



OMBUDSMAN OF THE
REPUBLIC OF BULGARIA

Annual Report on the Activities of the Ombudsman

2020

SUMMARY

March 2021

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2020 – The Difficult Balance between Rights and Restrictions



2020 marked the 15th anniversary of the establishment of the Ombudsman institution. Fifteen years in which the national public advocate has forged, day after day, year after year, honest, genuine, meaningful, and functional links to the citizens. A relationship that is based on trust, respect, commitment, and aspiration to help every person seeking and relying on support from our institution.

Incidentally, the 15th anniversary of the Ombudsman institution witnessed, regrettably, a record high number of citizen complaints. 2020 demonstrated most clearly the huge need for our institution and the significance of its existence. Nearly 60,000 people approached us with their problems, concerns, and pain. I do realise that one reason for such a high level of public confidence in our institution was the unprecedented COVID-19 pandemic which has ruthlessly claimed millions of human lives across the world and has caused a severe health, social, and economic crisis in this country as well. The crisis, in turn, dealt a heavy blow to fundamental rights and not just to the rights of the vulnerable groups – the elderly and helpless people, the disadvantaged people, the poor, the sick, and the people living alone, children in and out of institutions, but also to society as a whole.

This was a most challenging year for all of humanity and Bulgaria is no exception. In striving to protect citizens' lives and health, the executive, legislative, and judicial branches of power had to respond to the challenges by introducing unpopular measures and emergency legislation. These, however, were not unequivocally accepted. A key priority for both myself and my team has been the keeping of strict watch over the compliance with the principle of observing balance and proportionality to prevent unlawful restrictions on or deprivation of fundamental human rights. It is, indeed, true that restricting or suspending certain fundamental rights during a state of emergency is admissible in accordance with Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It is also true, however, that the application of emergency measures derogating from human rights is temporary and of clearly time-limited duration.

It makes perfect sense, therefore, that the number of recommendations and opinions issued by the Ombudsman to central and municipal authorities and to public service providers was 30 percent higher just in the first two months of lockdown compared to the same period in 2019. In order for us, as an institution, to succeed in responding and helping all citizens approaching us with a request for succour, support, or assistance during the state of emergency, our experts' mobile phone numbers were published on the Ombudsman's website and they were practically available 24/7 to all citizens to address their problems. By the way, this still holds true today and will continue to be the case in the future.

The issues referred to me by citizens in 2020, were no different from those in previous years. They were, however, appreciably aggravated due to the COVID-19 crisis – thousands of families were left without a regular source of income as many sectors were shut down. The number of complaints against the unlawful conduct on the part of collection agencies, payday loan companies, and monopolies, as well as complaints concerning impeded access to healthcare, education, and social services significantly increased.

And right in the middle of this difficult and complex situation, when citizens needed, more than ever, to have their rights and freedoms safeguarded, an attempt was made at “reformulating” the Ombudsman’s powers and at depriving, in practice, citizens of protection. Following my clamorous public outcry, the part concerning the Ombudsperson in the new draft Constitution (which, after all, never saw the light of day) was restored to its previous version as approved by a number of international institutions during the accreditation process where our institution received the highest attainable UN status accreditation. I hope, though, that we will hold on to the lessons learned, i.e., that in a democratic state based on the rule of law no one can render the Ombudsman a figurehead by slashing her or his powers and depriving citizens of protection. The attempt at reducing the Ombudsman to a mere observer of the rights and freedoms especially at a time when our society is in dire need of an independent public advocate and when our office enjoys the highest international status "A" as a national institution for the protection of human rights, met with my outright resistance. I owe, therefore, a debt of gratitude to the public for the strong support I received because this was a cause dedicated to the supreme value – the protection of human rights. It was an important achievement, which is, I am convinced, well worth strongly defending with a clear head, a clear heart, and dedication. It became apparent, once again, that fundamental rights and freedoms cannot be taken for granted and we have to fight for them and to defend them relentlessly and without hesitation every day.



**Assoc. Prof. Dr. Diana Kovacheva,
Ombudsman of the Republic of Bulgaria**



Mission, Vision, Strategic Goals, and Priorities for 2020

Mission

Create the conditions for a life of dignity for all Bulgarian citizens, protect their rights in a social and institutional environment marked by respect and deference to them

Vision

Responsible and reputable Bulgarian institutions, which work for the benefit of Bulgarian citizens, recognising their right to good governance

Principles

- Commitment
- Integrity
- Objectivity
- Respect
- Transparency

Strategic Goals

- Empower Bulgarian citizens to fully exercise their rights;
- The Bulgarian administration ought to ensure the high quality of service provision;
- Effective civilian control over public policies;
- Facilitate confidence-building between the citizens and the administration.

Priorities for 2020

- Protection of citizens' rights in an emergency situation with an emphasis on the rights of the vulnerable groups and children;
- Protection of citizens' social and economic rights;
- Protection of the rights of women and children;
- Protection of citizens from the monopolies, protection in enforcement proceedings and in cases of over-indebtedness.

ACTIONS AND RESULTS

The Ombudsman in Defence of Citizens' Rights in 2020

60,699 citizens and representatives of various organisations received assistance from the Ombudsman, of which:

✓ **19,743 persons** were received by the Ombudsman or by the Deputy Ombudsman, or were provided with services at the reception office;

✓ The number of citizens who sought the Ombudsman's assistance and whose requests concerning various issues were subsequently consolidated into petitions was **23,864**.

| 2018 | 2019 | 2020 | |
|--------|--------|--------|--|
| 12,258 | 13,762 | 13,794 | 1. Number of completed inquiries launched in response to citizen complaints and denunciations |
| | | | <i>Of those finalised with:</i> |
| 1,425 | 1,823 | 2,534 | <i>Recommendation</i> |
| 7,379 | 8,518 | 8,668 | <i>Opinion</i> |
| 1,385 | 1,141 | 1,491 | <i>Counsel provided</i> |
| 449 | 417 | 566 | <i>Mediation</i> |
| 1,620 | 1,863 | 535 | <i>Complaints that fell outside the Ombudsman's remit</i> |
| 12,890 | 12,916 | 13,244 | 2. Complaints and denunciations submitted to the Ombudsman in 2020 |
| | | | <i>The largest share of those were:</i> |
| 3,009 | 3,519 | 3,390 | <i>Complaints and denunciations from consumers and users of public services</i> |
| 1,989 | 1,088 | 1,218 | <i>Complaints and denunciations regarding violations of social rights</i> |
| 439 | 514 | 1,062 | <i>Complaints and denunciations regarding the right to education</i> |
| 607 | 666 | 870 | <i>Complaints and denunciations regarding the right to healthcare</i> |

The Ombudsman institution introduced in 2020 **three new forms of interaction with citizens:**

- 1
 - **Virtual reception office for Bulgarian citizens in the context of the pandemic crisis**
- 2
 - **Citizens have direct access to the mobile phones of all experts**
- 3
 - **Virtual public discussions on hot topics regarding the handling of the COVID-19 crisis**

Table 1: *Number and percentage of complaints and denunciations by type of human rights violations in 2020 (in comparison with 2019 u 2018)*

| Categories of Violations | Number 2020 | % | Number 2019 | % | Number 2018 | % |
|---|---------------|------------|---------------|------------|---------------|------------|
| Consumer rights | 3,390 | 25.25 | 3,519 | 27.25 | 3,009 | 23.34 |
| Social rights, right to health, and right to education | 3,150 | 24.24 | 3,088 | 23.91 | 3,035 | 23.55 |
| Right to property | 1,449 | 10.90 | 1,088 | 8.42 | 1,296 | 10.05 |
| Right to good administration | 982 | 7.41 | 1,118 | 8.66 | 825 | 6.40 |
| National Preventive Mechanism and fundamental human rights and freedoms | 832 | 6.28 | 716 | 5.54 | 1,344 | 10.43 |
| Rights violated by bodies governed by private law – credit and financial institutions, collection agencies, private enforcement agencies (private bailiffs) | 812 | 6.13 | 1,029 | 7.96 | 832 | 6.45 |
| Requests for regulatory changes | 799 | 6.03 | 679 | 5.26 | 306 | 2.37 |
| Right to a clean environment | 535 | 4.03 | 412 | 3.19 | 330 | 2.56 |
| Rights of the persons with disabilities | 458 | 3.45 | 441 | 3.41 | 395 | 3.06 |
| Children’s rights | 450 | 3.39 | 492 | 3.81 | 362 | 2.81 |
| Other human rights violations | 172 | 1.29 | 705 | 5.46 | 872 | 6.76 |
| Absence of any specific violation | 108 | 0.81 | 85 | 0.65 | 127 | 1.00 |
| Requests for the Constitutional Court to be seized | 83 | 0.62 | 46 | 0.36 | 119 | 0.92 |
| Requests for an interpretive decision | 13 | 0.10 | 9 | 0.07 | 13 | 0.10 |
| Discrimination | 11 | 0.08 | 15 | 0.11 | 25 | 0.19 |
| TOTAL: | 13,244 | 100 | 12,916 | 100 | 12,890 | 100 |

In 2020, the highest number of complaints to the Ombudsman were submitted, once again, by citizens residing in the city of Sofia, i.e., 2,528. Those were followed by complaints filed by citizens from the provinces of Razgrad – 526, Plovdiv – 401, Varna – 352, Burgas – 256, Pernik – 175, Stara Zagora – 174, Veliko Tarnovo – 160, Province of Sofia – 138, and Province of Vratsa – 136 complaints.

