical personnel, and psychologists compared to regular procedures.

Bulgaria now faces a major infrastructure and systems overhaul to meet these new demands. The Bulgarian Refugee Agency, the sole national asylum authority, has long struggled with understaffing and underfunding, and its director's political appointment creates further dependence on political dynamics. The need to create new facilities, deploy trained personnel, and reallocate resources for border screenings is substantial.

The planned vulnerability checks by specialized personnel at external borders also raise concerns, given the lengthy and highly specialized nature of identifying torture victims, even within the existing system. Bulgaria has a history of insufficient vulnerability assessments, frequently dismissing claims of gender-based violence or LGBTQ+-related persecution as private or criminal matters not warranting international protection. The standards applied to vulnerability checks during border screenings, therefore, remain uncertain.

"With the new Pact, the EU again pushes money to migration deals and border externalization, overlooking the clear lessons from the past where the security instability of its counterparts spilled over Europe and flawed its foreign policy. Arguing in favor of the Pact, the EU institutions and Member States played the game of security vs human rights as if human rights principles undermine Europe's security and represent a strategic burden. Some experts even voice the opinion that Europe owes refugees and asylum seekers security and not democratic standards. But for people who flee dictatorships, political persecution and oppression, democratic standards mean their survival and security. Similarly,

¹⁸³ Report on the results of the Pilot Project for fast asylum and return procedures with Bulgaria, available at: https://home-affairs.ec.europa.eu/system/files/2023-10/Reporting%20on%20the%20results%20of%20the%20Pilot%20Project%20for%20fast%20asylum%20and%20return%20procedures%20with%20Bulgaria_en.pdf

¹⁸⁴ Todorova, D. (2024). "The Anatomy of the EU Pact on Migration and Asylum: Disconnecting from the Realities on the Ground and the Fundamental Human Rights The case of Bulgaria as an EU external border". Legal Aid Center, available at: <https://centerforlegalaid.com/wp-content/uploads/2024/09/The-Anatomy-of-the-EU-Pact-on-Migration-and-Asylum-D.Todorova-2024.pdf>

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

for the EU, respect and high standards for human rights, upholding the EU values is an asset and an integral part of Europe's security. Without strong human rights the EU could well be exposed to liabilities and unsustainable policies with no endgame.¹⁸⁷

187 Ibid.

Systemic and General Problems

1. Systemic Problems Affecting Fundamental Rights in EU Funds Allocation

This chapter examines systemic issues within Bulgaria that hinder the effective protection and promotion of fundamental rights, particularly in the context of the allocation and utilization of European Union funds. These problems span legislative frameworks, oversight mechanisms, and the practical implementation of EU-funded projects, disproportionately affecting vulnerable groups. These systemic failures undermine the principles enshrined in the Charter of Fundamental Rights of the European Union, hindering the realization of a just and equitable society.

These systemic issues are derived from in-depth analyses presented in the report and its annexes, as well as from a multitude of reviewed reports, conducted interviews, and consultations related to the preparation of this document.

Legislative Framework Deficiencies

Several shortcomings in the legislative framework contribute to the violation of fundamental rights, as guaranteed by the Charter of Fundamental Rights of the EU.

Lack of Access to Justice and Adequate Means of Influence: Vulnerable groups lack effective ways to influence how European funds are allocated, from the planning stages through to implementation. This marginalization can lead to their needs and rights being overlooked, which violates Article 47 of the Charter, guaranteeing the right to an effective remedy and a fair trial.

Discrepancy Between European Legislation and National Practices: Fundamental rights are often perceived as abstract concepts, disconnected from national realities. This disconnect results in the infringement of the rights of vulnerable groups, as international standards are not effectively implemented at the local level. This undermines the principle of equality before the law, as outlined in Article 20 of the Charter.

Challenges in Implementing International Instruments: Despite the existence of a legal framework for implementing international instruments, practical challenges persist. These challenges lead to inconsistencies and

ineffectiveness in protecting the rights of vulnerable groups, which conflicts with the EU's commitment to upholding international law, as stated in Article 6 of the Treaty on European Union.

Problems with Information and Communication: Information is often inaccessible in easy-to-read formats or adapted for people with disabilities, violating Article 42 of the Charter, which guarantees the right of access to documents. Complex presentation, lack of targeted outreach, and a focus on systematic/analytical purposes rather than citizen understanding further exacerbate these issues.

Insufficient Understanding of the EU's Role in Funding: Citizens struggle to understand the origin of funding, leading to a lack of accountability and transparency, which are essential for upholding the principles of good governance, as recognized in Article 41 of the Charter.

Oversight of EU Funds Expenditure

The mechanisms for overseeing the expenditure of EU funds also present significant challenges.

Limited Access to Justice: The requirement to demonstrate "legal interest" poses a significant barrier for end-users of ESIF-funded programs, particularly vulnerable groups who are often not party to the legal relationships between beneficiaries and managing authorities. This restriction limits access to justice, contravening Article 47 of the Charter. The decision of the Supreme Administrative Court (VAS) in Case 73/2025, which rejected a complaint from persons with disabilities due to a lack of legal interest, highlights the need for more nuanced interpretations of legal interest and greater attention to the substantive arguments of vulnerable groups.

Ineffectiveness of Irregularity Reporting Mechanisms: Despite the existence of a formal mechanism for reporting irregularities, it proves ineffective in addressing discrimination. The absence of cases addressing discrimination against vulnerable groups suggests that these mechanisms are not effectively utilized to combat such discrimination, violating Article 21 of the Charter, which prohibits discrimination.

Exclusion of Vulnerable Groups from Decision-Making: Limited publicity during planning stages restricts participation, and governments are not

obligated to consider feedback. The lack of easy-to-read versions and accessible materials communicating EU funding programs further exacerbates this exclusion, undermining the principles of transparency and participation, as recognized in Article 15 of the Treaty on European Union.

Lack of Opportunity to Challenge Administrative Acts and Policy Decisions: End-users lack the ability to challenge administrative acts and policy decisions related to the allocation of funds, significantly contributing to the exclusion of vulnerable groups from meaningful participation in the management and expenditure of ESIF. This lack of recourse undermines the principles of good administration and the right to an effective remedy, as guaranteed in Articles 41 and 47 of the Charter.

Accountability and Redress: Examining Mechanisms for Oversight and Challenging Administrative Decisions in EU-Funded Projects in Bulgaria

These limitations in access to justice and oversight are further compounded by broader systemic issues, as illustrated by the attempts of non-governmental organizations to challenge discriminatory practices in the allocation of EU funds.

While the Administrative Procedure Code (APC) theoretically allows any affected party to challenge administrative acts related to EU funding, end-users of ESF-funded programs in Bulgaria face significant practical barriers to accessing justice. The requirement to demonstrate a “legal interest”—a direct impact on rights and interests—is a major hurdle. The EUSEFSA primarily establishes a legal relationship between beneficiaries (state structures, companies, municipalities) and managing authorities, effectively excluding end-users directly affected by project implementation. This creates a systemic barrier to justice for end-users of EU-funded projects in Bulgaria. It limits redress for those most vulnerable to potentially discriminatory projects to the stage of excluding them from access to justice.

This limitation is highlighted by the Supreme Administrative Court (SAC) ruling in Case 73/2025, which dismissed an appeal from individuals with disabilities at risk of institutionalization due to their lack of legal standing to challenge the guidelines for the BG16RFOP001-5.002 program. A dissenting judge, however, argued that the appeal should be considered on its merits, citing potential violations of the UN Convention on the Rights of Persons with Disabilities (CRPD), EU regulations, and national law. This underscores the need for more nuanced interpretations of legal standing and a

greater consideration of substantive arguments from vulnerable groups. The dissenting opinion emphasizes the necessity of considering substantive arguments related to fundamental rights violations in legal proceedings.¹⁸⁸

The challenges in accessing justice are further exemplified by the lack of success of non-governmental organizations (NGOs) in challenging the use of EU funds for discriminatory practices. The 2019 case (Case T-613/19) before the Court of Justice of the European Union, initiated by the European Network on Independent Living (ENIL), Validity Foundation, and the Center for Independent Living (CIL), challenged the European Commission’s refusal to halt EU funding for projects supporting the construction of institutions for people with disabilities in Bulgaria.¹⁸⁹ While unsuccessful, this case underscored systemic barriers hindering legal redress for vulnerable groups. The issues raised are equally relevant to other vulnerable groups, including the Roma community, refugees, and migrants, though comparable legal actions targeting the violations of the fundamental rights of these groups were not found during the review of the case law.

Simultaneously, formal mechanisms for financial oversight are in place. The Directorate for the Protection of the European Union’s Financial Interests within the Ministry of the Interior reports irregularities to the European Anti-Fraud Office and monitors the handling of irregularities related to EU funds. This formal mechanism for reporting irregularities, however, has proven ineffective in addressing discrimination. The review of case law and program implementation reports indicates a substantial lack of cases addressing discrimination against vulnerable groups, suggesting that these mechanisms are not effectively used to combat such discrimination.

The exclusion of vulnerable groups from influencing and overseeing the management of European Structural and Investment Funds further exacerbates this lack of accountability. Limited publicity during planning stages restricts participation, and governments aren’t obligated to consider feedback. The lack of easy-to-read versions and accessible materials communicating the EU funding programs with affected persons and groups is only one of many problems related to lack of accessibility of the information. This lack of participation prevents the inclusion of diverse perspectives and needs in project design and implementation.

Ultimately, end-users lack any chance to challenge administrative acts and political decisions related to fund allocation, a situation that significantly contributes to the exclusion of vulnerable

¹⁸⁸ More for the case and one more similar case can be read at: <https://nie.expert/otkaz-na-vas-da-zashtiti-horata-s-uvrejdania/>

¹⁸⁹ Information about the complaint and the case is available at the CIL website, at: <https://cil.bg/wp-content/uploads/2020/03/20191115-Press-release.pdf>, . Also it is available in English at Validity website at: <https://validity.ngo/2019/11/15/ngos-take-eu-european-commission-to-court-for-funding-segregation-of-disabled-persons-in-bulgaria/> and in Bulgarian at: <https://validity.ngo/news/%d0%bd%d0%bf-%d0%be-%d0%b2%d0%bd%d0%b0%d1%81%d1%8f%d1%82-%d0%b8%d1%81%d0%ba-%d0%b2-%d1%81%d1%8a%d0%b4%d0%b0-%d0%bd%d0%b0-%d0%b5%d0%b2%d1%80%d0%be%d0%bf%d0%b5%d0%b9%d1%81%d0%ba%d0%b8%d1%8f-%d1%81%d1%8a/>

groups from meaningful participation in ESIF management and spending.

2. General Problems Related to the Actual Management of European Funds

Several systemic problems affect various vulnerable groups in Bulgaria and manifest in different spheres of public life:

- **Lack of Effective Intersectoral Coordination:** This issue manifests in the absence of integrated policies and programs that unite the efforts of various institutions (health ministry, education ministry, social services, etc.) to achieve a common goal – improving the well-being of vulnerable groups. The lack of coordination leads to duplication of efforts, gaps in service coverage, and inefficient use of resources.
- **Insufficient Participation of Affected Communities in Decision-Making:** This problem manifests in the lack of real consultation and participation of Roma communities, people with disabilities, and refugees in the planning and implementation of projects and policies that directly affect them. This leads to decisions that do not meet their specific needs and do not take their perspectives into account, which reduces the effectiveness of measures and may even worsen them.
- **Prevalence of the Institutional Approach over the Community Approach:** This problem manifests in the tendency to invest in the creation and maintenance of institutions (such as homes for medical and social care, centers for family-type accommodation, etc.) instead of developing services in the community that support families and allow them to care for their members at home. This leads to the separation of people from their communities, limiting their opportunities for social integration and violating their rights.
- **Insufficient Control and Monitoring of the Absorption of European Funds, especially from fundamental rights point of view:** This problem manifests in the lack of clear criteria, indicators, and mechanisms for assessing the impact of EU-funded projects on the fundamental rights of vulnerable groups. This leads to inefficient use of funds, lack of accountability, and the possibility of correcting errors and improving practices.
- **Stigmatization and Discrimination:** This problem manifests in the negative attitudes and stereotypes towards Roma, people with disabilities, and refugees, which lead to discrimination in various spheres of public life (education, healthcare, housing, employment, etc.). Stigmatization and discrimination limit the access of these groups to resources and opportunities and put them in a more vulnerable position, violating Article 21 of the Charter, which prohibits discrimination.

effective protection and promotion of fundamental rights in the context of EU funds allocation in Bulgaria. Addressing these issues requires comprehensive reforms to legislative frameworks, oversight mechanisms, and implementation practices. By prioritizing the principles enshrined in the Charter of Fundamental Rights of the EU, Bulgaria can ensure that EU funds contribute to a more just, equitable, and inclusive society for all its citizens.

The systemic problems outlined in this chapter demonstrate significant challenges in ensuring the

Conclusions and Recommendations

This report has presented a detailed analysis of the systemic challenges hindering the effective protection and promotion of fundamental rights in Bulgaria, particularly within the context of EU funds allocation and implementation. The findings reveal a complex interplay of legislative deficiencies, inadequate oversight mechanisms, and discriminatory practices that disproportionately affect vulnerable groups, including Roma communities, people with disabilities, and refugees/migrants. These systemic failures undermine the principles enshrined in the Charter of Fundamental Rights of the EU, hindering the realization of a just, equitable, and inclusive society.

1. Key Conclusions

1.1 Legislative Framework Gaps

The legislative framework in Bulgaria exhibits several shortcomings that impede the effective protection of fundamental rights. These include limited access to justice for vulnerable groups due to restrictive interpretations of “legal interest,” a disconnect between European legislation and national practices, and challenges in implementing international human rights instruments. These deficiencies undermine the principles of equality before the law (Article 20), the right to an effective remedy (Article 47), and the EU’s commitment to upholding international law (Article 6 of the Treaty on European Union).

1.2 Inadequate Oversight Mechanisms

The mechanisms for overseeing the expenditure of EU funds are often ineffective in addressing discrimination and ensuring accountability. Limited publicity during planning stages, a lack of obligation for governments to consider feedback from vulnerable groups, and the absence of accessible information further exacerbate this issue. These shortcomings undermine the principles of transparency, participation, and good governance, as recognized in Article 15 of the Treaty on European Union and Article 41 of the Charter.

1.3 Systemic Discrimination and Segregation

Systemic discrimination and segregation persist across various sectors, including housing, education, and employment, disproportionately affecting Roma communities, people with disabilities, and refugees/migrants. These practices violate the principles of equality and non-discrimination, as enshrined in Article 21 of the Charter.

1.4 Trans-Institutionalization

The deinstitutionalization process, particularly for people with disabilities, but also Roma, where Roma children are disproportionately affected, has

often resulted in trans-institutionalization, where individuals are moved from large institutions to smaller residential care facilities that replicate the institutional model. This practice undermines the right to independent living and community inclusion, as guaranteed by Article 19 of the UN Convention on the Rights of Persons with Disabilities, Article 21 and 24 from the Charter.

1.5 Border Violence and Pushbacks

Bulgaria’s border management practices, particularly concerning pushbacks, have been the subject of extensive scrutiny by human rights organizations. These practices violate fundamental rights, including the right to life (Article 2), the prohibition of torture and inhuman or degrading treatment (Article 4), and the right to an effective remedy (Article 47).

1.6 Lack of Meaningful Consultation

A recurring theme throughout the report is the lack of meaningful consultation with affected communities in the design, implementation, and monitoring of EU-funded projects. This undermines the principles of participation and accountability, leading to projects that do not adequately address the needs and concerns of vulnerable groups.

1.7 Misuse of EU Funds

The analysis reveals that EU funds are sometimes used in ways that directly or indirectly contribute to the violation of fundamental rights. This includes funding projects that perpetuate segregation, support institutional care models, or fail to address the underlying causes of discrimination and social exclusion.

1.8 Lack of Awareness and Application of the Charter

Managing authorities often demonstrate a lack of awareness and understanding of the Charter of Fundamental Rights of the EU, failing to consider

potential violations and dismissing concerns based on the absence of formal complaints. This dismissal often stems from the inaccessibility of judicial procedures and a lack of legal avenues for vulnerable groups.

1.9 Deficient Application Guidelines

Application guidelines for certain procedures even permit activities that clearly violate fundamental rights, such as the construction of small institutions (group homes) or the renovation of institutions.

2. Recommendations

To address these systemic challenges and ensure the effective protection and promotion of fundamental rights in Bulgaria, the following recommendations are proposed:

2.1 Strengthen Legislative Frameworks

- Amend national legislation to ensure that vulnerable groups have effective access to justice, including a broader interpretation of “legal interest” and the removal of barriers to challenging administrative acts and policy decisions related to EU funds allocation.
- Incorporate international human rights standards, including the Charter of Fundamental Rights of the EU, into national legislation and policies, ensuring their effective implementation at the local level.
- Enact legislation that mandates the provision of accessible information in easy-to-read formats and adapted for people with disabilities, ensuring compliance with Article 42 of the Charter.

2.2 Enhance Oversight and Accountability Mechanisms

- Establish independent monitoring bodies with the authority to investigate complaints of fundamental rights violations related to EU funds allocation and implementation.
- Strengthen the capacity of existing human rights bodies, such as the Ombudsman and the Equality Body, to effectively address discrimination and ensure accountability.
- Implement clear criteria, indicators, and mechanisms for assessing the impact of EU-funded projects on the fundamental rights of vulnerable groups, ensuring effective control and accountability over the expenditure of funds, as well as access to justice and compensations in all cases of violations.
- Mandate audit bodies to specifically assess the impact of projects on fundamental rights and to apply “financial corrections” where violations are identified.

2.3 Promote Meaningful Participation and Consultation

- Establish mechanisms for ensuring the effective

participation of vulnerable groups in all stages of EU-funded projects, from program design to implementation and monitoring.

- Strengthen the obligations of the governments and municipality authorities to consider feedback from vulnerable groups and incorporate their perspectives into policies and programs.
- Provide resources and support for civil society organizations to advocate for the rights of vulnerable groups and monitor the implementation of EU-funded projects.

2.4 Combat Discrimination and Segregation

- Ensure that the anti-discrimination legislation will be applied with understanding about the Charter and Conventions, ratified by Bulgaria. This may require special training for judges, prosecutors and state and municipality authorities.
- Develop and implement strategies to address spatial segregation and promote social inclusion, ensuring that vulnerable groups have equal access to resources and opportunities. This may require wide consultations with affected groups and their organizations, analysis of the existing strategic documents, and revision in their parts, which allow discrimination and segregation.
- Prioritize community-based services and support systems over institutional care, promoting independent living and community inclusion for people with disabilities. Ensuring that the EU funded projects truly support independent living by creating services which correspond with the requirement of the Guidelines for De-Institutionalization, including in emergencies.

2.5 Address Border Violence and Pushbacks

- Conduct thorough and independent investigations into allegations of border violence and pushbacks, holding perpetrators accountable for their actions.
- Ensure that border management practices comply with international human rights standards, including the right to seek asylum and the prohibition of torture and inhuman or degrading treatment.
- Ensure support and active implementation of the trauma-informed practices for refugees, especially children, by providing consistent support to help them. This excludes subjecting refugees to secondary victimization and violence. Instead of requiring formal proof of trauma, the support should always be provided under the assumption that trauma has been experienced, unless proven otherwise. At the same time, support should be offered in a non-intrusive manner, respecting the individual’s right to choose what support to receive, when, and under what circumstances.
- Provide adequate resources and training for border guards to ensure that they respect the rights of refugees and migrants.

2.6 Ensure Effective and Rights-Respecting Use of EU Funds

- Immediately cease funding for projects that negatively impact the fundamental rights of affected groups.
- Conduct a comprehensive analysis of existing projects to identify and address any violations of fundamental rights.
- Undertake a thorough review of application guidelines for projects to prevent the possibility of applying for activities that constitute violations of fundamental rights or have the potential to negatively impact them.
- Prioritize projects that promote social inclusion, equality, and non-discrimination, ensuring that EU funds contribute to a more just and equitable society.
- Allocate sufficient resources to address the root causes of poverty, discrimination, and social exclusion, ensuring that vulnerable groups have access to the resources and opportunities they need to thrive.
- Promote transparency and accountability in the allocation and expenditure of EU funds, ensuring that citizens have access to information and can hold authorities accountable for their actions.

2.7 Strengthen Institutional Capacity and Awareness

- Enhance the functions of the Ombudsman in relation to the protection of fundamental rights

in the management and expenditure of European funds.

- Increase the capacity of the Equality Body to recognize violations of fundamental rights.
- Take measures to ensure that fundamental rights are understood at all management levels, including training and awareness-raising initiatives.

The recommendations outlined in this report require a concerted and multifaceted approach, necessitating action from various stakeholders. Therefore, these recommendations are addressed not to a single entity, but to a range of actors. Legislative bodies should prioritize efforts to address the identified deficiencies in the legal framework. Authorities engaged in the management of EU funds must commit to eliminating the factors leading to violations of fundamental rights. Relevant ministries should foster meaningful dialogue with civil society and affected groups, ensuring their perspectives are integrated into policy and practice. Comprehensive training programs are essential for government authorities' representatives and employees at all levels, as well as for magistrates, law enforcement officials, and audit bodies, to enhance their understanding and application of fundamental rights principles. Special attention should be given to understanding and addressing intersectional discrimination, such as recognizing the unique challenges faced by Roma girls and women, women and children with disabilities (particularly those who are victims of gender-based violence), unaccompanied refugee children, and other individuals facing multiple and intersecting forms of marginalization.

Ultimately, the successful implementation of these recommendations hinges on a shared commitment to upholding the dignity and rights of all individuals within Bulgaria, ensuring that EU funds serve as a catalyst for positive change and social justice.





FUNDAMENTAL RIGHTS IN EU FUNDS

How is EU taxpayers' money used against fundamental rights?

Annex 1 – List of project examples

Example1:

Name of the project: Project - BG16RFOP001-5.001-0003: "Building an infrastructure for the provision of specialized health and social care for children with disabilities", implemented by the Ministry of Health¹ (Number from the Information system for management and monitoring of the findings from EU 2020 - BG16RFOP001-5.001-0003-C05). Information is available at:

<https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=v7rnVWTaFr4LhZ2neVMwsg%3D%3D&isHistoric=False>

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| Type of EU fund | Operative Programme "Regions in Growth". 2014-2020 Procedure (budget line) - BG16RFOP001-5.001 "Support for the deinstitutionalization of childcare". |
| Beneficiary | <ul style="list-style-type: none"> Ministry of Health |
| Year of implementation | <ul style="list-style-type: none"> Program Period: 2014-2020 Start date: 9.08.2018 End date: 31.07.2025 |
| Budget | <ul style="list-style-type: none"> 7 000 000 BGN |
| Target group | <ul style="list-style-type: none"> Children with disabilities |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> Institutionalization and segregation of children with disabilities, isolation from community, deprivation from family life and liberty. Articles violated: art. 4, 7, 14, 21, 24, 26, 33 the Charter of Fundamental Rights of the European Union <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The project is one of many funding so called process of De-institutionalization, which is a process of trans-institutionalisation of the children with disabilities. "Trans-institutionalization" refers to the process of moving individuals (including children) from one institution to another, even when the new facility is presented as "community-based," smaller in size, or offering better conditions. However, if the culture of isolation and control</p> |

¹ Information about the project is available on the Ministry of Health website, here: <https://www.mh.government.bg/bg/evropeyski-programi/tekushti-programi-i-proekti/operativna-programa-regioni-v-rastezh-2014-2020g/4217>. The information was published on 15.03.2023.

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| | <p>remains the same or similar to that of large institutions, such a place/service is still considered an institution, and the relocation constitutes trans-institutionalization. A key feature of this process is the segregation of people based on disability, which continues to restrict their right to choice, independence, and dignity.</p> <p>The described project provides infrastructure for the institutionalization (trans-institutionalization) of children with disabilities. The construction of these new facilities, while potentially offering improved conditions compared to existing institutions, fundamentally perpetuates the model of residential care, rather than promoting community-based alternatives as outlined in national deinstitutionalization strategies. This approach contradicts the principles of inclusive care and the rights of children with disabilities to live in family settings within their communities.</p> <p>Institutionalization itself profoundly violates the rights of children with disabilities, contravening fundamental principles enshrined in both the CRPD and the Charter of Fundamental Rights of the European Union (Charter). The very act of placing a child in an institution can be considered a form of violence, depriving them of their right to a family life (Article 24, Charter) and their inherent dignity (Article 1, Charter). Institutional settings often expose children to various forms of abuse, neglect, and discrimination based on their disability and social status (Article 21, Charter), failing to uphold their right to the best interests of the child (Article 24, Charter). The lack of family support, coupled with the continued funding of institutions rather than family-based services further exacerbates these violations. This contradicts the right to respect for private and family life (Article 7, Charter). Additionally, children in institutions are frequently denied adequate access to education (Article 14, Charter) and community integration (Article 26, UNCRC; Article 24, Charter), leading to social isolation and restricted opportunities for personal development, violating their right to non-discrimination (Article 21, Charter). In some cases, the conditions experienced within institutions constitute inhuman and degrading treatment (Article 4, Charter), violating their fundamental right to safety and protection.</p> <p>Every project supporting trans-institutionalization—whether through infrastructure development, operational funding, or staffing—actively perpetuates these rights violations. By investing in smaller-scale residential facilities rather than in community-based support systems that prioritize family inclusion and independent living, these projects fail to uphold the fundamental rights of children with disabilities. The continued emphasis on institutional care, despite overwhelming evidence of its harmful effects, represents a systemic failure to prioritize the best interests of children and to ensure their full enjoyment of their human rights under both the CRPD and the Charter of Fundamental Rights of the European Union. Additionally</p> |
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| | to everything above, we have to stress as well on the fact that in this particular project the focus is on children who, before the DI process, were placed in the so-called Homes for Medical and Social Care for Children (HMSCC). While children without disabilities from the same facilities transitioned to family or foster care, children with disabilities remained in largely residential settings, staffed by the same personnel and housed in renovated but essentially identical (or even the same) facilities. |
| Objective | This project aims to build infrastructure, provide equipment, and furnish 14 centers for residential health and social services for children: 9 centers for children with disabilities needing constant medical care, and 5 centers for children with high-risk behavior requiring specialized health care. |
| Locality | <ul style="list-style-type: none"> • Bulgaria |

Example 2

Name of the project: Project - BG16RFOP001-5.001-0003: "Construction of infrastructure for the provision of specialized health and social care for children with disabilities-2", implemented by the Ministry of Health.²

Number from the Information system for management and monitoring of the findings from EU 2020 - BG16RFOP001-5.001-0054-C05). Information available at:

<https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=KwTRCnaXtcX2FGYulOHRmQ%3D%3D&isHistoric=False>