• Completed Complaints and Denunciations in 2020

The total number of finalised complaints and denunciations in 2020 was **13,794**. By acting upon complaints and denunciations, the Ombudsman forwards recommendations and opinions to the relevant institutions and organisations depending on the type of assistance sought or the type of wrongdoing committed. 13,259 complaints and denunciations were closed by issuing recommendations, opinions or counsel, or by carrying out mediation.

Table 2: *Number and percentage of complaints and denunciations completed in 2020 broken down by type of action taken by the Ombudsman institution.*

| Actions Taken | Number | % |
|--|---------------|--------------|
| Complaints and denunciations within the Ombudsman's remit: <i>of those:</i> | 13,259 | 96.12 |
| ✓ <i>Recommendation</i> | 2,534 | 19.11 |
| ✓ <i>Opinion</i> | 8,668 | 65.37 |
| ✓ <i>Counsel provided</i> | 1,491 | 11.25 |
| ✓ <i>Mediation carried out</i> | 566 | 4.27 |
| Complaints and denunciations outside the Ombudsman's remit | 535 | 3.88 |
| TOTAL: | 13,794 | 100 |

Table 3: *Number and percentage of complaints and denunciations completed in 2020 broken down by the wrongdoers identified therein*

| Wrongdoers | Number | % |
|---|---------------|--------------|
| Government authorities and their administrations | 6,478 | 46.96 |
| Municipal authorities and their administrations | 2,934 | 21.27 |
| Persons/bodies entrusted with providing public services | 3,160 | 22.91 |
| Bodies governed by private law | 1,222 | 8.86 |
| TOTAL: | 13,794 | 100 |

**• Citizens and Representatives of Organisations
Who Received Assistance from the Ombudsman**

Chart 1: Number of citizens and representatives of organisations who received assistance from the Ombudsman during the period 2018–2020

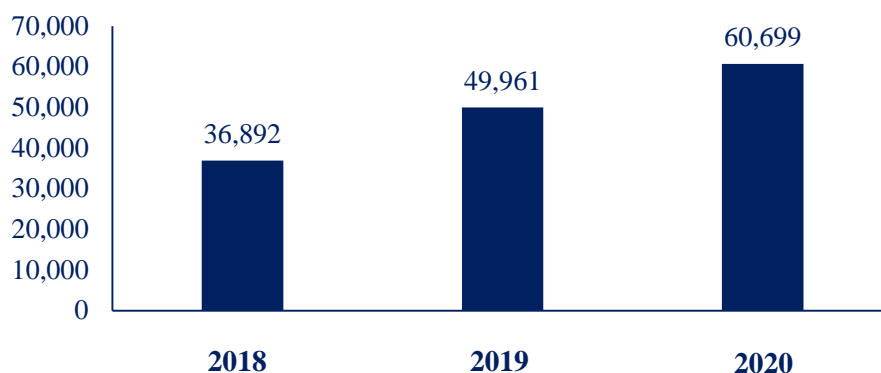


Table 4: Number of complaints and denunciations completed during the period 2018–2020 broken down by the outcomes of the inquiries

| Outcomes of the Inquiries | 2018 | 2019 | 2020 |
|---------------------------|---------------|---------------|---------------|
| Admissible: | 10,639 | 12,662 | 13,259 |
| <i>Recommendation</i> | 1,425 | 1,823 | 2,534 |
| <i>Opinion</i> | 7,379 | 8,518 | 8,668 |
| <i>Counsel provided</i> | 1,385 | 1,904 | 1,491 |
| <i>Mediation</i> | 449 | 417 | 566 |
| Inadmissible: | 1,620 | 1,100 | 535 |
| TOTAL: | 12,258 | 13,762 | 13,794 |

Chart 2: Number of complaints and denunciations completed during the period 2018–2020 broken down by the wrongdoers identified therein

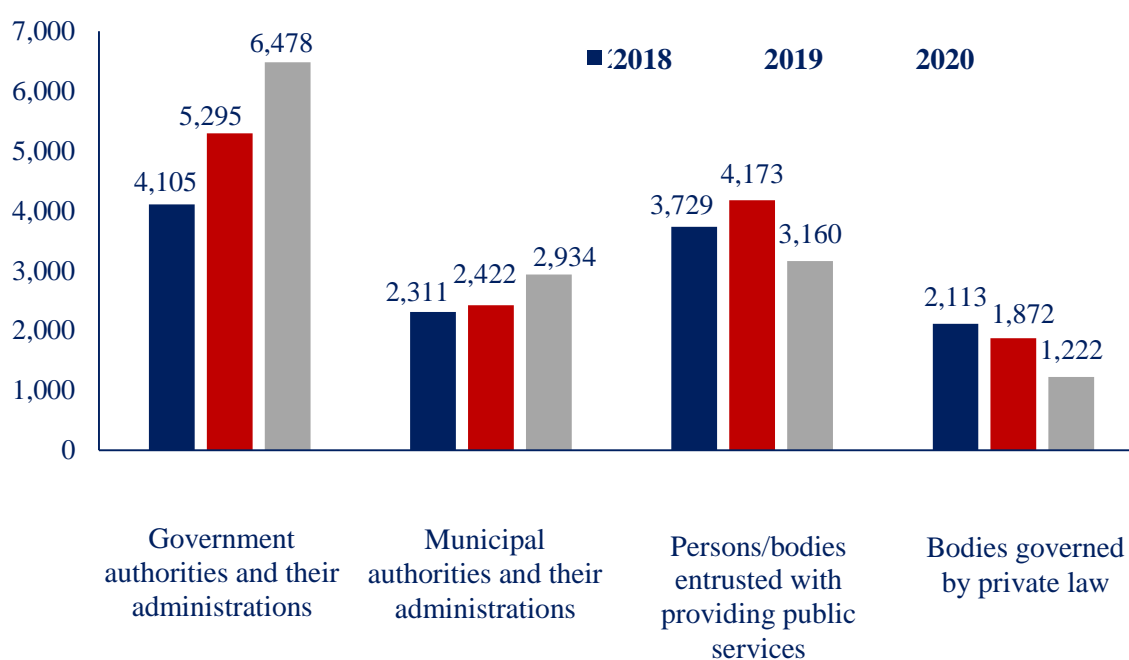
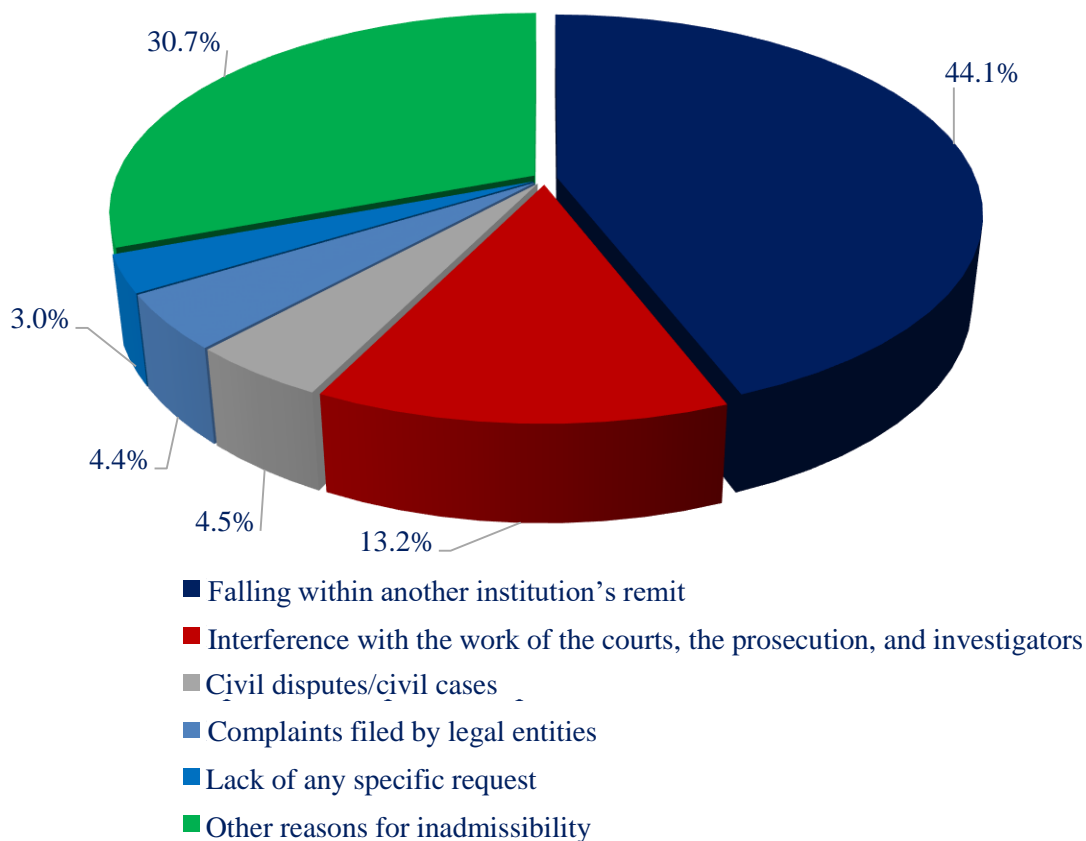