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|------------------------|--|
| Type of EU fund | <ul style="list-style-type: none"> • Operative Programme "Regions in Growth". 2014-2020 |
| Beneficiary | <ul style="list-style-type: none"> • Ministry of Health |
| Year of implementation | <ul style="list-style-type: none"> • Program period 2014-2020 • Started date: 22.10.2018 • End date: 23.07.2025 |
| Budget | <ul style="list-style-type: none"> • BGN 3 359 184.77 |
| Target group | <ul style="list-style-type: none"> • Children with disabilities |

² The information is available on the Ministry of Health website, here: <https://www.mh.government.bg/bg/evropeyski-programi/tekushti-programi-i-proekti/operativna-programa-regioni-v-rastezh-2014-2020g/4218>

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| <p>Scope of fundamental rights violation</p> | <ul style="list-style-type: none"> ● Institutionalization and segregation of children with disabilities, isolation from community. Deprivation from parental care, deprivation from liberty. ● Articles violated: Art. 4, 7, 14, 21, 24, 26, 33 the Charter of Fundamental Rights of the European Union <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The project is one of many funding so called process of De-institutionalization, which is a process of trans-institutionalization of the children with disabilities. (See for trans-institutionalization as a harmful process in example 1).</p> <p>The described project provides infrastructure for the institutionalization (trans-institutionalization) of children with disabilities. The construction of these new facilities, while potentially offering improved conditions compared to existing institutions, fundamentally perpetuates the model of residential care, rather than promoting community-based alternatives as outlined in national deinstitutionalization strategies. This approach contradicts the principles of inclusive care and the rights of children with disabilities to live in family settings within their communities.</p> <p>Institutionalization itself profoundly violates the rights of children with disabilities, contravening fundamental principles enshrined in both the CRPD and the Charter of Fundamental Rights of the European Union (Charter). The very act of placing a child in an institution can be considered a form of violence, depriving them of their right to a family life (Article 24, Charter) and their inherent dignity (Article 1, Charter). Institutional settings often expose children to various forms of abuse, neglect, and discrimination based on their disability and social status (Article 21, Charter), failing to uphold their right to the best interests of the child (Article 24, Charter). The lack of family support, coupled with the continued funding of institutions rather than family-based services further exacerbates these violations. This contradicts the right to respect for private and family life (Article 7, Charter). Additionally, children in institutions are frequently denied adequate access to education (Article 14, Charter) and community integration (Article 26, UNCRC; Article 24, Charter), leading to social isolation and restricted opportunities for personal development, violating their right to non-discrimination (Article 21, Charter). In some cases, the conditions experienced within institutions constitute inhuman and degrading treatment (Article 4, Charter), violating their fundamental right to safety and protection.</p> <p>Every project supporting trans-institutionalization—whether through infrastructure development, operational funding, or staffing—actively</p> |
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| | <p>perpetuates these rights violations. By investing in smaller-scale residential facilities rather than in community-based support systems that prioritize family inclusion and independent living, these projects fail to uphold the fundamental rights of children with disabilities. The continued emphasis on institutional care, despite overwhelming evidence of its harmful effects, represents a systemic failure to prioritize the best interests of children and to ensure their full enjoyment of their human rights under both the CRPD and the Charter of Fundamental Rights of the European Union. Additionally to everything above, we have to stress as well on the fact that in this particular project the focus is on children who, before the DI process, were placed in the so-called Homes for Medical and Social Care for Children (HMSCC). While children without disabilities from the same facilities transitioned to family or foster care, children with disabilities remained in largely residential settings, staffed by the same personnel and housed in renovated but essentially identical (or even the same) facilities.</p> |
| Objective | <p>4 Centers for specialized health and social care for children with disabilities in need of constant medical care and 1 center for specialized health and social care for children with high-risk behavior and need for special health care.</p> |
| Locality | <ul style="list-style-type: none"> ● Bulgaria |





Before and After

Investments in segregated services (e.g., family-type centers and sheltered housing) are large-scale and continuous, spanning from the 2007–2013 to the 2014–2020 programming periods. For example, under the "Support for Deinstitutionalization" scheme (OPRG 2007–2013), **132 family-type centers** and **26 sheltered housing units** were built with **€48.59 million** in funding³. This model persisted in 2014–2020, framed as "alternatives to institutions" despite replicating isolation. The data reveals a systemic issue: public funds continue to support segregated solutions, violating disabled children's rights.

Example 3:

1. Name of the project: Project - BG05M90P001-2.012-0001.: Continuing Support for the Deinstitutionalization of Children and Youth

Number from the Information system for management and monitoring of the findings from EU 2020 -BG05M90P001-2.012-0001-C04).

Information

available

at:

<https://2020.eufunds.bg/bg/4/0/Project/BasicData?contractId=nw5zZjT2yh8ANh2Siki9KQ%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme "Human resources". 2014-2020 |
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³ Source: [OPRG Final Report](#). For examples, see [Sofia Municipality Project](#)

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| | <ul style="list-style-type: none"> • "Continuing Support for Deinstitutionalization of Children and Youth" - |
| Beneficiary | <ul style="list-style-type: none"> • Agency for Social Assistance |
| Year of implementation | <ul style="list-style-type: none"> • Program period 2014-2020 • Started date: 01.09.2018 • End date: 01.01.2024 |
| <ul style="list-style-type: none"> • Budget | <ul style="list-style-type: none"> • BGN 2 011 153.87 |
| Target group | <ul style="list-style-type: none"> • Children with and without disabilities |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Institutionalisation and segregation of children with disabilities and/or deprived from family care; isolation from community. Deprivation from parental care, deprivation from liberty. • Articles violated: art. 7, Art 21: Discrimination based on the disability and social status; Art 24; Art 26; In some cases- Art 4 - Inhuman and degrading treatment. <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The project is one of many funding so called process of De-Institutionalization, which is a process of trans-institutionalization of the children with disabilities. (For trans-institutionalization as a harmful process, see example 1).</p> <p>The described project add to the projects dedicated to building structure additional fund, which ensure the work of the personnel. In many cases, the personnel is low motivated, not trained enough and replicated the old patterns came from the big institutions. Despite the EU funding, the personnel is not well paid and even where are training, they are not achieve the aim to overcome the institutional culture related practices. Neglect is everywhere and the personal attention to the individual needs of the children is just on paper.</p> <p>This project as many similar, support the institutionalization, which profoundly violates the rights of children with disabilities, contravening fundamental principles enshrined in both the CRPD and the Charter of Fundamental Rights of the European Union (Charter). As the funding of the personnel is the way to ensure institution functionality, we consider this project and all similar to them as violating the fundamental rights as follow: deprivation of the right to a family life (Article 24, Charter). Institutional</p> |

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| | <p>settings often expose children to various forms of abuse, neglect, and discrimination based on their disability and social status (Article 21, Charter). In many cases exactly the personnel is conducting particular acts of neglect, discrimination and violence. This is far from the best interests of the child (Article 24, Charter). The lack of efforts further exacerbates these violations. This contradicts the right to respect for private and family life (Article 7, Charter).</p> <p>Additionally, children in institutions are frequently denied adequate access to education (Article 14, Charter) and community integration (Article 26 Charter), leading to social isolation and restricted opportunities for personal development, violating their right to non-discrimination (Article 21, Charter). In some cases, the conditions experienced within institutions constitute inhuman and degrading treatment (Article 4, Charter), violating their fundamental right to safety and protection.</p> |
| Objective | To assess the individual needs of children and youth in residential care, evaluate parental capacity, identify children with disabilities requiring specialized medical care, and develop individualized care plans to facilitate their transition to family-based or community-based settings. |
| Locality | <ul style="list-style-type: none"> Bulgaria |

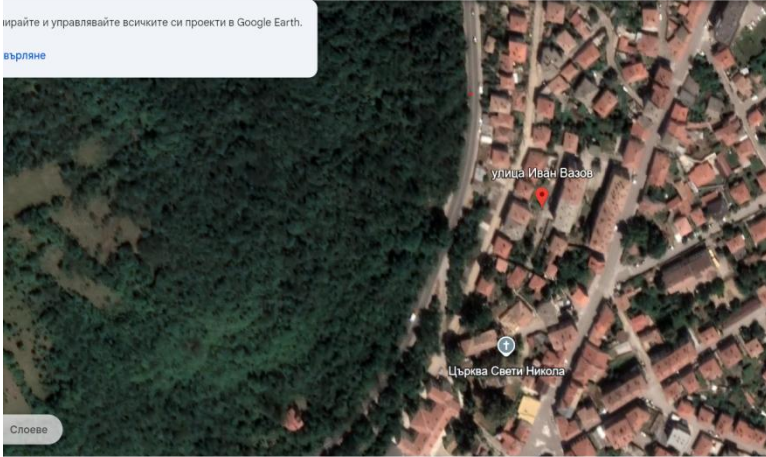

Example 4

Name and number of the project: Project BG16RFOP001-5.002-0018 - Building a complex for care for persons with mental disorders in Dryanovo

Number from the Information system for management and monitoring of the findings from EU 2020 - BG16RFOP001-5.002-0018-C01. Information is available at: <https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=m9nhBqhzS014%2Fs47zrD2kQ%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme "Regions in Growth". 2014-2020 <p>Procedure BG16RFOP001-5.002 "Support for deinstitutionalization of social services for elderly people and people with disabilities"</p> |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Dryanovo |

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| Year of implementation | <ul style="list-style-type: none"> • Program Period 2014-2020 • Start date: 18.12.2020 • End date: 22.02.2022 |
| Budget | <ul style="list-style-type: none"> • BGN 3 772 707.40 |
| Target group | <ul style="list-style-type: none"> • Adults with psycho-social disabilities |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Institutionalization, segregation, deprivation from liberty. • Articles violated: Art. 1 - Human dignity; Art 6 - Right to Liberty; Art. 7 - right to have family life; Art 15 Right to choose a profession and to work; Art 21: Discrimination based on the disability and social status; Art. 26 Right to integration of the persons with disabilities; In some cases- Art 4 - Inhuman and degrading treatment. <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The project is one of many funding so called process of De-institutionalisation, which is a process of trans-institutionalisation of the persons with disabilities. The institutionalization of adults with disabilities represents a form of systemic violence that restricts their rights to lead independent lives and make their own choices. These individuals often find themselves deprived of the right to family and personal relationships (Article 7, Charter), undermining their inherent dignity (Article 1, Charter) and their right to self-determination. Adults in institutions frequently face abuse, neglect, and discrimination, contradicting their right to protection (Article 4, Charter). The violation of their right to non-discrimination (Article 21, Charter) becomes particularly pronounced, as many adults with disabilities struggle to receive adequate support for community integration (Article 26). Additional rights that are frequently infringed upon include the right to work (Article 15), as the new build institutions, exactly like the former big institutions do not provide such opportunity. Every project supporting the institutionalization of adults with disabilities—whether through infrastructure development, operational funding, or staffing—actively perpetuates these rights violations. By investing in smaller residential facilities rather than in community support systems that prioritize family inclusion and independent living, these projects reflect a systemic failure to prioritize the rights of adults with disabilities and to ensure their full</p> |

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| | <p>enjoyment of human rights under both the UN Convention and the Charter of Fundamental Rights of the European Union.</p> <p>Note that in this particular project there is no big difference between the size of the new build complex and the former big institution. In this case, even the size is not a difference. The picture shows that even the complex is in the town, it is still isolated.</p> |
| <p>Objective</p> | <p>The project aims to build a complex of centers for care for people with psycho-social disabilities, as follow: 7 building in one yard. The total capacity of the complex is 105 persons.</p> |
| <p>Locality</p> | <p>● Municipality of Dryanovo</p> <p>ПК5370 , гр. ДРЯНОВО, ул Иван</p> <p>ириайте и управлявайте всичките си проекти в Google Earth. върляне</p>  <p>Словес</p>  |

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| Legal actions | Legal actions have been initiated to address systemic barriers faced by vulnerable groups in challenging EU-funded projects in Bulgaria. In Case 73/2025, individuals with disabilities at risk of institutionalization appealed guidelines under the BG16RFOP001-5.002 program, but the Supreme Administrative Court dismissed their case due to lack of legal standing. A dissenting judge argued for substantive consideration of rights violations under the UN CRPD, EU law, and national legislation. ⁴ Separately, NGOs (ENIL, Validity Foundation, CIL) brought Case T-613/19 before the CJEU in 2019, ⁵ challenging the European Commission’s refusal to halt funding for discriminatory institutionalization projects. Though unsuccessful, the case highlighted systemic justice access barriers. |
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Example 5:

Name and number of the project: Project BG16RFOP001-1.015-0005 - Construction of municipal infrastructure for the provision of social services

Number from the Information system for management and monitoring of the findings from EU 2020 - BG16RFOP001-1.015-0005-C04. Information is available at:

<https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=I5xPDYbW4JgLLiWn1Rtlw%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme “Regions in Growth”. 2014-2020 Procedure BG16RFOP001-1.015 Implementation of the integrated plans for urban regeneration and development. 2014-2020-Sliven |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Sliven |
| Year of implementation | <ul style="list-style-type: none"> Program Period 2014-2020 Start date: 13.07.2020 End date: 12.01.2024 |
| <ul style="list-style-type: none"> Budget | <ul style="list-style-type: none"> BGN 1 861 086.70 |

⁴ More for the case and one more similar case can be read at: <https://nie.expert/otkaz-na-vas-da-zashtiti-horata-s-uvrejdania/>