Chart 4: Number of complaints and denunciations that fell outside the Ombudsman’s remit in 2020

| Actions Taken | Number | % |
|--|--------|------------------|
| Complaints and denunciations outside the Ombudsman’s remit | 415 | 3 (of 13,794) |
| ✓ Counsel provided | 302 | 72.77 |
| ✓ Inquiry closed with a written statement | 113 | 27.23 |

Chart 5: Number of complaints and denunciations that were not acted upon in 2020 because of lack of any legal basis for handling them



KEY ACHIEVEMENTS IN 2020

Immunity from Seizure Enjoyed by Funds Provided as Financial Compensation in the Emergency Epidemic Situation

Citizens, whose employment was affected by the COVID 19 crisis and who received financial support from the state, complained that banks withheld such funds and remitted them to private enforcement agencies (private bailiffs). They were, consequently, left with no income, as well as with no money for food and for pressing needs. Funds granted through the ‘*Keep Me Employed*’ Programme are considered financial compensation provided to insured workers employed in economic activities whose pursuit is temporarily restricted. An amendment to the *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act* was made on a proposal of the Ombudsman to include a ban on the seizure of compensation funds granted pursuant to Council of Ministers Decree No. 325 of 26 November 2020, as amended by Decree No. 418 of 30 December 2020, so that the funds in question are exempt from any withholding except child maintenance and/or spousal support deductions.

The Ombudsman in Defence of the Rights of Holders of "Dormant" Shares

The Ombudsman expressed a negative opinion on the proposed *Settling the Relations Concerning the Personal Accounts for Dematerialized Securities Present in the Central Register of Securities Kept by Central Depository AD Bill* (draft law). She suggested that the solution to the issue of the “dormant” shares should be sought not by excluding minority shareholders from the capital market, but through appropriate forms ensuring their inclusion therein, including institutional support and carrying out a broad information campaign.

The legislative procedure was thus discontinued and the bill was not enacted into law. By maintaining her consistent position, the Ombudsman prevented a violation of the property rights in the “dormant” shares which are owned by nearly 2.5 million shareholders and whose face value is estimated at some BGN 2 billion (according to the statement of the reasons for draft law regarding the potentially affected shareholders).

Protecting the Rights of Previous Vehicle Owners

In view of the multiple complaints submitted by Bulgarian citizens convicted of traffic offences committed with vehicles whose current owners had failed to transfer the vehicle ownership into the buyer's name, the Ombudsman proposed specific legislative changes to the **Bill to Amend the Road Traffic Act** to allow private sellers of used vehicles sold before 27 December 2017 to transfer the vehicle ownership at the Traffic Police until the end of 2023 by presenting the Bill of Sale alone. The purpose of the change was to allow private sellers of used vehicles to present at the Traffic Police Department with the respective Regional Directorate of the Ministry of Interior a copy of a document certifying the private party vehicle sale. Once the vehicle transfer notification is filed, the respective local Traffic Police Department shall update their automated motor vehicle record to show the vehicle as sold. In addition to deleting the old owner's data, the motor vehicle record shall include the new owner's particulars and the date of vehicle ownership transfer. The Bill was voted on by the Members of Parliament and was enacted into law. The provisions in question entered into force on 30 March 2021.

The Ombudsman in Defence of the Constitutionality of Legislation

The Constitutional Court held unanimously that suspending a driver's licence for unpaid traffic fines, removing number plates, and seizing vehicles at border crossings for unpaid fines constituted a violation of citizens' fundamental constitutional rights.

The case was commenced in the Constitutional Court with the filing of a complaint by the Ombudsman in the summer of 2020 when the Ministry of Interior launched large-scale checks at border crossings whether travellers to Greece for a holiday had outstanding fines. The Ombudsman challenged specific provisions of the Road Traffic Act, i.e., Article 171(1)(e) and Article 171(2)(k), which were adopted by the National Assembly in late 2016 and entered into force on 21 January 2017.

Rights of Owners of Agricultural Lands with Outstanding Restitution Claims

In view of the large-scale property rights violations due to outstanding restitution procedures, the Ombudsman approached the Chairperson (Speaker) of the National Assembly and the Minister for Agriculture, Food, and Forestry with an opinion insisting that the validity of the ban on the disposal of agricultural land from the residual land fund that is municipal property should be extended by at least five years. The point at issue was the land referred to in Article 19 of the *Ownership and Use of Agricultural Land Act* (OUALA) and the reason for the Ombudsman's proposal was the expiration on 22 December 2020 of the temporary ban on the disposal of such lands. The proposal was adopted and was included in Bill No. 002-01-65 of 10 November 2020 to amend the *Support to Farmers Act* (promulgated in the State Gazette, issue 103 of 2020). Thus, the time limit for the disposal of lands referred to in Article 19 of the OUALA was extended by five years.

Access to Justice

In her opinion addressed to the Standing Parliamentary Committee on Internal Security and Public Order in connection with the floor debate on the *Bill to Amend the Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act*, the Ombudsman stressed that access to justice was an indisputable and inalienable right that should be exercised freely and the state authorities and institutions should take all possible measures and actions to create the necessary arrangements and conditions for the free exercise of the right to access justice. The Ombudsman recommended that the legal provisions governing the use of videoconferencing to hold court proceedings in civil, criminal, and administrative cases should be voted on and adopted as soon as possible.

Right to Healthcare

A recommendation was put forward to the Minister for Health following numerous complaints filed by essential healthcare professionals about the government's failure to disburse the supplementary remuneration of BGN 1,000 payable to them for working at the frontlines in the fight against the coronavirus pandemic. The recommendation was implemented. The Minister for Health informed the Ombudsman that an amendment had been made to the '*Support to Healthcare Workers in a Situation of a Threat to Public Health Security Posed by COVID-19*' Project funded under the *Human Resources Development Operational Program*. It was stated that the payments to healthcare professionals had been disbursed. The Ombudsman received also a letter of appreciation from nurses for the assistance they had received. They confirmed also that the payments had been received.

Right to Education

A recommendation was put forward to the Minister for Education and Science and the rector of the Sofia University following complaints submitted by graduating law students at Sofia University “*St. Kliment Ohridski*” whose convocation date was upcoming but whose final state examinations had been postponed because of the measures to limit the spread of COVID-19. The Ombudsman insisted that final state examinations should be conducted, and requested that the graduating students’ right to reside in their dormitories should be extended until June 2021, as well as that the state should continue to provide health insurance coverage for them beyond December 2020. A recommendation was put forward also to the Minister for Labour and Social Policy requesting that solutions should be sought to ensure that graduating students are covered by uninterrupted health insurance. All recommendations were implemented.

Rights of Persons with Disabilities

Information System for Control of Medical Expertise

The implementation of the Information System Controlling Medical Expertise was the step expected to improve the functioning of the bodies of medical expertise, as well as to ensure the rights of persons with disabilities.

Monthly Allowances for Raising Children with Disabilities under Article 8e of the *Family Allowances for Children Placed with Relatives and in Volunteer Foster Families Act*

The amendments to the *Family Allowances for Children Act* (FACA), promulgated in the State Gazette, issue 14 of 2021, with effect from 17 February 2021, have rendered the families of relatives and near friends, as well as the volunteer foster families providing care and support in a family setting to children whose type and degree of disability or permanent incapacity for work have been determined at 90 percent or more, eligible to receive the monthly monetary benefits payable according to Article 8e(5) of the FACA.

Recognising the Expert Decisions Issued by the Regional Expert Medical Commissions (TEMC) to Persons Who Have Reached Statutory Retirement Age for the Purpose of Paying a Reduced Application Fee for Original or Renewal Identification Documents

A new provision was added to Article 7(5) of the *Rules for Issuing Bulgarian Identity Documents* (with effect from 18 August 2020). The new rule explicitly provides that an acceptable verification document shall be also a decision issued by either a Regional Expert Medical Commission or the National Expert Medical Commission to persons with permanent disabilities whose permanent incapacity for work was determined after they reached the retirement age for old age contributory pension or where they reached such age within the expert decision’s validity period.

Abolition of Fees for Community-Based Social Services Provided Remotely during the State of Emergency

Following a recommendation made by the Ombudsman, the users were exempted from such taxes until the end of 2020.

The Ombudsman against Overbuilding and the Destruction of Urban Green Spaces

390 residents living in multi-storey blocks of flats in Lyulin 4 residential complex in the city of Sofia signed a protest petition opposing a draft amendment to the detailed land-use plan (zoning plan) providing for high-rise buildings within the inter-building spaces. Following the Ombudsman’s intervention, who pointed out to the competent authorities the violations of the rules for residential complex restructuring and the failure to hold a broad public debate, the draft amendment was not approved.

ONGOING ACTIONS ON OUTSTANDING PROBLEMS IN 2020

Political Rights and Freedoms, Electoral Rights

In the wake of the parliamentary elections held on 4 April 2021, it is necessary to point out the numerous citizen complaints received by the Ombudsman institution related both to restrictions of their voting rights and to the degrading treatment of the members of the section electoral commissions (precinct election boards) in the process of submitting the vote-count protocols. It is imperative, therefore, that every effort should be made to improve the *Electoral Code*'s provisions which should guarantee to the greatest extent possible citizens' fundamental rights and freedoms in the electoral process, and in particular:

- the voting rights of persons in quarantine because they either have COVID-19 or have had close contact with someone who has COVID-19;
- the voting rights of persons who are on a business trip on election day in a location other than their permanent place of residence
- removal of the limit on the maximum numbers of polling stations for Bulgarians living abroad in non-EU countries;
- legal order and organizational arrangements ensuring that all members of section electoral commissions (precinct election boards) enjoy equal conditions of work and participation in the process of submitting the vote-count protocols.

Right to Protection against Domestic Violence

The problem of domestic violence is of equal importance. The Ombudsman has repeatedly brought this subject to the public's attention. The problem has been further aggravated in the context of the COVID-19 pandemic. According to data from civic monitoring, 25 women were killed within an intimate relationship in 2020. The two latest female homicide victims were killed in the period between April 5 and April 12, 2021. According to Ministry of Interior data, Bulgarian courts issued 3,057 domestic violence restraining orders. 349 of those were issued for violence against males and 898 – for violence perpetrated against children. These disturbing data show that anyone can become a victim of domestic violence irrespective of their gender, educational achievement, and socioeconomic status. This is exactly why the amendments to the regulatory environment concern a broad group of people. Such measures are even more necessary now to address the growing problem. Even though a bill was drawn up to amend the *Protection Against Domestic Violence Act* to reflect new realities, it was never submitted for consideration to the 44th National Assembly.

- The current requirement that an occurrence of domestic violence has to be a repeat offence to be classified as aggravated ought to be abolished. As of today, at least three cases of domestic or intimate partner violence must have been reported to the police for a court to impose a harsher penalty on an abuser. This, however, is not always possible since sometimes even the first occurrence of violence may result in death or in the victim's crippling or disablement;
- All forms of domestic violence ought to be criminalised. Clear and uniform definitions of economic and psychological violence ought to be adopted since the current lack of definitions makes it practically impossible to prosecute and punish the perpetrators of these forms of domestic abuse;
- Stalking also ought to be criminalised. Stalking may cause justified fear for the victim's sexual freedom, sexual inviolability, and honour, and not just fear for her or his life and health.

Children's Rights and Juvenile Justice

Particular attention ought to be paid to the need to set up a modern juvenile justice system. The reform of juvenile justice in Bulgaria remains at an early stage. There are no adequate correctional-educational services compliant with the international standards for the protection of children's rights and interests in place yet. A comprehensive assessment needs to be made of the need for specialised judicial panels to handle cases for children and young people. It is imperative also to repeal the *Combating Juvenile Delinquency Act* in force since 1958 and to adopt a new *Diversion from Criminal Proceedings and Introducing Educational Measures for Minors Act*.

Consumer Rights – Access to Water

The largest share of all complaints filed with the Ombudsman administration in 2020 related to the poor quality of water supply and sanitation (WSS) services in this country. Hundreds of consumers have been deprived of access to water – an integral part of the right to an adequate standard of living, explicitly recognised by the United Nations General Assembly and the United Nations Human Rights Council. Poor quality water supply services hamper the maintenance of good personal hygiene. In the context of the coronavirus pandemic, this poses a risk to citizens' health and even to their lives. I, therefore, believe that it is of particular importance to consider the enactment of a conceptually novel *Water Supply and Sanitation Act*.

Protection of Citizens from Unlawful Acts of Bodies Governed by Private Law

A problem whose solution is a matter of urgency relates to citizen complaints regarding unlawful conduct on the part of collection agencies. The Ombudsman has repeatedly upheld the view that all matters regarding collection agencies and payday lenders ought to be the subject of comprehensive regulations governing all activities related to extrajudicial debt collection and debt transfer rules. It is imperative also to exercise enhanced scrutiny over collection agencies to prevent violations and to safeguard citizens' rights.

Furthermore, in the middle of the ongoing emergency epidemic situation which is associated, *inter alia*, with loss of income from employment, the comprehensive problem of the so-called “eternal debtor” remains unresolved. In view of the worrying upward trend of insolvent individuals (natural persons) who are permanently unable to pay their debts, the Ombudsman institution has consistently advocated support for the adoption of a law on personal bankruptcy. In this regard, I would like to recall that Bulgaria is the only European country that does not have such legislation in place while at the same time it ranks among the top places in bad loans in Europe.

KEY INITIATIVES AND EVENTS

ELECTION YEAR: ELECTION OF OMBUDSMAN AND DEPUTY OMBUDSMAN



On 21 May 2020, Members of Parliament elected by 173 votes in favour Assoc. Prof. Dr. Diana Kovacheva to the post of National Ombudsman for a term of five years.

“Thank you for your support and for the confidence that you have placed in me. Such trust comes with an obligation. Your confidence is also a signal to the people that the Ombudsman enjoys the support of the National Assembly and demonstrates the intention for smooth cooperation in the uneasy task of protecting human rights”, Assoc. Prof. Kovacheva said before taking the oath of office as the national public advocate.



On 22 July 2020, Members of Parliament elected Ms. Elena Cherneva-Markova to the post of Deputy Ombudsman. Her nomination was submitted and presented by the Ombudsman, Assoc. Prof. Diana Kovacheva, following a **public hearing and a transparent selection procedure**.

A CAMPAIGN PROMOTING LEGISLATIVE MEASURES TO IMPROVE PROTECTION FROM DOMESTIC VIOLENCE



19 February 2020, Geneva – the Ombudsman takes part in the 75th session of the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW).

Under a new procedure, Assoc. Prof. Kovacheva was **the first National Ombudsman heard by CEDAW** and was officially commended by its Chairperson.

“I believe that last year’s changes to national laws related to combatting domestic violence were an important step. These efforts, however, must continue as this is a very serious problem. For example, a woman may be killed even in the first occurrence of domestic violence. Thus, the current requirement that a domestic violence offence has to be a repeat one prevents the courts from imposing harsher penalties”, Assoc. Prof. Kovacheva pointed out and insisted that domestic violence and child abuse offences should be punished even after the first occurrence.

16 April 2020 – the Ombudsman forwarded an opinion to the Ministry of Justice in connection with the Bill to Amend the *Protection Against Domestic Violence Act (PDVA)*.

20 May 2020 – the Ombudsman took part in the online meeting of the working group established at the Ministry of Justice to draw up the amendments to the PDVA.

27 May 2020 – the Ombudsman submitted to the Ministry of Justice proposals for amendments to the *Criminal Code* and the *Protection Against Domestic Violence Act* aimed at protecting victims of domestic violence more effectively. The Ombudsman took part also in the online meeting of the working group at the Ministry of Justice tasked with drawing up legislative amendments relating to the subject.

25 November 2020 – the United Nations General Assembly has designated November 25 as the International Day for the Elimination of Violence Against Women. The Ombudsman put forward a recommendation to the Minister of Justice insisting that the bill drawn up to amend the PDVA should be transmitted to the Council of Ministers and then submitted to the National Assembly for debate and adoption.

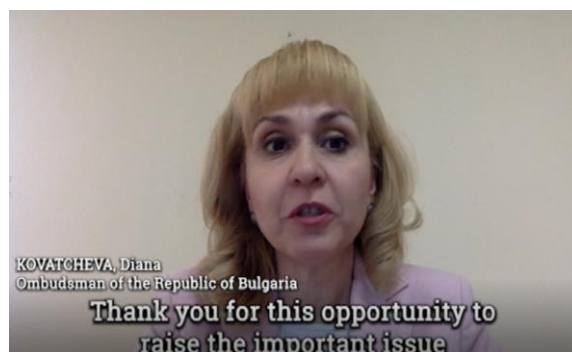
18 December 2020 – the Ombudsman took part in the meeting of the Administrative Reform Council in connection with the discussions on the *Domestic Violence Bill*.

“I have committed myself to combatting domestic violence because this is a very serious problem in Bulgaria. Last year statistics showed that at least two women lost their lives each month. Just within the two months of quarantine, nine women were killed by their partners in their homes. Anyone can become a victim of domestic violence irrespective of their gender, educational achievement, and socioeconomic status. This is exactly why the amendments to the regulatory environment concern a broad group of people”, Assoc. Prof. Diana Kovacheva took a firm stand.

Participation in the Universal Periodic Review

The Ombudsman institution took part for the first time in the Universal Periodic Review of the human rights situation in Bulgaria – a mechanism of the United Nations Human Rights Council aimed at improving the human rights situation in all countries and addressing human rights violations wherever they occur.

The Ombudsman Assoc. Prof. Dr. Diana Kovatcheva delivered **an opinion on July 27, 2020, regarding the measures needed to address the deficiencies in the legal framework and in the practices for preventing domestic violence.**



18 December – the Ombudsman took part in the meeting of the Administrative Reform Council in connection with the discussions on the *Domestic Violence Bill*.

PROTECTING CITIZENS' RIGHTS IN AN EMERGENCY SITUATION

COVID-19

In 2020, the entire world faced the challenge of COVID-19. The Ombudsman institution reorganized its activities to respond to the need to be as close to the citizens as possible and to protect their rights in the emergency epidemic situation, with particular attention given to persons from vulnerable groups.