⁵ Information about the complaint and the case is available at the CIL website, at: <https://cil.bg/wp-content/uploads/2020/03/20191115-Press-release.pdf>. Also it is available in English at Validity website at: <https://validity.ngo/2019/11/15/ngos-take-european-commission-to-court-for-funding-segregation-of-disabled-persons-in-bulgaria/> and in Bulgarian at: <https://validity.ngo/news/%d0%bd%d0%bf%d0%be-%d0%b2%d0%bd%d0%b0%d1%81%d1%8f%d1%82-%d0%b8%d1%81%d0%ba-%d0%b2-%d1%81%d1%8a%d0%b4%d0%b0-%d0%bd%d0%b0-%d0%b5%d0%b2%d1%80%d0%be%d0%bf%d0%b5%d0%b9%d1%81%d0%ba%d0%b8%d1%8f-%d1%81%d1%8a/>

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| Target group | <ul style="list-style-type: none"> • People from vulnerable groups, Roma population - homeless people |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Segregation, discrimination: • Articles violated: Article 21 (Non-discrimination); Article 34 (Right to Housing) <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>Analysis of relevant policy and strategic documents concerning Roma integration⁶ and territorial development⁷ reveals a systemic failure to address the root causes of Roma housing insecurity. The described project exemplifies an aspect of this systemic failure. While seemingly addressing the needs of vulnerable groups, the project's focus on constructing a new homeless shelter and a crisis center for victims of gender-based violence, without addressing the underlying causes of homelessness or spatial segregation, demonstrates a fundamental lack of understanding of the complex needs of marginalized groups. The stated justification for the project—" <i>These services are new for the municipality and are necessary in light of the growing number of people from minority groups</i>"⁸—is illustrative of this approach. While the shelter provides temporary housing for 20 individuals, the absence of accompanying support services to address the factors leading to homelessness renders the project ineffective and keeping the vulnerable people in the circle of poverty and homelessness. This highlights not only a fundamental lack of understanding of the complex problem of homelessness among vulnerable groups but also a profound failure to invest in structural changes needed to address the underlying systemic issues driving Roma marginalization. The construction of this facility, without accompanying infrastructural developments or social support programmes, merely perpetuates existing inequalities. This project's failure to engage meaningfully with Roma communities and its lack of culturally appropriate design further exacerbate existing societal</p> |

⁶ National Strategy for Roma Equality, Integration and Participation (2021-2030) is available at: The Strategy is available at: <https://www.strategy.bg/publicconsultations/View.aspx?lang=bg-BG&id=6706>

⁷ National Spatial Development Concept is available at: <https://www.mrrb.bg/static/media/ups/articles/attachments/d747ca682ac1a70380428fd1dc664fb3.pdf>

⁸ See the project justification, available at: <https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=I5xPDYbW4jgLLiWn1Rtlw%3D%3D&isHistoric=False>

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| | <p>inequalities. In same time, the shelter is created as segregated space, as its building is justified with the <i>growing number of people from minority groups</i>, which means in the Bulgarian context, Roma population.</p> <p>The temporarily measure (only for 3 months), focused on small group of people, which would be placed in segregated settings, couldn't lead to solution of the serious problems of the Roma population, it only makes the gap deeper, not offering real solution.</p> |
| Objective | <p>The project aims to create a "Center for Temporary Accommodation of Homeless Persons", which will provide social services for homeless persons for a period of up to 3 months within the calendar year, aimed at meeting their daily needs. (also Crisis Center for victims of Gender Based violence, but it is not discussing under this report)</p> |
| Locality | <ul style="list-style-type: none"> • Municipality of Sliven  <p>Source: https://zvanar.com/%D0%BF%D1%80%D0%B8%D0%BA%D0%BB%D1%8E%D1%87%D0%B8-%D1%81%D1%82%D1%80%D0%BE%D0%B8%D1%82%D0%B5%D0%BB%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE-%D0%BD%D0%B0-%D0%BA%D1%80%D0%B8%D0%B7%D0%B8%D1%81%D0%B5%D0%BD/</p> |

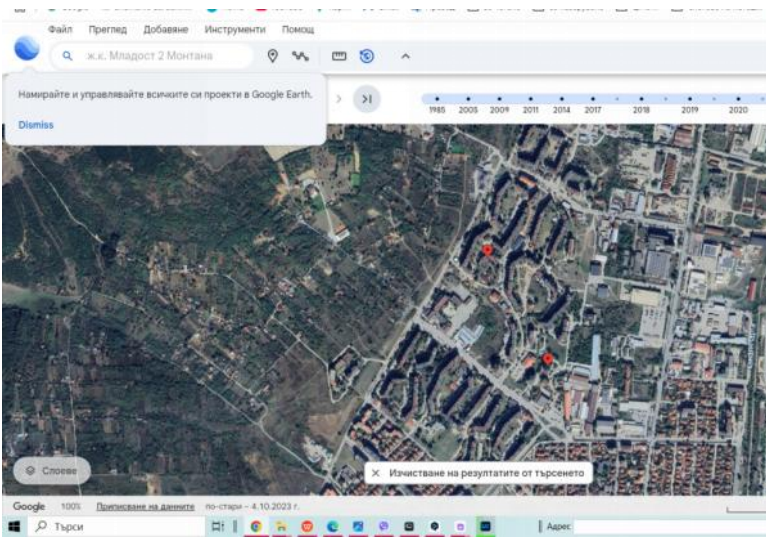
Example 6:

Name and number of the project: Project BG16RFOP001-1.026-0003 - Provision of modern social housing for vulnerable groups on the territory of the residential area of Montana, district Mladost.

Number from the Information system for management and monitoring of the findings from EU 2020 - BG16RFOP001-1.026-0003-C02. Information is available at:

<https://2020.eufunds.bg/bg/0/0/Project/BasicData?contractId=CgsJeRyWT8LQE2MYefSwGA%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme "Regions in Growth". 2014-2020 <p>Procedure BG16RFOP001-1.001-039 "IMPLEMENTATION OF INTEGRATED URBAN RESTORATION AND DEVELOPMENT PLANS 2014-2020"</p> |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Montana |
| Year of implementation | <ul style="list-style-type: none"> Program Period 2014-2020 Start date: 14.12.2020 End date: 15.01.2024 |
| Budget | <ul style="list-style-type: none"> BGN 718 184.08 |
| Target group | <ul style="list-style-type: none"> People from vulnerable groups, Roma population |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> Discrimination, Segregation Articles violated: Article 21 (Non-discrimination); Article 34 (Right to Housing) <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>Described project is one of many, aimed to build or reconstruct social houses. This one aims to reconstruct old (build in 1980-1988) social houses in a quarter described as "zone with predominately social character", which means - poor and isolated. Instead to ensure DE-segregation, the project strength the segregation.</p> <p>In same time, the investment in such projects prevent the Municipality to solve the real problems with the segregation, like lack of access to essential infrastructure (water, sanitation, electricity, and sometimes even transportation) and social infrastructure (healthcare facilities, schools, and kindergartens) affected Roma people, who are living in segregated areas.</p> <p>In same time, there is no guarantee that the Roma people will have access to such social houses, as the regulation for access doesn't guarantee this. According to the interviews conducted during the research for preparation of this paper, in many cases Roma families both gave not access to this type of houses and have not access to support for improving the infrastructure in the quarters they are living. They also haven't access to houses in non</p> |

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| | <p>segregated areas, which dooms them to live in segregated and poor areas, with poor or without infrastructure.</p> <p>This project is cited not only because of the shortcomings in its implementation, but more importantly because it serves as an example of how social housing initiatives have been used to address the effects of segregation, rather than the root causes of the problem itself, including the need to ensure equal access to essential resources for Roma communities and to combat discriminatory housing policies. The project's focus on potentially segregated houses constitutes a violation of the Charter of Fundamental Rights of the European Union. Specifically, this project fails to meet the requirements of Article 21 (Non-discrimination), and Article 34 (Right to housing), as created conditions for isolation and segregation of the Roma people.</p> |
| Objective | <p>The project objective, according to the project description: Renovation of social housing, including improvement of access for persons with disabilities, as part of the other works on the respective sites. The project consists of the renovation of 22 social houses in quarter Mladost 1 and 2 in Montana, built in the period 1980-1988 and falling within the Zone of predominantly social character. At present, the dwellings are in a rather poor state of repair, due both to the fact that they are quite old, but also to the poor quality of the workmanship of the old housing stock, and not least to the fact that they have not been adequately maintained over the last few decades, which in turn has led to their current state.</p> |
| Locality | <ul style="list-style-type: none"> ● Municipality of Montana <p>The search in the Google Earths present the place where the social houses are, as in the very end of the town.</p>  |

Example 7:

Name and number of the project: BG16RFOP001-1.003-0006 - Building social houses in Plovdiv

Number from the Information system for management and monitoring of the findings from EU 2020:

BG16RFOP001-1.003-0006-C09

<https://2020.eufunds.bg/bg/3/0/Project/BasicData?contractId=LqL911ggk3U03bYMEbvIGQ%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme “Regions in Growth”. 2014-2020 Procedure BG16RFOP001-1.003 Implemented of the integrated plans for urban restoration and development- 2014-2020-Plovdiv |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Plovdiv |
| Year of implementation | <ul style="list-style-type: none"> Program Period 2014-2020 Start date: 01.09.2020 End date: 31.01.2025 |
| Budget | <ul style="list-style-type: none"> 9 274 578.02 BGN |
| Target group | <ul style="list-style-type: none"> People from vulnerable groups, Roma population |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> Discrimination, Segregation <p>Articles violated: Article 21 (Non-discrimination); Article 34 (Right to Housing).</p> <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>This project is an example for the potential for EU-funded projects to unintentionally exacerbate segregation. In this particular case, the new social housing development is situated between a pre-existing segregated Roma settlement and an industrial zone, suggesting that the construction of this building may have involved the demolition of informal Roma housing. Furthermore, there is a notable lack of adequate infrastructure surrounding the building and, at the time of this report, it remains unoccupied.</p> <p>The placement of the new social housing development between a pre-existing segregated Roma settlement and an industrial zone raises serious concerns about the project's potential to perpetuate, rather than alleviate, existing inequalities. This spatial arrangement effectively reinforces the</p> |

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| | <p>social and physical isolation of the Roma community, limiting their access to essential services, employment opportunities, and broader social integration.</p> <p>The lack of adequate infrastructure surrounding the new housing development further undermines the residents' ability to lead a dignified life. The fact that the building remains unoccupied at the time of this report suggests that the project has not been effectively implemented, leaving vulnerable groups without access to the housing and services they desperately need.</p> <p>These actions, taken together, demonstrate a failure to uphold the fundamental rights of the Roma community, perpetuating a cycle of poverty, marginalization, and discrimination. The project, rather than promoting social inclusion and equality, inadvertently reinforces existing patterns of segregation and violates the rights to non-discrimination, housing, and a dignified life.</p> |
| Objective | The project aim is to build social houses in Plovdiv, Vladaya str 6. |
| Locality | <ul style="list-style-type: none"> • Municipality of Plovdiv |





The pictures are taken in December 2024.

The picture is taken in the dark hours and it is obvious it is empty and there is nothing around. The terrible condition of the road is also quite visible.

Example 8

Name of the project: Project - BG05M2OP001-3.001-0081: Ready for Success.

Number from the Information system for management and monitoring of the findings from EU 2020 - BG05M2OP001-3.001-0081-C02. Information available at:

<https://2020.eufunds.bg/bg/7/0/Project/BasicData?contractId=Squ22%2B2w8qtC3ZSlkkCdYw%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> • Operative Programme "Science and Education for Intellectual Growth" 2014-2020 • "Ready for Success" |
| Beneficiary | <ul style="list-style-type: none"> • Municipality of Bratya Daskalovi |

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| Year of implementation | <ul style="list-style-type: none"> • Program period 2014-2020 • Started date: 27.07.2016 • End date: 15.06.2018 |
| Budget | <ul style="list-style-type: none"> • BGN 172 868.70 |
| Target group | <ul style="list-style-type: none"> • Roma children |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Articles Violated: Article 21 (non -discrimination; Article 14 (right to education). <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The Municipality of Bratya Daskalovi is a small Municipality, close to one of the biggest cities in Bulgaria- Plovdiv. In this Municipality the Roma community is not equally distributed. The municipality is impoverished; the average annual income per capita is a mere BGN 8,738 (approximately €4,369).⁹ The municipality's action plan for implementing the regional strategy for Roma integration¹⁰ is fully segregated, along with one segregated kindergarten. This is reflecting on the population in the Municipality: There are villages without even one Roma family and villages where Roma families are high majority. There are schools in this Municipality, which are clearly segregated, as most of the children there are Roma. The project description leads to the conclusion, that the focus is on the villages and communities which are segregated. And despite the pre-school education is very important and obligatory in Bulgaria, the investment in the segregated areas leads to further segregation. Additionally to that, this project primarily focuses on behavioral correction and attitude change within minority communities, offering small or zero chance for integration. The underlying</p> |

⁹ See Integrated Development Plan of Bratya Daskalovi Municipality 2021–2027, p. 88, available at: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1532>

¹⁰ Bratya Daskalovi Action Plan for implementation of the Region Strategy for integration of the Bulgarian citizens from Roma origin, available at: https://nrcpsystem.government.bg/Legal/%D0%90%D0%A0%D0%A5%D0%98%D0%92%20%D0%A1%D0%A2%D0%A0%D0%90%D0%A2%D0%95%D0%93%D0%98%D0%AF%202012-2020/24_%D0%A1%D1%82%D0%B0%D1%80%D0%B0%20%D0%97%D0%B0%D0%B3%D0%BE%D1%80%D0%B0/%D0%91%D1%80%D0%B0%D1%82%D1%8F%20%D0%94%D0%B0%D1%81%D0%BA%D0%B0%D0%BB%D0%BE%D0%B2%D0%B8_%D0%9F%D0%BB%D0%B0%D0%BD%202017-2020.pdf

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| | <p>assumption—that successful pre-school education equates to equal opportunity—is flawed. This approach not only fails to address broader issues of poverty and spatial segregation but also neglects the deeper, systemic factors contributing to educational disparities. Critically, the excerpt from the municipality's development plan reveals a tendency to blame the minority community, showcasing discriminatory attitudes rather than exploring underlying systemic problems. The plan's explanation for school dropout rates, while mentioning economic factors and migration, disproportionately focuses on “cultural practices” within the Roma community, with negative tone. This focus on the segregate communities, investment without providing real opportunity for DE-segregation, even in this first stage of the education process, leads to violations of the above cited rights.</p> <p>This project is an illustration of the paradox in the education system in Bulgaria: While the Science and Education for Intelligent Growth Programme (2014–2020)¹¹ and its priority axes suggest substantial efforts towards educational integration, dozens of fully segregated schools and those at high risk of segregation persist. Including in the area of this Municipality. The statistic data, presented by FRA in the report issued in 2022, between 2016 and 2021 the number of the Roma children in the segregated schools increased from 58 to 65 %.¹² (see the picture below).</p> <p>The project reveals violation of the fundamental rights as follows: Right to Non-Discrimination (Article 21 of the Charter of Fundamental Rights of the EU): By focusing primarily on behavioral correction and attitude change within minority communities, the projects imply that the problem lies within the Roma community itself, rather than addressing the systemic factors contributing to educational disparities. The segregation is a form of discrimination. Right to Education (Article 14 of the Charter of Fundamental Rights of the EU): The projects fail to address broader issues of poverty and spatial segregation, which significantly limit Roma children's access to quality education. The measures are temporary and in a long term the segregation in the education leads to low quality of the education which dooms the children to the circle of poverty and exclusion from the labour market and opportunities.</p> |
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¹¹ Integrated Development Plan of Bratya Daskalovi Municipality 2021–2027, available at: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1532>

¹² FRA, Roma in 10 European countries. Main results - ROMA SURVEY 2021, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf

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| | <p>FIGURE 15: CHILDREN AGED 6-15 WHO ATTEND SCHOOLS WHERE ALL OR MOST PUPILS ARE ROMA, ACCORDING TO RESPONDENTS (%)^{a,c}</p> <p>Sources: FRA, Roma Survey 2021; EU-MIDIS II 2016; Bulgaria: BNSI/FRA 2020; Slovakia: EU-SILC MRK 2020</p> <p>4.4. DISCRIMINATION IN EDUCATION</p> <p>Notes: ^a Out of all children aged 6-15 ^c (Rokovia: 6-14) in Roma hrucceholic</p> | |
| Objective | <p>The project aims to address the integration of ethnic minority preschoolers into the education system, especially in small settlements. It tackles isolation, prevents early dropout, and reduces future labor market exclusion. The project includes activities such as assessing children's attitudes, identifying contributing factors, and understanding parental expectations; establishing interest-based groups in kindergartens; providing supplementary Bulgarian language classes; and organizing extracurricular activities to enhance engagement.</p> | |
| Locality | <ul style="list-style-type: none"> Bulgaria, Municipality of Bratya Daskalovi | |

Example 9

Name of the project: Project - BG05M90P001-2.018-0013-2014BG05M20P001: COMPASS - Integrated Measures for Social Inclusion in Tundzha Municipality

Number from the Information system for management and monitoring of the findings from EU 2020 - BG05M90P001-2.018-0013-2014BG05M20P001-C02 Information available at:

<https://2020.eufunds.bg/bg/7/0/Project/BasicData?contractId=ZlJUX2vz8n%2FwWbls4Q1GFQ%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme "Science and Education for Intellectual Growth", 2014-2020 |
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| | COMPASS - Integrated Measures for Social Inclusion in Tundzha Municipality |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Tundzha, Yambol Region |
| Year of implementation | <ul style="list-style-type: none"> Program period 2014-2020 Started date: 06.03.2019 End date: 18.08.2022 |
| <ul style="list-style-type: none"> Budget | <ul style="list-style-type: none"> BGN 340 632.06 |
| Target group | <ul style="list-style-type: none"> Roma children |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> Articles violated: Article 21 (non -discrimination; Article 14 (right to education); Article 23 (Gender equality) <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>Tundzha Municipality is a Municipality close to Yambol, a city in South Bulgaria. The area is quite poor and the infrastructure is not very good.</p> <p>The project targets segregated areas and schools. While the project included educational mediators (10 in total) and various activities aimed at fostering children's interests, it ultimately failed to address the root problem of educational segregation. Although employing educational mediators is a valuable practice with demonstrable positive outcomes, their impact is limited. Interviews revealed that these mediators operate at the limits of their capacity, facing low wages and high turnover. They are tasked with mediating and supporting stakeholders within a system where responsiveness from authorities is often lacking. Their success is inherently constrained by the limitations within which they must operate. This highlights a wider issue: the inadequacy of superficial interventions that fail to address systemic inequalities and the deeper societal factors that contribute to educational segregation. A more profound and holistic approach is needed to truly foster inclusive and equitable education for all. This particular project, additionally to described above, ensure some support in the segregated schools for a limited period of time. This means, that even some small progress occurs during the project, the quality of</p> |

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| | <p>education would constantly suffer because of the segregated characteristic of the schools and the temporary, not sustainable measures.</p> <ul style="list-style-type: none"> As it is investment in segregated schools, the reveals violation of the fundamental rights as follows: Right to Non-Discrimination (Article 21 of the Charter of Fundamental Rights of the EU): By focusing primarily on behavioral correction and attitude change within minority communities, the projects imply that the problem lies within the Roma community itself, rather than addressing the systemic factors contributing to educational disparities. The segregation is a form of discrimination. Right to Education (Article 14 of the Charter of Fundamental Rights of the EU): The projects fail to address broader issues of poverty and spatial segregation, which significantly limit Roma children's access to quality education. The measures are temporary and in a long term the segregation in the education leads to low quality of the education which dooms the children to the circle of poverty and exclusion from the labour market and opportunities. There is a serious issue with gender equality as well Article 23 (Gender equality). It is a well-documented fact that girls of Roma origin receive fewer opportunities to access education than boys. It is well documented that, statistically speaking, they drop out of the education system much earlier. The situation of Roma girls highlights the intersectional nature of discrimination. While there are general issues with segregated schools and low-quality education, Roma girls face specific challenges that further limit their educational opportunities: Gender-specific barriers, like patriarchal norms, prioritizing domestic roles of the women, coupled with a lack of safe transportation and sanitation, contribute to high early school dropout rates for Roma girls. Next is the employment discrimination: Even educated Roma women face double marginalization (ethnicity and gender) in the labour market, diminishing the incentive to pursue further education. Structural poverty is also a serious reason: Economic hardship often prioritizes boys' education, viewing them as future income providers. A lack of gender-sensitive policies, including insufficient protection from gender-based violence, all compound existing inequalities. <p>In essence, while EU-funded education projects aim to improve quality of life and social inclusion, the needs of Roma girls are frequently overlooked. The existing strategies often fail to address the root causes of segregation and gendered inequalities within the education system.</p> <p>From more general point of view, the same conclusions described in the previous example are valid: despite of the EU funding in education and the</p> |
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| | stated aim that the funding should address the segregation, the statistic data show opposite tendency: despite of the funding, the segregation is increasing constantly. |
| Objective | The project covers all 44 rural settlements in Tunja municipality, it focuses on areas with concentrated Roma populations and marginalized groups, including villages like Kabile, Dragevo, Zavovoy, and Hadji Dimitrovo. The project description includes the statement, that it will provide “key interventions include improving access to employment, education, health, and social services.” It is also focused on the education of the Roma children. |
| Locality | <ul style="list-style-type: none"> Municipality of Tundzha, Yambol Region |

Example 10

Name of the project: Project - BG16RFOP001-5.001-0049: New Opportunity for Children and Youth in Vratsa Municipality - Project 2, implemented by the Municipality of Vratsa.

Number from the Information system for management and monitoring of the findings from EU 2020 -BG05M9OP001-2.019-0016-C04). Information available at:

<https://2020.eufunds.bg/bg/0/0/Project/BasicData?contractId=UqNcE8aVdioJU4%2BgLSEOsA%3D%3D&isHistoric=False>

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| Type of EU fund | <ul style="list-style-type: none"> Operative Programme “Human resources”. 2014-2020 "Continuing Support for Deinstitutionalization of Children and Youth" - STAGE 2 - Provision of Social and Integrated Health and Social Services for Children and Families" |
| Beneficiary | <ul style="list-style-type: none"> Municipality of Vratsa |
| Year of implementation | <ul style="list-style-type: none"> Program period 2014-2020 Started date: 11.05.2020 End date: 18.01.2024 |
| Budget | <ul style="list-style-type: none"> BGN 2 019 298.20 |

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| Target group | <ul style="list-style-type: none"> Children with and without disabilities (Roma children are not specifically pointed, but there is enough information that the Roma children are over represented in such services) |
| Scope of fundamental rights violation | <p>Articles violated: Article 1 (Human dignity); Article 3 (Prohibition of torture); Article 21 (non -discrimination); Article 23 (Gender equality).</p> <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>This project aims to ensure the payment of the personnel in a group homes and social services in Vratsa. The project is in our list and especially in the section related to Roma segregation and discrimination, to illustrate the link between EU funding and placement of Roma children in institutions.</p> <p>Despite the lack of official data, estimates from professionals working in the field suggest a significant over representation of Romani children in the Bulgarian childcare system. While Roma account for just over 10% of the population, estimates indicate that they comprise between 30% and 85% of children in institutional care, depending on the region. This disparity highlights the urgent need for accurate data collection and targeted interventions to address the systemic factors contributing to this overrepresentation.¹³</p> <p>The reason to add this project in the list is the information we obtained for a case of systemic sexual abuse against Roma children, placed in institutional care in a residential service in Vratsa Municipality - one of these funded by the described project.¹⁴ Although the abuse occurred outside the institution and the case reached court, it highlights the critical failure of institutional "protection" for Roma children. Projects supporting such systems violate fundamental children's rights.</p> <p>This pattern of over representation and mistreatment reveals a series of fundamental rights violations: Violation of the Right to Non-Discrimination: The disproportionate number of Roma children in institutional care, regardless of disability, points to systemic discrimination and prejudice against the Roma community.</p> |

¹³ European Roma Rights Center, Blighted Lives: Romani Children in State Care, 02 February 2021, available at: <https://www.errc.org/reports--submissions/blighted-lives-romani-children-in-state-care> both in Bulgarian and English.

¹⁴ See Decision issued on 24.10.2017, case 1179/2016, District Court Vratsa, available at: <https://dela.bg/Acts/0ad3fc81-d3f2-4a1a-a460-422cf0c94dd6>

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| | <p>Violation of the Right to Family Life and Care: The placement of Roma children in institutions, often due to poverty or social marginalization, deprives them of their right to family life and care.</p> <p>Even when placed in care as a protective measure, Roma children may face additional risks of violence, neglect, and exploitation within the institutions themselves. In this particular project, even the social system pretends the placement in residential care is necessary to protect the children from violence, it became clear the failure of the system to protect children. The presented decision reveals systematic sexual violence and no proper intervention from the personnel (paid from the EU funds through this particular project). The severe sexual violence and the failure of the authorities to protect the girls is definitely violation of the articles 1 and 4 (Human dignity and prohibition of torture), As the girls are suffering more often from gender based violence, the art. 23 is also applicable there. The social services (including funded by this project) are not prepared to provide specific support to the victims of gender based violence.</p> |
| Objective | <ul style="list-style-type: none"> Preparation and conduct of public procurement, selection and recruitment of staff, activities on relocation of children and youth from the target group and their placement in the newly opened services, training and supervision of staff, provision of social services "Family type accommodation centre for children", "Transitional housing for children aged 15-18 years", "Supervised housing for young people aged 18-21 years". "Day support centre for children and/or young people with severe multiple disabilities". |
| Locality | <ul style="list-style-type: none"> Bulgaria, Municipality of Vratsa |

Example 11

Name and number of the project: Project BG65ISNP001-2.005-0001 "Procurement of new patrol and specialized vehicles with standard and enhanced off-road capabilities."

Number from the Information system for management and monitoring of the findings from EU 2020 - BG65ISNP001-2.005-0001-C05.