All our experts' mobile phone numbers are published on the Ombudsman's website so that citizens can approach them with specific cases more easily and at any time. Online reception offices were set up by the institution, and the Ombudsman took part in several online meetings, discussions, and workshops on specific issues, topics, and cases.

Just in the first two months of the pandemic, the number of complaints submitted to the public advocate rose by 30 percent, and within half-year, their number exceeded 7,000. The number of recommendations put forward to various authorities was nearly 1,800 and every other recommendation has been taken into consideration.

“Many people have been left without work and without an income. They complain about violations of their labour and social rights; of unlawful conduct on the part of bodies governed by private law; of collection agencies; of payday lenders; of private enforcement agencies (private bailiffs), as well as about violation of their rights in healthcare and in education.”

Assoc. Prof. Dr. Diana Kovacheva

PROTECTION OF CITIZENS FROM PRIVATE BAILIFFS, DEBT COLLECTORS AND PAYDAY LENDERS

In striving to defend citizens' rights, as early as at the start of the emergency epidemic situation, the Ombudsman called for the suspension of limitation periods, prescription periods, and procedural time limits in civil actions, as well as for suspending the actions of bailiffs relating to disposal of assets, inventories of movable and immovable property, and attachment of debtors' earnings and bank accounts. In a recommendation put forward to the Association of Collection Agencies in Bulgaria and the Association for Responsible Lending, the Ombudsman called on debt collectors and payday lenders to be heedful of the coronavirus pandemic and to be considerate towards citizens who were temporarily unable to repay their debts because they had fallen into difficult financial circumstances in the middle of the pandemic crisis.

The Ombudsman held discussion meetings with citizens where she listened to their problems relating to order for payment and enforcement procedures. The Ombudsman then held a meeting on the subject with representatives of government institutions, the judiciary, and professional organisations to discuss the issues and to get competent responses to the citizens' questions and concerns.



On February 26, 2020, the Ombudsman had a meeting with Ms Dolors Montserrat, Chair of the Committee on Petitions of the European Parliament (PETI), PETI members, and Bulgarian MEPs. The delegation was visiting this country to ascertain the facts described in the petitions filed with PETI by Bulgarian citizens concerning problems with private enforcement agencies (private bailiffs) and Bulgaria's legislation. The participants in the meeting discussed the amendments to the *Code of Civil Procedure* adopted on a proposal from the Ombudsman. The amendments in question provide for better protection of debtors in enforcement proceedings, as well as for better protection of consumers in cases of unfair terms in contracts.

The participants discussed also further possibilities for protection, i.e., enhancing the preventive control regarding unfair terms in standard form consumer contracts; immunity from seizure enjoyed by a sole residence in proceedings for insolvency until a ruling by the trial courts; effective protection of the rights of third parties who have pledged a chattel or mortgage to secure someone else's obligation; and reinforcing the Ministry of Justice's capacity to exercise scrutiny over the private enforcement agencies (private bailiffs).

The Ombudsman sent letters to the Chairperson (Speaker) of the National Assembly, to the Chairperson of the Standing Parliamentary Committee on Legal Affairs, and the Minister of Justice in connection with the numerous citizen complaints concerning problems with collection agencies and payday lenders. Such problems have mushroomed in the emergency epidemic situation introduced in response to COVID-19. The Ombudsman addressed also an opinion to the Standing Parliamentary Committee on Legal Affairs regarding the proposed amendments to the *Code of Civil Procedure* providing for the introduction of individual voluntary arrangements where the debtors have not been taken to court. The Ombudsman did not support the legislative proposal because it would entrust the bailiffs with quasi-judicial and quasi-mediatory functions. The Ombudsman categorically opposed also a provision in the new *Consumer Credit Act* according to which the cost of borrowing payable by a consumer in the event of defaulting on a consumer credit contract with a financial institution, i.e., a payday lender, might reach twice the principal amount and still would not be considered excessive.

DISCUSSIONS ON SAFEGUARDING CHILDREN'S RIGHT TO QUALITY EDUCATION



The Ombudsman, Diana Kovatcheva, together with the Minister for Education and Science, Krassimir Valchev organised on February 4, 2020, a discussion on “**Opportunities and Challenges Arising from the Introduction of Mandatory Pre-school Education for 4-year-old Children**”. The Minister for Labour and Social Policy, parents, more than 30 parental organisations, NGOs, trade unions, representatives of academia, and experts were also in attendance.

The whole gamut of opinions on the topic was heard at the forum and specific solutions were proposed aimed at supporting the process of introducing mandatory pre-school education for 4-year-old children. Minister Valchev confirmed that the introduction of mandatory pre-school education would be deferrable and each municipality would decide whether to avail itself from the postponement and when to introduce it in the coming two years.

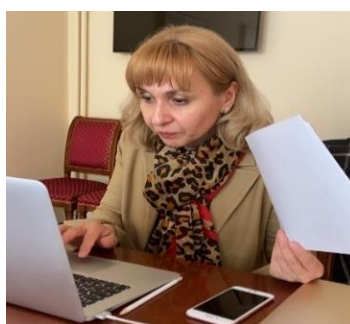


On 10 December – World Human Rights Day, the Ombudsman organised an online meeting with the Minister of Education and Science, Krassimir Valchev. The subject of the meeting was “**Problems Facing Distance Education during the Epidemic Situation**”.

In the course of one and a half hours, the Minister responded to complaints, answered questions, and addressed problems submitted to the Ombudsman by parents, teachers, headmasters, and civil society organisations. Furthermore, issues concerning children with special educational needs and children with disabilities were discussed.

COOPERATION WITHIN THE EUROPEAN NETWORK OF OMBUDSPERONS FOR CHILDREN

On June 8, 2020, the Ombudsman, Assoc. Prof. Dr. Diana Kovacheva took part in the online conference of the European Network of Ombudspersons for Children on the provision of effective mechanisms for protecting the rights of the child in the context of the emergency situation and the COVID-19 crisis.



“The COVID-19 crisis has proved to be a specific litmus test and is putting to the test all instruments (legal and political) which we have adopted to guarantee fairness, equality, and humanity, particularly in the area of family support and in protecting the child in the family.

The emergency epidemic situation in our country has forced thousands of children and families to face numerous challenges which they have been trying to tackle at this difficult time. Despite their daily efforts, the pandemic has had a dramatic impact, particularly on the most vulnerable groups, i.e., children with disabilities, children with an autistic spectrum disorder, children with special educational needs, children in conflict with the law, Roma children, young people with intellectual disabilities, as well as on their families. Many families are confronted with stringent and difficult choices – single-parent families, families with many children, and families with very low socioeconomic status.

There is no doubt that such added vulnerability is reflected in the number of citizens addressing the Ombudsman institution. The crisis has highlighted the National Ombudsman’s role more clearly than before. It heightened the citizens’ expectations that their rights would be protected and would not be impacted disproportionately by the emergency measures”, the Ombudsman, Assoc. Prof. Dr. Diana Kovacheva said.

She thanked the European Network of Ombudspersons for Children for the methodological support provided in drawing up standards for effective protection in a situation of a health crisis.

ONLINE DISCUSSION ON “WHERE WITHIN THE SYSTEM CHILDREN AT RISK FALL UNDER (OR GET THROUGH)?”



On 17 December 2020, the Ombudsman, the Minister for Labour and Social Policy, and experts analysed where within the social care system children at risk fell under (or through) in an online discussion organised by the Ombudsman Diana Kovacheva.

It became apparent that in the first ten months of 2020, **just over 500 children had been placed in residential social care facilities. The number of children placed with foster families in the same period had been 557, and 570 had been placed with relatives and near friends.**



OMBUDSMAN OF THE
REPUBLIC OF BULGARIA

THE INSTITUTION OF THE OMBUDSMAN OF THE REPUBLIC OF BULGARIA CELEBRATES THE 15TH ANNIVERSARY OF ITS FOUNDING

On April 13, 2020, the Ombudsman institution celebrated a momentous anniversary – **15 years since the election of the first Ombudsman of the Republic of Bulgaria**. During this period, the institution has established itself as a critical factor in protecting citizens' fundamental rights and freedoms.

“On this day of celebration, we remember that fundamental rights and freedoms are not a given and should not be taken for granted. We remain cognizant that there are no less important or more valuable rights. We are aware that all human rights are universal, uniform, indivisible, interdependent, and interrelated. Rights are a gift but not a given. We have to fight for them and to defend them every day!”, Assoc. Prof. Dr. Diana Kovacheva said.

PROTECTING CITIZENS AS USERS OF PUBLIC SERVICES

In 2020, the Ombudsman defended citizens' rights and economic interests. She participated in all online meetings and public discussions held by the Energy and Water Regulatory Commission on the prices of water supply and sanitation (WSS) services and district heating prices, as well as in the meetings of the Parliamentary Energy Committee. **She strongly supported the citizens' justified demands for economically justified prices corresponding to the quality of the services provided.**



The Ombudsman put forward numerous recommendations and opinions to the competent institutions to ensure access to high-quality and uninterrupted WSS and heat supply services. Each time a justified denunciation was received, the Ombudsman sent out promptly specific recommendations and suggestions on overcoming the existing problems in different parts of the country.