Information is available at:
<https://2020.eufunds.bg/bg/8010437/0/Project/BasicData?contractId=a6%2B30qM3B1xnEG%2Fky7esJA%3D%3D&isHistoric=False>

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| Type of EU fund | <p>Internal Security Fund</p> <p>Procedure № BG65ISNP001-2.005 1, Enhancing border control efficiency through the provision of equipment for border control at external borders,</p> |
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| | including new patrol and specialized vehicles with standard and increased off-road capabilities |
| Beneficiary | <ul style="list-style-type: none"> ● <u>Main Directorate "Border Police</u> |
| Year of implementation | <ul style="list-style-type: none"> ● Program Period 2014-2020 ● Start date: 13.5.09.2015 ● End date: 25.10.2023 |
| <ul style="list-style-type: none"> ● Budget | <ul style="list-style-type: none"> ● BGN 10 949 571.22 |
| Target group | <ul style="list-style-type: none"> ● Border control |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> ● Articles violated: Article 1 (Human Dignity); Article 4 (Prohibition of the torture; Article 18 (Right to Asylum); Article 21 (non-discrimination). <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>The described project contributes significantly to the push-back practices on the border. A 2021 Asylum Information Database (AIDA) report¹⁵ highlighted systemic flaws in Bulgaria's border management, identifying an inadequacy in preventing irregular entries and providing safe legal channels for asylum seekers. The report documented widespread pushback practices, with 2,513 alleged incidents affecting 44,988 individuals. The situation worsened in 2023. The national border surveillance mechanism reported a substantial increase in alleged pushbacks, with 9,897 incidents affecting 174,588 individuals.¹⁶ This significant rise, coupled with a concurrent increase in asylum applications, underscores the failure of current border management to provide adequate protection for those seeking asylum in Bulgaria. The</p> |

¹⁵ Bulgarian Helsinki Committee, Iliana Savova, Asylum Information Database (AIDA) report, available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf. Resume in Bulgarian is available at: https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update_summary.pdf See also Catelli, Chiara. "Beyond Walls and Fences: EU funding used for a complex and digitalized border surveillance system." PICUM & ECRE, June 2024, available at: https://picum.org/wp-content/uploads/2024/07/Beyond-walls-and-fences_EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system_EN.pdf

¹⁶ Bulgarian Helsinki Committee, Annual Report for 2023, available at: https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg_issn-2367-6922.pdf

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| | <p>overwhelming majority of migrants subjected to pushbacks were unable to access the asylum procedure or receive accommodation at SAR centers, instead being housed in temporary facilities run by the Ministry of the Interior.¹⁷ The BVMN report provides crucial context, detailing the systematic nature of pushbacks, the use of excessive force by border authorities, and the severe consequences experienced by POM.¹⁸ The BVMN report¹⁹ includes numerous testimonies corroborating reports of police violence and human rights violations along the Bulgarian-Turkish border. These reports often include accounts of beatings, theft, and other forms of mistreatment. A Deutsche Welle provided information,²⁰ citing a BIRN investigation, further amplifies these concerns, highlighting the EU's failure to adequately address this issue.²¹ This particular project aims to enhance border control and security while facilitating legal border crossings. However, its implementation raises serious concerns regarding its compatibility with fundamental human rights, particularly in light of documented pushback practices and inadequate reception conditions. The project focused on the delivery of various vehicles: standard patrol cars, high-mobility patrol cars, and specialized vehicles for transporting service dogs.²²</p> <p>The project's focus on increasing the number of patrol vehicles, especially those with high mobility, may have indirectly facilitated pushback</p> |
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¹⁷ Bulgarian Helsinki Committee for 2023, available at: https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg_issn-2367-6922.pdf

¹⁸ Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>

¹⁹ Ibid.

²⁰ "How the EU refuse to see the violence at the Bulgarian border" 26.02.2024. available at: <https://www.dw.com/bg/kak-es-si-zatvara-ocite-zanasilieto-po-blgarskata-granica/a-68371147> (Bulgarian) and in English, here: <https://balkaninsight.com/2024/02/26/schengen-in-sights-eu-and-frontex-overlook-violent-bulgarian-pushbacks/>

²¹ Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf> See also: Bulgaria migrant pushbacks: What's behind the rise in violence at the Bulgarian-Turkish border?, at: <https://www.infomigrants.net/en/post/51197/bulgaria-migrant-pushbacks-whats-behind-the-rise-in-violence-at-the-bulgarianturkish-border-14>

²² Information about the activities under the project are available at: <https://2020.eufunds.bg/bg/8010437/0/Project/Activities?contractId=a6%2B30qM3B1xnEG%2Fky7esJA%3D%3D&isHistoric=False>

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| | <p>operations.²³ Providing border guards with more vehicles allows for increased patrols, potentially enabling quicker responses to irregular border crossings. However, this increased capacity has not correlated with a decrease in pushbacks or human rights violations; in fact, reports indicate an increase in the frequency and severity of pushbacks since 2013, often involving violence, theft, and illegal returns.²⁴ The availability of more patrol vehicles, therefore, could have enabled more efficient and widespread implementation of pushback tactics. Further, the project's emphasis on acquiring specialized vehicles for transporting service dogs raises concerns about the potential use of these dogs in violent encounters with migrants.²⁵ There are reports of dogs being used aggressively during pushbacks. The project's justification of these vehicles for "specific security activities" near airports raises the question of whether this increased capacity for dog deployment was used to support potentially unlawful practices such as arbitrary detentions or intimidation.</p> <p>The practices and problems described in the text violate several key provisions of the EU Charter of Fundamental Rights and other international human rights instruments. Specifically: Article 1 (Human dignity): Inhumane and degrading treatment is evident in the violence, theft, illegal returns, and denial of basic necessities experienced by those subjected to pushbacks. These actions undermine the fundamental principle of human dignity. Article 4 (Prohibition of torture): The combination of violence, theft, illegal returns, and inadequate conditions (if any detention occurs) during pushbacks may constitute torture or inhuman and degrading treatment, depending on the specific circumstances. Article 18 could arguably apply indirectly if the pushbacks lead to violations of the 1951 Geneva Convention (e.g., if those subjected to pushbacks are denied the opportunity to seek asylum or if their asylum applications are rejected). Article 21 (Non-discrimination): Certain groups (e.g., women, children, specific ethnic or religious groups) may be disproportionately targeted for pushbacks, violating the principle of non-discrimination.</p> |
| Objective | <ul style="list-style-type: none"> • Delivery of standard patrol vehicles. |

²³ See in this direction, for example, the violations described here: Barker, H., Ambri, A., August, C., Karamanidou, L., & F., P. (2024, October 23). "Surveillance Technologies at European Borders: Assessment of Bulgaria". Border Violence Monitoring Network, available at: <https://borderviolence.eu/app/uploads/BULGARIA-Surveillance-tech.pdf>. Consider also the information from previous parts of this section.

²⁴ The information in this direction is available in the chapter VII. of the Report.

²⁵ Like the death of the teenagers, described in chapter VII. of the Report.

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| | <ul style="list-style-type: none"> • Delivery of high-mobility patrol vehicles. • Delivery of specialized vehicles for transporting service dogs (standard mobility). • Delivery of specialized vehicles for transporting service dogs (high mobility). • Delivery of 16-seater buses. • Delivery of 50-seater buses. • Delivery and warranty service of high-mobility patrol vehicles. |
| Locality | <ul style="list-style-type: none"> • Bulgaria |

Example 12

Name and number of the project: Project BG65AMPR001-1.001-0004 - "Provision of funds to improve the accommodation and security conditions in the "Special Home for Temporary Accommodation of Foreigners - Sofia"

Number from the Information system for management and monitoring of the findings from EU 2020 - BG65AMPR001-1.001-0004-C01. Information is available at:

<https://2020.eufunds.bg/bg/8010814/0/Project/BasicData?contractId=78jymjqj2mH6To0RiVH1dg%3D%3D&isHistoric=False>

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| Type of EU fund | Asylum, Migration and Integration Fund (AMIF) BG65AMPR001-1.001 Procedure № 1, Specific Objective 1 "Common European Asylum System" and Specific Objective 3 "Return" |
| Beneficiary | Migration Directorate - Ministry of Interior |
| Year of implementation | <ul style="list-style-type: none"> • Program Period 2021-2027 • Start date: 5.09.2023 • End date: 05.04.2026 |
| Budget | <ul style="list-style-type: none"> • BGN 5 867 400.00 |
| Target group | <ul style="list-style-type: none"> • Refugees |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Articles violated: Article 1 (Human Dignity); Article 7 (Private and Family Life); Article 21 (non-discrimination); Article 24 (Rights of the child) |

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| | <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>This project is in our list of examples, because despite of the EU funding allocated to improve conditions in State Agency for Refugees (SAR) reception centers, the conditions are worsening during the project period. Reports from NGOs²⁶ and the Ombudsman's National Preventive Mechanism (NPM)²⁷ reveal that conditions in many centers remain far below minimum standards, characterized by inadequate infrastructure, hygiene, and psychological support. This leads to overcrowding, increased vulnerability to exploitation, and inhuman and degrading treatment. The lack of appropriate facilities for unaccompanied children is particularly concerning. The project focus on material resources rather than the systemic challenges driving the inadequate conditions. The ongoing lack of progress in resolving these systemic issues, despite prior funding and recommendations, necessitates a comprehensive reevaluation of the effectiveness and implementation of EU-funded projects in the context of ensuring dignified and safe reception conditions. The deplorable circumstances within these centers directly infringe upon several key provisions of the EU Charter: Article 1 (Dignity): The documented conditions – overcrowding, poor sanitation, lack of adequate medical care, potential exposure to violence and exploitation – constitute inhuman and degrading treatment, directly undermining the fundamental principle of human dignity. Article 4 (Freedom from torture): The combination of overcrowding, unsanitary conditions, and the potential for violence and exploitation within the centers, particularly concerning unaccompanied minors, clearly constitutes inhuman and degrading treatment that may rise to the level of torture under certain circumstances. Article 7 (Private and family life): The lack of privacy and adequate accommodations, potentially including the separation of families, significantly infringes upon the right to respect for private and family life. Article 21 (Non-discrimination): Some specific groups</p> |
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²⁶ Bulgarian Helsinki Committee Annual Report for 2023, available at: https://www.bghelsinki.org/web/files/reports/184/files/BHC-Human-Rights-in-Bulgaria-in-2023-bg_issn-2367-6922.pdf

²⁷ Ombudsman's National Preventive Mechanism Report This report from 2023 details findings from inspections of various facilities related to refugee reception and detention, highlighting deficiencies in conditions. The report is available at: https://www.ombudsman.bg/storage/pub/files/20231011150407_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%20%D0%BF%D1%80%D0%BE%D0%B2%D0%B5%D1%80%D0%BA%D0%B0%20%D0%B1%D0%B5%D0%B6%D0%B0%D0%BD%D1%86%D0%B8%20-%202023.pdf

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| | (unaccompanied minors, women) experience disproportionately worse conditions than others, this would represent a clear breach of the principle of non-discrimination. Article 24 (Right of the child) - the described conditions are not in the best interest of the children. Lack of proper solutions for unaccompanied children also violates this article. |
| Objective | Renovation works and security in the SAR facilities. |
| Locality | <ul style="list-style-type: none"> • Sofia |

Example 13

Name and number of the project: Project BG65AMNP001-1.001-0001 - "Improvement of infrastructure and living conditions in the territorial units of the State Agency for Refugees under the Council of Ministers"

Number from the Information system for management and monitoring of the findings from EU 2020 - BG65AMNP001-1.001-0001-C07. Information is available at:

<https://2020.eufunds.bg/bg/8010436/0/Project/BasicData?contractId=28m7ZLJlu63IT2obheXIWA%3D%3D&isHistoric=False>

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| Type of EU fund | Asylum, Migration and Integration Fund (AMIF) Improvement of infrastructure, living conditions and available capacity for accommodation of third country asylum seekers", BG/AMIF-S01-NO1-A1 |
| <ul style="list-style-type: none"> • Beneficiary | <ul style="list-style-type: none"> • State Agency for Refugees under the Council of Ministers |
| Year of implementation | <ul style="list-style-type: none"> • Program Period 2014-2020 • Start date: 13.10.2015 • End date: 13.10.2019 |
| Budget | <ul style="list-style-type: none"> • BGN 825 347.60 |
| Target group | <ul style="list-style-type: none"> • Refugees |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Articles violated: Article 1 (Human Dignity); Article 7 (Private and Family Life); Article 21 (non-discrimination); Article 24 (Rights of the child) • |

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| | <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>This project is in our list of examples, because despite of the EU funding allocated to improve conditions in State Agency for Refugees (SAR) reception centers, the conditions are worsening during the project period. The same reports cited in the previous example are relevant here. In the centers, where the funding was allocated also have the same as described above conditions - in many centers remain far below minimum standards, characterized by inadequate infrastructure, hygiene, and psychological support. This leads to overcrowding, increased vulnerability to exploitation, and inhuman and degrading treatment. The lack of appropriate facilities for unaccompanied children is particularly concerning. The project focus on material resources rather than the systemic challenges driving the inadequate conditions. The ongoing lack of progress in resolving these systemic issues, despite prior funding and recommendations, necessitates a comprehensive reevaluation of the effectiveness and implementation of EU-funded projects in the context of ensuring dignified and safe reception conditions. The deplorable circumstances within these centers directly infringe upon several key provisions of the EU Charter: Article 1 (Dignity): The documented conditions – overcrowding, poor sanitation, lack of adequate medical care, potential exposure to violence and exploitation – constitute inhuman and degrading treatment, directly undermining the fundamental principle of human dignity. Article 4 (Freedom from torture): The combination of overcrowding, unsanitary conditions, and the potential for violence and exploitation within the centers, particularly concerning unaccompanied minors, clearly constitutes inhuman and degrading treatment that may rise to the level of torture under certain circumstances. Article 7 (Private and family life): The lack of privacy and adequate accommodations, potentially including the separation of families, significantly infringes upon the right to respect for private and family life. Article 21 (Non-discrimination): Some specific groups (unaccompanied minors, women) experience disproportionately worse conditions than others, this would represent a clear breach of the principle of non-discrimination. Article 24 (Right of the child) - the described conditions are not in the best interest of the children. Lack of proper solutions for unaccompanied children also violates this article.</p> |
| Objective | Demolition of old, unsafe and unfit buildings, repair works, construction of a sports ground, construction of a playground in one of the centres, other repair works. |

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| Locality | <ul style="list-style-type: none"> • Bulgaria |
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Example 14

Name and number of the project: Project BG65AMNP001-5.001-0001"Transfer and resettlement"

Number from the Information system for management and monitoring of the findings from EU 2020 - BG65AMNP001-5.001-0001-C01. Information is available at:

<https://2020.eufunds.bg/bg/8010436/0/Project/BasicData?contractId=njkjGkzjDwdxloSlg3s%2F%2BQ%3D%3D&isHistoric=False>

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| Type of EU fund | Asylum, Migration and Integration Fund (AMIF) 2017-2020 BG65AMNP001-5.001 Transfer and Resettlement. |
| <ul style="list-style-type: none"> • Beneficiary | <ul style="list-style-type: none"> • State Agency for Refugees under the Council of Ministers |
| Year of implementation | <ul style="list-style-type: none"> • Program Period 2014-2020 • Start date: 28.08.2017 • End date: 25.03.2018 |
| Budget | <ul style="list-style-type: none"> • BGN 3 819 677.40 • BGN 176 022.00 paid |
| Target group | <ul style="list-style-type: none"> • Refugees, potentially affected unaccompanied children |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> • Articles violated: Article 24 (Right of the child); Article 21 (Non-discrimination); Article 7 (Respect to Private and Family Life) <p>Comments about the link between the project described and the fundamental rights violated:</p> <p>This project is in our list, as an illustration for the lack of transparency, together with other violations. Information about the activities under this procedure are unavailable from publicly accessible sources.²⁸ The example from the 2017-2018 phase of this program, selected for its limited publicly available data, illustrates this lack of transparency. In any case, the project is related to movement of children and adults from one to another place.</p> |

²⁸ The page dedicated to the activities on the project says only "Transfer and Resettlement". It is available at:

<https://2020.eufunds.bg/bg/8010436/0/Project/Activities?contractId=njkjGkzjDwdxloSlg3s%2F%2BQ%3D%3D&isHistoric=False>

One of the places children can be moved are the so called "safe zones" in Sofia reception centers. As in many other cases behind the positive idea, exist unsolved problems. Although these zones provide better conditions than other areas, their limited capacity has resulted in many unaccompanied children being housed in mixed settings without adequate support or safety, even in the largest center in Harmanli. This further perpetuates the systemic failures in ensuring that unaccompanied children are provided with appropriate care, particularly when considering that the number of unaccompanied children seeking protection in Bulgaria continues to rise.²⁹ The lack of a national strategy for children adds to these issues. Additionally, efforts to integrate children into the educational system and support them in learning Bulgarian remain inadequate. **It seems, the cited program just transfers the children without clear vision about how to ensure their rights will be properly protected.**

The described above practices and project highlights several violations of the EU Charter of Fundamental Rights, particularly concerning the rights of the child. While some violations, such as those related to pushbacks and inadequate reception conditions, have been addressed previously, the following are specific to the situation of unaccompanied children within this context:

Article 24 (Rights of the child): There are multiple violations of this crucial article. The lack of translators preventing communication with children indicates a failure to ensure the child's right to be heard (Article 12 of the CRC is also relevant here). The insufficient training of staff to care for children from diverse trauma backgrounds shows a failure to meet the child's best interests. The limited capacity of the "safe zones" which leads to overcrowding and placement of children in mixed settings, without adequate support or safety, are further violations of the child's right to protection from harm and neglect. The absence of a national strategy for children further exacerbates these issues. Finally, the failure to effectively integrate children into the educational system and the lack of support to learn Bulgarian indicate the failure to provide opportunities for the child's development. **Article 21 (Non-discrimination):** The disproportionate impact of the insufficient resources and support on unaccompanied children, particularly those from certain nationalities or backgrounds, might violate this principle. The failure to provide appropriate care might disproportionately impact on vulnerable groups, possibly violating the principle of non-discrimination. **Article 7 (Respect for private and family life):** The separation of children from their families (as implied in the relocation process), and the lack of family reunification support, could potentially infringe on their right to family life and also contribute to the lack

²⁹ AIDA report, p. 14.

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| | of appropriate care and protection. Further, the absence of privacy and safety, particularly in overcrowded and mixed settings outside of "safe zones" in the reception centers, points to a violation of this Article. |
| Objective | No information provided. The only indicator provided is the number of the persons transferred/resettlement and this number is 1302. |
| Locality | <ul style="list-style-type: none"> Bulgaria |

Example 15

Name and number of the project: Project BG65AMNP001-3.002-0001 "Implementation of coercive administrative measures against third-country nationals and provision of translation"

Number from the Information system for management and monitoring of the findings from EU 2020 - BG65AMNP001-3.002-0001-C07. Information is available at:

<https://2020.eufunds.bg/bg/8010436/0/Project/BasicData?contractId=aCofrj%2B%2FfSihEe1Tr79vHA%3D%3D&isHistoric=False>

| | |
|---|--|
| Type of EU fund | Asylum, Migration and Integration Fund (AMIF) 2017-2020 BG65AMNP001-3.002 , "Implementation of coercive administrative measures against third-country nationals and provision of translation" |
| <ul style="list-style-type: none"> Beneficiary | <ul style="list-style-type: none"> Migration Directorate, Ministry of Interior Affairs |
| Year of implementation | <ul style="list-style-type: none"> Program Period 2014-2020 Start date: 14.10.2015 End date: 31.01.2020 |
| Budget | <ul style="list-style-type: none"> BGN 1 894 517.00 |
| Target group | <ul style="list-style-type: none"> Refugees, potentially affected unaccompanied children |
| Scope of fundamental rights violation | <ul style="list-style-type: none"> Articles violated: Article 1 (Human dignity); Article 3 and 4 (Prohibition of the torture); Article 24 (Right of the child); Article 21 (Non-discrimination); Article 7 (Respect to Private and Family Life). <p>Comments about the link between the project described and the fundamental rights violated:</p> |

| | |
|--|--|
| | <p>Bulgaria faces a serious problem with the return and forced expulsion ("repulsion") of third-country nationals, practices recently criticized by Statewatch.³⁰ Analysis of publicly available AMIF (Asylum, Migration and Integration Fund) data from the 2014-2020 programming period suggests that some of these practices may have been facilitated by projects such as the described one. This project's description on the AMIF website is extremely limited, stating only that it aimed to support "effective management of return procedures...in accordance with common standards and specifically the requirements of Directive 2008/115/EC".³¹ This lack of detail hinders understanding of its role in potential human rights violations. The very absence of detailed information on AMIF projects represents a fundamental flaw in project management. Given the limited information and the authorities' unwillingness to engage with researchers, we can conclude that the project contributed to human rights violations through arbitrary returns.</p> <p>Problems with returns persist, as evidenced by publicly available data. The "Return" priority axis is again featured in the current programming period, with significantly increased funding. However, available information on how funds are spent lacks evidence of progress in upholding fundamental human rights. While a program implementation Guidelines mandates compliance with the EU Charter of Fundamental Rights, the mechanisms for ensuring and enforcing this compliance remain unclear.³²</p> <p>The analyzed example describes practices related to the return and expulsion of third-country nationals in Bulgaria that violate several articles of the EU Charter of Fundamental Rights. Some of them are covered in the previous parts, so we will focus our attention on the most important and relevant: Article 1 (Human dignity): The lack of transparency surrounding the AMIF project, coupled with evidence of arbitrary returns and the unwillingness of authorities to engage with researchers, indicates a disregard for the fundamental principle of human dignity. The Statewatch report further highlights this point by documenting the abusive nature of pushback practices.; Article 4 (Prohibition of torture and inhuman or degrading treatment): The Statewatch report details accounts of violence, theft, and illegal returns associated with pushbacks, which may constitute</p> |
|--|--|

³⁰ Statewatch article: "Deportations: New role for Frontex as EU pushes for more "voluntary" returns", available at:

<https://www.statewatch.org/news/2025/january/deportations-new-role-for-frontex-as-eu-pushes-for-more-voluntary-returns/>

³¹ See information about the programme and the project at: <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/587aa95e-9a4a-4673-9d8c-6ced57fcf418>

³² Report on the results of the Pilot Project for fast asylum and return procedures with Bulgaria, available at: [https://home-](https://home-affairs.ec.europa.eu/system/files/2023-10/Reporting%20on%20the%20results%20of%20the%20Pilot%20Project%20for%20fast%20asylum%20and%20return%20procedures%20with%20Bulgaria_en.pdf)

[affairs.ec.europa.eu/system/files/2023-10/Reporting%20on%20the%20results%20of%20the%20Pilot%20Project%20for%20fast%20asylum%20and%20return%20procedures%20with%20Bulgaria_en.pdf](https://home-affairs.ec.europa.eu/system/files/2023-10/Reporting%20on%20the%20results%20of%20the%20Pilot%20Project%20for%20fast%20asylum%20and%20return%20procedures%20with%20Bulgaria_en.pdf)

| | |
|-----------|--|
| | torture or inhuman or degrading treatment depending on the specific circumstances.; Article 7 (Respect for private and family life): While not explicitly detailed, the forced separation of families during pushbacks and the lack of due process are likely violations of this right.; Article 21 (Non-discrimination): Certain groups may be disproportionately targeted by pushbacks, violating the principle of non-discrimination. |
| Objective | Implementation of compulsory administrative measures for third-country nationals in Bulgaria, focusing on purchasing flight tickets, issuing visas, and providing necessary travel documents. It includes arrangements for medical insurance, financial assistance, medical examinations upon release, and treatment at the Ministry of Interior Medical Institute, as well as ensuring translation services throughout the process. |
| Locality | <ul style="list-style-type: none"> • Bulgaria |



FUNDAMENTAL RIGHTS IN EU FUNDS

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Annex 2 – Analysis of the data collected through the qualitative research

20 people have submitted questionnaires. 52% of them were Female and 48% - Male. 70% of the participants work for State authorities and 30% work in the NGO field. 99% are from North Bulgaria. Most of the organizations work on national, regional and local level. 55 % of the participants work with more than one of the relevant project groups – people with disabilities, Roma, people with migrant/refugee experience.

1. Experience in EU funds

The first question is about the kind of experience connected to EU Funds, whether it is Management of EU Funds, implementation as a primary contractor or participation as a secondary partner, monitoring committee or as a participant in external monitoring.

More than half of the participants have experience in more than one area connected to EU Funded projects – mainly as participants in partnership or main contractor. 6 participants have been part of a monitoring committee or such and 1 have participated in an external monitoring.

The area that follows is what is their involvement in reporting and responding to fundamental rights violations through EU funds in several areas.

The first area is **submitting complaints** to public authorities, such as national authorities, national Ombudsman, EU Ombudsman, EU Commission or the EU Parliament. 55% of the participants have submitted complaints and 45% haven't. 50% of the 55% are non-state representatives – they have presented complaints before the national authorities, Ombudsman, the Commission Against Discrimination, and the European Commission. The rest of the participants who have answered this question and who are all representing the State, have submitted complaints to public authorities.

The second area is **management of complaints**, whether it is by assessment, responding, etc. before the national authorities or National Ombudsman/ Commission Against Discrimination or all of the above. 50% of the participants answered that they had been involved in the management of complaints, of them 40% have managed complaints in front of both public authorities and National Ombudsman/ Commission Against Discrimination, 50% - the national authorities, and 10 – the National Ombudsman/ Commission Against Discrimination.

The third area in question is the participation in **litigation** against public authorities, on National or European level. 40% of the participants answered that they have participated in litigation against public authorities on a national level. The other 60% did not give an answer.

The participants were also asked if they were part of reports related to fundamental rights violations through EU funds. 40% answered that they were part of such, which was on a national level, 60% did not answer the question.

2. Mechanisms to prevent and tackle fundamental rights violation in EU funds

This part focuses on specific periods of time, more particularly, 2014-2020 and 2021-2027.

The participants were asked if there were/are sufficient safeguards in place to **prevent** fundamental rights violations in the 2014-2020; 2021-2027 period with regard to the following instruments:

a. **programs** – 55 % preferred this answer for both periods.

- b. **call of proposals** – 64% for the first period and 53% for the second period.
 - c. **selection criteria** – 46% for the first period and 40% for the second period.
- 35% did not answer for the first period, and 25% did not give answers for the second period.

Safeguards in place to prevent fundamental rights violations: 2021-2027

The participants were also asked if there were/are sufficient safeguards in place to **tackle fundamental rights** violations in the 2014-2020; 2021-2027 period in the following instruments:

- a. programs – 60 % preferred this answer for both periods.
 - b. call of proposals – 53% for the first period and 60% for the second period.
 - c. selection criteria – 46% for the first period and 40% for the second period.
- 25% did not answer for both periods.

The next question in hand is whether the participants **find a difference in safeguards between 2014-2020 and 2021-2027 period**. 42% of the participants find that there are stronger safeguards for the second period, 52% think that there is no difference and only 4% think that there are less safeguards.

How the respondents compare the difference in the safeguards between the two program periods (2014-2020 and 2021-2027)

The participants were asked whether they find that external stakeholders (such as NGOs, lawyers, individual experts, fundamental rights bodies) are **involved in preventing and tackling fundamental rights violations in EU funds**. Of the 70% of the participants that represent the State, 70% have answered with only 1 answer, either individual experts, NGOs, or fundamental rights bodies, the other 30% have put more options, including NGOs to the picture. The 30% of the participants who are private and non-government representatives have listed all available options as suitable to be involved in preventing and tackling fundamental right violations in EU funds.