LEGAL AID FOR -SOCIALLY DISADVANTAGED CITIZENS



The Ombudsman Diana Kovacheva, the National Legal Aid Bureau, and the Regional Consultation Centres with the bar associations in the cities of Blagoevgrad, Varna, Veliko Tarnovo, Vidin, Gabrovo, Kardzhali, Pazardzhik, Pernik, Pleven, Sliven, Sofia, Stara Zagora, and Haskovo signed a **Cooperation Agreement to Support Socially Disadvantaged Citizens**.

“The signing of the Agreement with the National Legal Aid Bureau and the Regional Consultation Centres will create a fast track for provision of consultations to citizens where such centres exist”, the Ombudsman said while highlighting the initiative's significance.



CHAPTER ONE: THE OMBUDSMAN IN DEFENCE OF CITIZENS' RIGHTS

1. Citizens' Rights in the Emergency Epidemic Situation

1.1. Rights of Persons with Disabilities in the Context of the COVID-19 Crisis

2020 was marked by the efforts of all institutions and of civil society as a whole to cope with COVID-19 and with the implications of the pandemic. The crisis raging in all areas of public life has had a substantial adverse effect on the lives of the vulnerable groups of citizens, part of which are the persons with disabilities and their families. The anti-epidemic measures introduced in March and April of 2020, did not address all issues that arose and some of them affect substantially the rights or interests of the persons with disabilities and their families.

The main complaints filed with the Ombudsman institution during the emergency epidemic situation relate to:

- **Working conditions of social workers in social services and personal assistants provided for by the personal assistance mechanism; lack of personal protective equipment**

The prevailing number of complaints concerned the working conditions of the social workers in social services and the personal assistants (private carers) provided for in the *Personal Assistance Act*. There exist no regulatory arrangements to allow persons with disabilities who are beneficiaries of the personal assistance mechanism to receive their carer's allowance supplement for periods when their personal assistants are unable to perform their duties because they are in quarantine or because of another cogent reason and no substitute carer has been designated.

Following the recommendations put forward to the Minister for Labour and Social Policy and the Chairperson of the National Association of the Municipalities in the Republic of Bulgaria, measures were taken to improve personal assistants' working environment.

- **Deadlines for submission of applications for various programmes which expire during the emergency epidemic situation**

The prevailing number of complaints concerned the deadlines for submission of documents for the National Programme *Accessible Living Environment and Personal Mobility* (hereinafter referred to as 'the Programme'). The Ombudsman put forward a recommendation to the Minister for Labour and Social Policy that action should be taken to adopt appropriate amendments to the Programme requirements to ensure that all concerned citizens with disabilities will be allowed to apply for the support they need from the government. It was recommended also that measures be taken to extend appropriately the deadline for receiving project proposals.

- **Expert Decisions Issued by the Regional Expert Medical Commissions or by the National Expert Medical Commission and driving licences whose validity expires during the state of emergency and the emergency epidemic situation**

Citizens with disabilities have been faced with yet another significant difficulty during the state of emergency related to the need to appear before the competent authorities to have requisite documents reissued or renewed. These include expert decisions issued by the bodies of medical expertise and the medical certificates issued by the Transportation Regional Expert Medical Commissions (TREM) and the Transportation Central Expert Medical Commission (TCEM).

Even though the *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act* provides for extending the validity of the respective documents, it was ascertained that there had been serious delays in scheduling dates of citizens' appearance before the TREM and TCEM.

The Ministry of Transport, Information Technology and Communications (MTITC) acted on the Ombudsman's recommendation. The Ministry's Secretary-General circulated Letter No. 13-00-604/10.12.2020 ordering the multi-profile transport hospitals to take the necessary measures to set up additional TREMs and tackle delays.

- **Fees for Community-Based Social Services Provided Remotely during the State of Emergency**

The Ombudsman institution received complaints concerning user fees for social services at day-care centres and centres for social rehabilitation and integration. During the COVID-19 crisis, users of such social services were forced to use them remotely and only as much as possible. Given the fact that the current legislation in force does not provide for a procedure to calculate fees for remote use of social services, users were obliged to pay for the full amount of services.

The Ombudsman put forward a recommendation to the Minister for Labour and Social Policy that citizens should be exempted from paying fees for remote use of social services during the state of emergency.

Following the said recommendation, persons with disabilities were exempted from paying fees during the state of emergency.

1.2. Children's Rights in the Context of the COVID-19 Crisis

The emergency epidemic situation has brought to the fore and cast a light on systemic problems in child protection. It has shown also that while imposing restrictive measures, the authorities had failed to sufficiently take into account children's rights and well-being. There has been a lack of integrated services and approaches, the child protection system has been overloaded and unable to live up to public expectations. It was revealed that some child protection measures could not address adequately the challenges brought about by COVID-19. It was found out that the levels of violence and the likelihood of violence against children within the family were higher. The social system has ascertained a risk of child abandonment and neglect due to the lack of specific measures for targeted family policies and the deficiency of resources.

The issues most frequently raised by the complainants for which they sought the Ombudsman's support and cooperation, included:

- Provision of financial and social support to parents raising their children alone who had been left without income;
- Requests to provide personal protective equipment for Roma families and entire Roma neighbourhoods;

- Dissatisfaction with the quality of the work done by the child protection bodies;
- Complaints about the attitude of administrative and law-enforcement authorities;
- Complaints about the restrictions imposed on children, mainly about the ban on outdoor recreational activities and sports activities;
- Violence against children; particularly heightened sensitivity to violence in parental conflicts, bullying and harassment in schools, violence within the family, and in disputes between neighbours;
- Complaints by parents residing abroad whose children had been taken away from their families on the grounds of poor care, conflicts, and violence;
- Lack of resources for support to children raised by addicted parents – suffering from either drug addiction or mental illness, who had been confined to their homes due to the emergency pandemic situation.

- **Right to access to education**

More than twenty specific recommendations were put forward during the period in question. They related to the rights of children with special educational needs (SEN), requests for finding a solution to specific cases, as well as to the problems faced by entire groups of children, e.g., children with SEN and disabilities, the education and training of children placed in residential care.

- **A child's right to maintain a personal relationship with both parents**

The Ombudsman put forward dozens of recommendations regarding the role of social workers who ought to use particular attention during the COVID-19 crisis while guiding parents and to exploit the potential of online communication, as well as to use all possible resources to continue the social work they do with parents and their children. The state of emergency restricted the possibility to enforce court judgements which raised yet another problem, i.e., who keeps watch for failures to enforce judgements and what are the means and mechanisms for their enforcement during the pandemic. The Ombudsman put forward a recommendation to Agency for Social Assistance (ASA) and suggested that special instructions should be drawn up and circulated to the Child Protection Departments throughout the country guiding them how to handle cases of parental conflict in the context of the state of emergency.

It should be noted that the State Agency for Child Protection reacted promptly and provided methodological guidance on how to tackle such cases. The guidelines were published on the Agency's website.

1.3. Social Rights in the Context of the COVID-19 Crisis

The COVID-19 crisis has had the most significant implications for several rights in the area of social policies. The major problems observed and the most significant recommendations put forward by the Ombudsman could be summarised as follows:

- **Persons who are out of work as a result of the restrictive measures to prevent the spread of COVID-19**

Persons who had been registered as unemployed at the employment offices (a.k.a. Labour Office Directorates) used to receive unemployment cash benefits for a certain period. Where the expiry of such period coincided with the state of emergency, during which they were unable to enter or re-enter the employment market, they ended up in a situation where they were not entitled to either an unemployment allowance or social support.

The Ombudsman put forward a recommendation to the Minister for Labour and Social Policy and it was implemented. On 17 September 2020 the *2020 State Social Security Budget*

Act (SSSBA) was amended. The amendments related to the amount and the entitlement period for unemployment cash benefits. They were just a part of the package of social and economic measures adopted by the government in response to the COVID-19 emergency and aimed at providing support to persons out of work because of the pandemic.

Pursuant to the provisions of Article 11(1)(2) of the SSSBA, the minimum daily amount of the unemployment cash benefit was increased from BGN 9 to BGN 12, with effect from 1 October 2020. An average of 30,000 to 33,000 persons per month benefited from the increase in the period from 1 October to 31 December 2020.

Pursuant to § 2 of the *Transitional and Final Provisions* of the 2020 SSSBA, the unemployment benefits under Article 54b(4) of the *Social Insurance Code* awarded with effect from 1 October 2020 till 31 December 2020, inclusive, were payable for seven months. Unemployment benefits whose validity period had not expired by 1 October 2020 were also payable for seven months.

- **Parents of children under 12 years of age**

Another category of persons impacted by the restrictive measures to prevent the spread of COVID-19 were the parents of young children – mainly children under 12 years of age. They were either unilaterally granted paid leave by their employers or they requested and took paid or unpaid leave to be able to take care of their children confined to their homes due to the countrywide school and day-care closures during the pandemic. Some of them cannot continue working from home. However, the impossibility to attend their workplace after using all of their paid annual leave will leave them without any alternative income options during the state of emergency. In this regard, the Ombudsman put forward a recommendation to the Minister for Labour and Social Policy.

The recommendation was acted upon and appropriate social measures were adopted during the second half of 2020. Additional measures took effect at year-end.

- **Women on maternity leave**

Since the beginning of the state of emergency, the Ombudsman has been receiving complaints from expectant mothers regarding the suspension of prenatal medical examinations. This has made it impossible for them to obtain a medical document that ought to be presented to the employer for them to receive pregnancy, childbirth, and child care cash benefits. These benefits replace employment income while women are on maternity leave and cover 410 days beginning 45 days before the due date of childbirth. In this regard, the Ombudsman put forward a recommendation to the Minister for Labour and Social Policy.

The recommendation has been acted upon.

- **Members of the professions, freelancers, and self-employed persons paying for their own insurance premiums**

As early as in the first months of the state of emergency, the administration of the Ombudsman institution received numerous complaints from members of the professions, freelancers, and representatives of the small private business community who were also experiencing difficulties. A collective complaint was filed, for instance, by 15 hoteliers and restaurateurs employing no staff and 17 owners of small restaurants, fast-food establishments, and guesthouses employing between 1 and 9 workers each. In total, they hire nearly 75 workers or employees annually. The Ombudsman was approached also with the same concerns by many tourist guides, most of whom pay for their own insurance premiums.

The Ombudsman put forward a recommendation to the Minister for Labour and Social Policy concerning the three groups of difficulties and problems identified by the complainants.

She urged that urgent measures be taken to support employers who carry out their business activities and employ staff on a seasonal basis since they need backing to keep their staff employed.

The recommendation was implemented and the Ministry of Labour and Social Policy introduced numerous social measures to support the said persons, as well as all groups of workers. Furthermore, the *Labour Code* was amended whereby it was made possible to guarantee the rights of some of the social groups.

The Ombudsman put forward a recommendation to the Minister for Economy urging that a wider range of preliminary information be provided on the measures planned by the Ministry of Economy to provide government support to those in need – traders, freelancers, and self-employed persons paying for their insurance premiums, using funds from the national budget, from the European structural and investment funds, or other public funds.

The recommendation was taken into consideration. Up-to-date information on the economic and social measures taken to support natural persons – workers, unemployed, and self-employed, as well as legal persons, is currently available on the Unified Information Portal providing official information on the measures to respond to COVID-19. Similar information has been published also on the websites of the Ministry of Economy and the Ministry of Labour and Social Policy.

1.4. Contractual Relations of Employment in the Context of the COVID-19 Crisis

The following significant recommendations concerning citizens' labour rights were put forward to the Minister for Labour and Social Policy:

Right after the state of emergency was declared, the Ombudsman of the Republic of Bulgaria drew the attention of the Minister for Labour and Social Policy to the fact that the existing legislative framework did not provide sufficiently effective solutions to the problems faced by certain large groups of the population during the state of emergency.

Acting on the Ombudsman's recommendation, the Ministry of Labour and Social Policy came up with several social measures aimed at maintaining workers' employment and granting various social assistance benefits to a wide range of persons.

At the same time, amendments to the *Labour Code* were adopted regulating employers' rights and obligations in the context of transitioning to teleworking, temporary cessation of the work of businesses or parts thereof, the entitlement to unemployment benefits for temporary redundancy, the possibility for employers to unilaterally grant paid leave, and the possibility for workers and employees to unilaterally take paid or unpaid leave. The *Health Act* was also amended to provide that any unpaid leave of up to sixty (60) working days taken in 2020 shall be credited as pensionable and contributory service. The application of such measure was extended into 2021 by amending the *2021 State Social Security Budget Act*. The amended § 4a(1) of its *Transitional and Final Provisions* provides that any unpaid leave of up to sixty (60) working days under Article 160(1) of the *Labour Code* taken in 2021 shall be credited as pensionable service and § 4a(2) provides that any unpaid leave of up to sixty (60) working days taken in 2021 shall be credited as contributory service as per Article 9(2)(3) of the *Social Insurance Code*.

1.6. Right to Healthcare in the Context of the COVID-19 Crisis

- **Rights affected by the imposition of quarantine procedures**

A complaint filed on behalf of the Initiative Committee of Bulgarian Citizens Residing in the United Kingdom of Great Britain and Northern Ireland, as well as numerous individual citizen complaints, appealed to the Ombudsman with a request for assistance. **They insisted that the quarantine requirement, as well as the requirement for proof of negative COVID-19 test, should be lifted for Bulgarians returning from the UK.** The complainants expressed concerns that nearly 250,000 Bulgarian citizens residing in the UK were prevented from traveling to their homeland and their families. Complaints were received also from Bulgarian citizens residing in Sweden who were returning to Bulgaria. They had been placed under 14-day quarantine despite the proof of negative COVID-19 test they had presented.

The Ombudsman acted on the complaints and a recommendation was put forward to the Minister for Health and the Deputy Prime Minister for Judicial Reform and Minister of Foreign Affairs. The recommendation was implemented. The Minister for Health issued a new order whereby the restrictions were lifted.

- **Healthcare professionals and Regional Health Inspectorates (RHI) staff who had not received their supplementary remuneration of BGN 1,000**

In response to the Ombudsman's recommendation put forward to the Minister for Health, the Ombudsman was informed that an amendment had been made to the '*Support to Healthcare Workers in a Situation of a Threat to Public Health Security Posed by COVID-19*' Project funded under the *Human Resources Development* Operational Program. It was stated that the payments to healthcare professionals had been disbursed. The Ombudsman received also a letter of appreciation from nurses for the assistance they had received. They confirmed also that the payments had been received. The recommendation was implemented.

The Ombudsman put forward a recommendation to the Minister for Health that the problems raised should be considered and the rights of the RHI staff working at the frontlines in the fight against the COVID-19 pandemic should be guaranteed.

In response to the Ombudsman's recommendation, she was informed that a **legislative amendment had been adopted** providing that all RHI employees currently involved with projects and programmes co-funded by the COVID-19 related European structural and investment funds should receive their supplementary remuneration for the period from 1 April to 31 December 2020 in January 2021 following an assessment. The amount of such supplementary remuneration should exceed 80 percent of the amount of the basic salaries received during the respective year. The recommendation had been taken into consideration.

- **Failure to inform citizens that the National Health Insurance Fund (NHIF) has terminated their chosen general practitioner's (GP) contract**

A recommendation was put forward to the Minister for Health and the NHIF Manager that all possibilities should be considered and a solution should be found, including by adopting legislative amendments, to ensure that citizens will be informed promptly where the NHIF has cancelled their chosen GP's contract. At the same time, the citizens' right to choose a new GP should also be guaranteed.

The recommendation has not yet been acted upon.

- **Citizen dissatisfaction with having to pay out-of-pocket for PCR tests**

Recommendations were put forward in this regard to the Minister for Health and the relevant inspection bodies. Regarding the cases where citizens had been required to pay out-of-

pocket for PCR testing as a condition for their hospitalisation, the Ministry of Health published information that citizens must not be made to pay for a PCR test as a condition to be admitted to or to see a specialist at any healthcare establishment. It was pointed out that in such cases the citizens should send a denunciation to the Executive Agency for Medical Supervision.

An Annex to the *National Framework Agreement in Healthcare* was adopted providing for free PCR testing where the test is ordered by an RHI physician and/or prescribed by a general practitioner.

Albeit with some delay, the recommendations were taken into consideration

- **Complaints concerning the anti-epidemic measures and the provision of medical care to citizens in the context of the pandemic**, for example:
- Denial of primary medical care; impossibility to get in touch with the general practitioners; lack of information on out-of-hours services and medical offices that run out of hours, weekends, and bank holidays which have contracts with the general practitioners;
- delayed ambulance arrivals;
- citizens (with both COVID-19 and other diseases whose condition necessitated hospital treatment) had been denied hospitalisation by the hospitals they had turned to or where they had been taken by an ambulance;
- suspension of prenatal medical examinations;
- problems with laboratory testing and with conducting patient consultations required to appear before the TEMC/NEMC;
- doubts about the diagnostic accuracy of clinical laboratory tests;
- imposition of mandatory 14-day isolation after discharge from hospital of patients recovered from COVID-19.

The Ombudsman summarised the problems and brought them to the attention of the Minister for Health. She highlighted the need to take urgent measures to address the difficult situation that puts citizens' health and lives at risk. The recommendation has been taken into consideration.

- **Complaints from citizens regarding delays or suspension of their treatment due to the lack of medicinal products in pharmacies**

In each specific case, recommendations were promptly put forward to the Minister for Health and/or the Bulgarian Drug Agency, as well as to the NHIF, urging that checks should be carried out, the problems should be resolved, and the citizens should be provided with assistance.

The National Assembly adopted amendments to the Medicinal Products in Human Medicine Act authorising the Minister of Health to ban the export of medicinal products. The Minister did issue an order to ban the export of certain medicines for the treatment of diseases of social significance. The recommendation has been partially implemented.

- **Problems with the dispensing of medicinal products prescribed by drug reimbursement decisions and with the endorsement of the drug reimbursement decisions by the NHIF**

Following the recommendations addressed to the NHIF, the problems were resolved in due course.

The NHIF drew up and published *Terms and Procedures for Dispensing Medicinal Products, Medical Devices, and Dietary Foods for Special Medical Purposes, Reimbursed in Full or in Part by the NHIF, as well as for Extending Ex Officio the Validity of Reimbursement Decisions for Costly Treatment of Chronically Ill Patients*. They will be in force during the emergency epidemic situation.