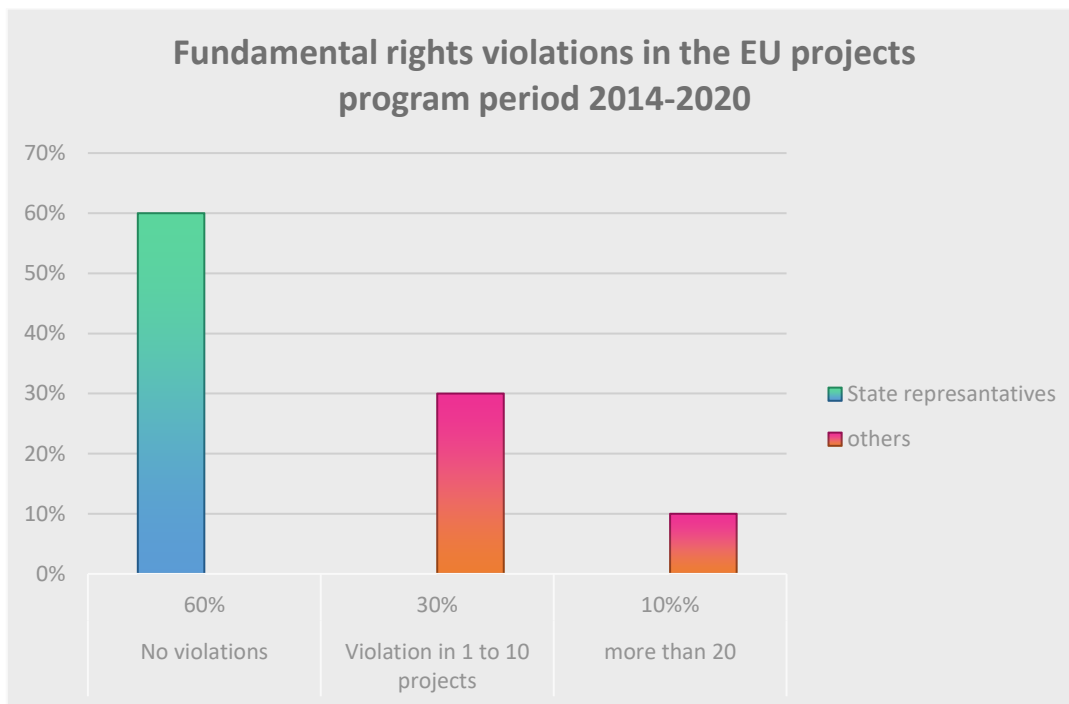
The last question in this section asks the participants if **the monitoring committees have a strong role in preventing and tackle fundamental rights violation in EU funds** in the context of 2021-2027 period. Half of the participants agree that this is the case based on the EU Fund regulations for the 2021-2027 period, 2 participants believe that the national mechanisms go even beyond the EU Fund regulations and 4 of the participants believe that either the regulations are not applied/do not work or that the EU Fund regulations do not provide the necessary safeguards.

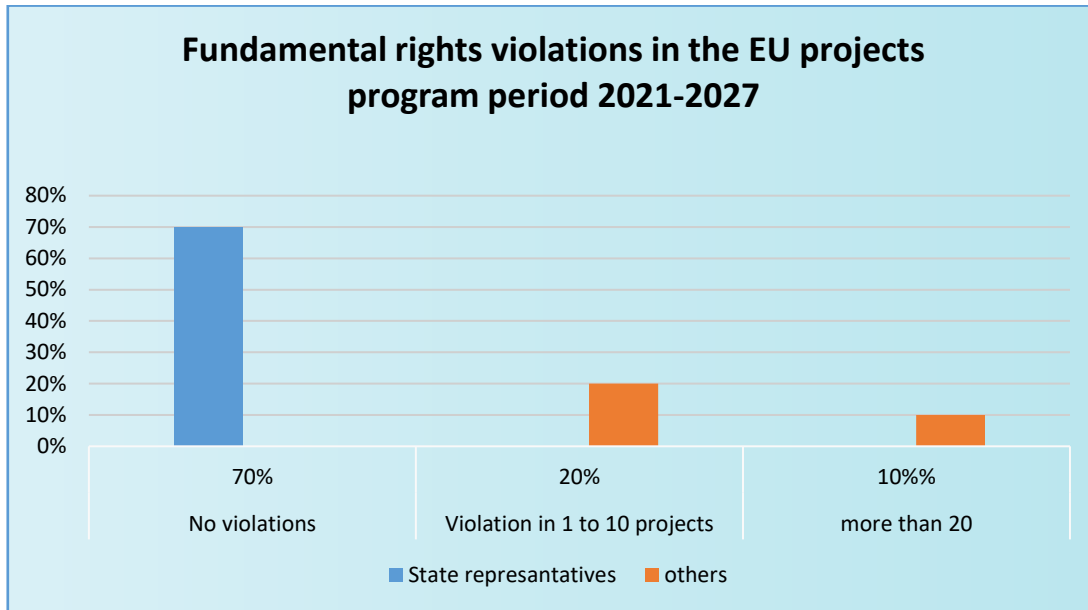
3. Scope of fundamental rights violations in EU funds

This part delves into the specific program periods (2014-2020 and 2021-2027) and projects and the violations in the different areas and target groups.

Firstly, the participants are asked if they are aware of any projects that would violate fundamental rights – the scope is between 0 and more than 20 projects.

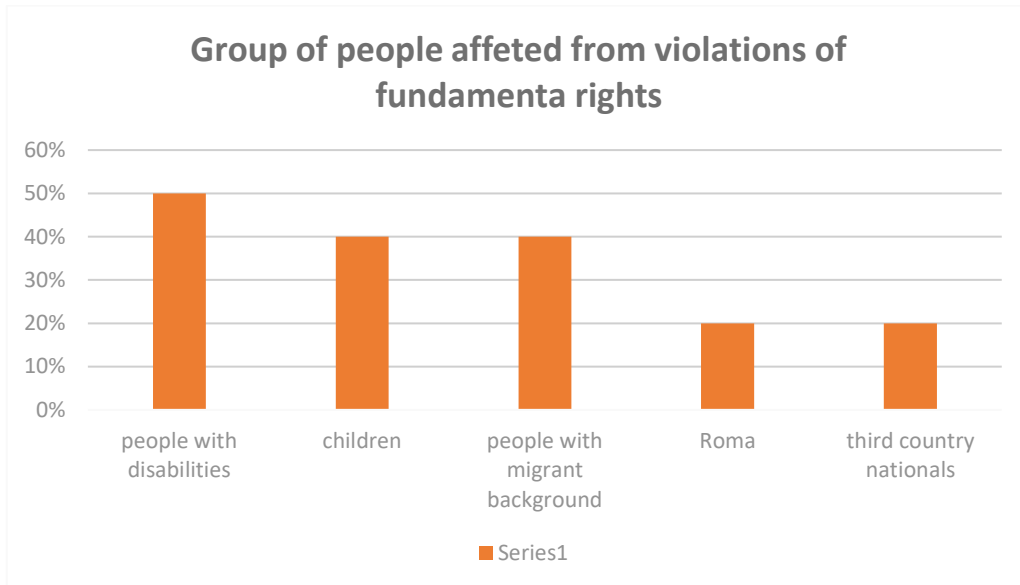
For the 2014-2020 period 76% of the participants (state representatives and few NGOs) are not aware of any such project. 14% are aware of between 1 and 10 projects that would violate fundamental rights, and 10% (freelance representatives) - more than 10 - 20 projects. Regarding the 2021-2027 period, the number is higher – 81% of the participants (again mostly state representatives and few NGOs) are not aware of any project that would violate fundamental rights, 20% - between 1 and 10 projects and again, 10% are aware of more than 10 - 20 projects (again freelance representative).





The firm resistance to the idea that the EU projects can violate the fundamental rights massively expressed by the State representatives in the question response, has its confirmation in the letters we received. In all of the letters we received by the authorities related to the refusals to participate in the research, they representatives stated, that in all project they follow the rules of law.

The next question is about **which target group would be considered most affected**. The target groups, which are included are: children, Roma, people with disabilities, people with a migrant background, third country nationals, or other (with the note to specify additionally). The participants have answered in different variations, the most common group that are outlined are first people with disabilities (58%), then children (40%), and people with migrant background (35%). After them follows the Roma (29%) and third country nationals (23%) and 23 % have answered "others" without specification what other is. Some have outlined that they do not have enough capacity or information. One common remark is that their municipality or authority is implementing EU projects but they do not violate any fundamental law.



The participants are asked which thematic area (education, housing, urban regeneration, reception of asylum seekers, employment, others) they consider to be most affected by fundamental rights violations. As in the above, the participants have chosen several areas in which they think are most affected by violations of their fundamental rights. The first three that lead the polls are urban regeneration, reception of asylum seekers and employment – all with 40%, followed by housing with 30% and education with 20%.

*Note: bearing in mind that most of the participants are State representatives, they seem to have an understanding of the problematic thematic areas and the vulnerable target groups but are unable to connect them with the projects funded by the EU.

Going more into detail, the questionnaire asks which EU fund is affected by fundamental rights violations. The choices are between the following programs: ESF+, ERDF, EAFRD, AMIF, BMVI, ISF, and RFF. The EU Fund that leads is the ERDF Fund with 70%, followed by the ESF+ Fund with 40%, the EAFRD Fund with 30% and the AMIF and BMVI Funds with 20%. The ISF and RFF Funds have received 10% each. Interestingly enough the BMVI was picked by a State representative who works in another area. This representative did not consent to follow up interview.

This part ends with a multiple-choice question of what would the participants consider the most relevant fundamental right violations in EU funds. The choices are between segregation in education, segregation in housing, institutionalization, deprivation of liberty, technology for surveillance (AI, etc.), or other. Segregation in education and institutionalization have received acknowledgement by 50% both State and non-state representatives. Segregation in housing has 40%, followed by 20% deprivation of liberty and others (not specified). Technology for surveillance (AI, etc.) was identified as one of the most relevant fundamental right violations in EU funds by 10%.

4. Future recommendations - opportunities for stronger protection of fundamental rights in EU funds

This part draws the attention to the future recommendations that the participants may have. The participants are welcomed to rate several recommendations and how much they agree with them. As follows:

Stronger legal requirements in the EU regulatory frameworks – 90% of the participants more or less agree. 10% disagree.

Stronger legal requirements in the national regulatory frameworks- 90% of the participants mostly or strongly agree. 10% disagree.

Better reporting mechanisms of fundamental rights violations in EU funds at national level – 35% disagree or partially agree and 65% mostly or strongly agree.

Better reporting mechanisms of fundamental rights violations in EU funds at EU level – 55 % disagree or partially agree and 45% mostly or strongly agree.

Closer involvements of fundamental rights bodies - 55 % disagree or partially agree and 45% mostly or strongly agree.

Closer involvements of NGOs – 35% mostly disagree, 45% partially agree and 20% strongly agree (10% State and 10% non-state representatives).

Use of available legal options to respond to complaints (suspension of payment, investigation, field visits, etc.) – 20% mostly disagree, 35% partially agree and 45% mostly or strongly agree.

The participants are asked who should take more responsibility in prevention and tackling fundamental rights violations in EU funds and to rate the rate of responsibility of each institution.

EU institutions (EU Commission, EU Parliament, etc.) – 65% strongly agree and 35% agree.

National authorities (managing authorities, ministries) – 35% strongly agree, 55% agree and 10% disagree.

Fundamental rights bodies (Ombudsman, equal treatment bodies) – 50% agree, 25% strongly agree and 25% disagree.

The next question is to rate the most powerful response to fundamental rights violations in EU funds according to the participants.

Suspension of payments (no reimbursement of expenditures) – here the percentages are equally divided between strongly, averagely and partially agree.

Litigation – 80 % strongly and averagely agree and 20% partially agree.

Modification of EU funds programmes, call for proposals - 80 % strongly and averagely agree and 20% disagree.

Exclusion of beneficiaries from EU funds operations - 90 % strongly and averagely agree and 10% disagree.

The participants are asked if they will be involved in the consultation of the post '27 regulatory package. 80 % are not going to be involved and 20% will be involved.

And lastly, the ones that are going to be involved in the next regulatory package were asked to rate and/or specify their most important recommendations, activities for the post27 EU funds regulations.

Even though only 20% have answered that they will be involved in the post '27 regulatory package, 50% have answered the last questions to rate the recommendations for that period. Their answers are as follows:

Detailed legal provisions – 20% strongly agree, 40% agree and 40% disagree.

Organising field visit for national and/or EU authorities- 20% strongly agree, 60% agree and 20% disagree.

Facilitation of meeting between victims of fundamental rights violations and public authorities - 20% strongly agree, 60% agree and 20% partially disagree.

Capacity building (training) for public authorities, fundamental rights bodies - 20% strongly agree, 60% agree and 20% partially disagree.



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Annex 3 – List of References

National and International legislative instruments, General Comments and Political/Strategic document considered in the research

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3. Guidelines on Deinstitutionalization, including in times of emergencies: <https://www.ohchr.org/sites/default/files/2023-10/BG-CRPD-DI-Guidelines.docx>
4. General Comment 5 of the Committee on Disability is available in English here: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live>.
5. Vienna Convention on the Law of Treaties
6. Law on International Treaties of the Republic of Bulgaria, available at: <https://lex.bg/laws/ldoc/2135213056>. The law was promulgated on 13 November 2021.
 - Race Equality Directive 2000/43/EC
 - EU Anti-Racism Action Plan 2020-2025
 - EU framework for National Roma integration strategy 2020-2030
 - Action plan on integration and inclusion 2021-2027
 - EU Strategy on the Rights of the Child
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