1.7. Right to Education in the Context of the COVID-19 Crisis

- **Complaints from students and parents requesting that the national external assessment (NEA) exams after grade 4 and grade 10 for the 2019-2020 school year should be cancelled**

Recommendations were put forward to the Ministry of Education and Science that the exams at issue should be cancelled. A recommendation was addressed also to the Chairperson (Speaker) of the National Assembly and the Chair of the Parliamentary Committee on Education and Science that the relevant legislative measures should be taken to have the NEA exams after grade 4 and grade 10 for the current school year annulled.

The recommendation was taken into consideration and was acted upon. The relevant legislative amendments were adopted. Subsequently, the NEA exams after grade 4 and grade 10 for the 2019-2020 school year were cancelled.

- **Complaints from parents requesting that fees in private daycares be reduced**

A recommendation was put forward to the Bulgarian Association of Private Schools (BAPS) that action be taken to reduce the fees charged by privately-run day-care facilities. It was recommended also that families left without income during the countrywide state of emergency should be exempted from paying any fee.

The recommendation was implemented in part – many privately-run day-care facilities acted upon it and cut their fees by half while still running online activities with the little ones.

- **Complaints from students at the Medical University of Plovdiv and the Medical University of Sofia regarding the dramatic increase in tuition fees for non-subsidised programmes in this country's medical universities**

A recommendation was put forward to the Ministry of Education and Science to consider the possibility of imposing a moratorium on the provision at issue or limiting its applicability to new students starting their studies during the 2020-2021 academic year.

The recommendation was taken into consideration only partially – the MES backed the medical universities that came up with viable options for reducing the tuition fees for non-subsidised students.

- **Complaints requesting that the national external assessment (NEA) exams for pupils in grades 4, 7, and 10 should be modified to integrate the assessment of competencies from several subjects into a single test**

A recommendation was put forward to the MES that secondary education should be adapted in such a way as to ensure that children are well prepared for the NEA exams. It was

recommended also that the changes should apply to children who would be fifth-graders in the 2020-2021 school year.

The recommendation has been taken into consideration. The changes will take effect from the 2022-2023 school year.

- **Complaints submitted by graduating law students at Sofia University “St. Kliment Ohridski”** whose convocation date was upcoming but whose final state examinations had been postponed because of the measures to limit the spread of COVID-19. The complainants requested that final state examinations should be conducted, that their right to reside in their dormitories should be extended until June 2021, as well as that the state should continue to provide health insurance coverage for them beyond December 2020.

Following up on the complaint, the Ombudsman put forward a recommendation to the Minister for Education and Science and the rector of the Sofia University that, given the ongoing countrywide emergency epidemic situation, possibilities should be sought to resolve the problems faced by the graduating students concerning their entitlements, their eligibility to receive scholarships, and their right to reside in the dormitories. It was highlighted also that the students ought to be informed promptly of the decisions taken in this regard.

A recommendation was put forward also to the Minister for Labour and Social Policy requesting that solutions should be sought to ensure that graduating students remain covered by uninterrupted health insurance.

All recommendations were implemented. The Minister of Health issued an order to allow conducting in-person academic final state examinations. Student entitlements, insurance coverage, dormitory accommodation, and disbursement of scholarships were extended until the end of the first extended exam period. Students at Sofia University “St. Kliment Ohridski”, in particular, were allowed to reside in their dormitories until July 2021 even if they have graduated in the meanwhile.

1.8. Consumer rights in the Context of the COVID-19 Crisis

The COVID-19 pandemic has highlighted even more clearly the problems facing citizens as consumers. These relate to the quality of water supply, electricity supply, and mobile services. The deficiency of such services or their poor quality has implications for the maintenance of good personal hygiene, working from home, and the protection of citizens’ health and even their lives.

- **District heating**

Lengthy repairs to the district heating distribution system in the *Darvenitza* residential area, carried out by *Toplofikatsia Sofia EAD*, the district heating company serving the city of Sofia, in the middle of the coronavirus pandemic and against the background of the emergency measures to limit its spread, left the residents without hot water for months. Residents of the affected neighbourhood, as well as the National Assembly of Student Councils of Bulgaria, referred to the Ombudsman for assistance.

The Ombudsman recommended, in this regard, to the Association of Heating Companies in Bulgaria to consider adopting a common policy for all district heating companies aimed at guaranteeing citizens’ right to have access to domestic hot water supply given that people cannot be left without hot water for a long time in the middle of the epidemic situation.

The recommendation that the functioning condition of the affected public infrastructure should be restored has been implemented to a large extent.

- **Water supply**

The lack of water and the frequent failures of the water supply network in the middle of COVID-19 cause major inconvenience. The Ombudsman institution received petitions signed by residents of affected settlements, such as the village of Konyovo in the province of Sliven, the village of Karaissen in the province of Veliko Tarnovo, the village of Sinni Vir in the province of Shumen, and many others.

The lack of running water in the context of the coronavirus puts at risk citizens' health and even their lives as they are unable to maintain good personal hygiene.

Upon receiving an alert, the Ombudsman immediately put forward a recommendation to the respective water and sanitation service (WSS) provider and the mayor of the affected municipality insisting that urgent action be taken to guarantee the citizens' right to high-quality and uninterrupted water supply services.

The majority of the WSS providers pointed out to the Ombudsman that finding a sustainable solution to the existing problems required significant financial resources that they simply did not have. The WSS companies, together with the municipalities, provide the affected consumers with drinking water bowsers and/or bottled water which is a temporary solution to the problem.

- **Electricity supply services**

The Ombudsman received alerts from the residents of the village of Stob in the municipality of Kocherinovo, the Dragalevtsi and Knyazhevo neighbourhoods in the city of Sofia, the villages of Voinegovtsi and Lukovo in the municipality of Svoge, the town of Sapareva Banya, the city of Provadiya, the village of Sklave in the municipality of Sandanski, etc. regarding problems with the electricity supply which hampered teleworking and online learning.

Upon receiving an alert, the Ombudsman immediately put forward a recommendation to the respective electricity distribution company insisting that the necessary measures be taken to ensure a high-quality and uninterrupted electricity supply.

Inquiries were conducted to investigate the complaints. It was ascertained that some of the power outages had been caused by planned repair and maintenance activities requiring that the power supply to the customers be temporarily cut.

In this regard, the Ombudsman put forward a recommendation to all three electricity distribution companies (CEZ Distribution Bulgaria AD, Electrodistribution South EAD, and Electrodistribution North AD) that planned repairs requiring lengthy power cuts should be postponed until a more opportune time.

- **Mobile services**

Concerned citizens turned to the Ombudsman with complaints about mobile service suspensions or possible suspension in the event of late payment for mobile services provided by the mobile network operators. At the same time, they needed such services for online learning or working from home, as well as to stay in touch with their families and close friends.

The Ombudsman put forward a recommendation to all three mobile operators insisting that access to mobile and landline services should not be suspended during the countrywide state of emergency. She appealed for understanding and compassion pointing out the importance of mobile communications in the context of the emergency epidemic situation. Social isolation would also be difficult to cope with without mobile communications. She reminded also that the majority of people had experienced a dramatic decrease in their monthly income while others had suffered job loss.

Following the Ombudsman's intervention, Telenor Bulgaria EAD informed her that the company had already taken some measures to ensure uninterrupted provision of their mobile services and reduce the state of emergency's adverse implications. The Bulgarian Telecommunications Company AD (BTC) also informed the Ombudsman that they had eased the payment terms for all their customers.

- **Financial services**

The number of complaints filed with the Ombudsman institution against collection agencies and payday loan companies increased dramatically during the state of emergency and even after it was lifted. The main reasons for such increase were, on the one hand, the fact that the COVID-related loan payment moratorium applied to bank loans only and, on the other hand, the failure of non-bank financial institutions and collectors to heedful of the challenges facing people in the context of the dire economic crisis.

In her capacity as a human rights defender, the Ombudsman took a number of actions:

- She put forward specific recommendations to the Chairperson (Speaker) of the National Assembly and the Chairperson of the Parliamentary Committee on Legal Affairs regarding the activities of collection agencies and payday loan companies.
- She put forward a recommendation to the Association for Responsible Lending (ARL) calling on payday lenders to take a case-by-case approach and be considerate towards borrowers. She suggested also that a common policy should be drawn up to allow for taking united action in similar circumstances.
- She put forward a recommendation to the Association of Collection Agencies in Bulgaria, as well, urging them to show understanding and compassion for citizens who were temporarily unable to repay their debts because they had suddenly fallen into difficult financial circumstances in the middle of the pandemic, as well as to use every possibility for taking a case-by-case approach.

In response, the Association assured the Ombudsman of their members' willingness to show collective compassion and maximum flexibility by seeking individual solutions to each customer's case, thus limiting the risk of unmanageable increases in the amounts due.

- **Passenger transport services**

In the context of the state of emergency declared in response to the COVID-19 pandemic and even in its aftermath, numerous international flights were cancelled by the airlines. At the same time, citizens did not feel like flying and cancelled their trips because they were scared of contracting coronavirus or because of the quarantine imposed by many countries on passengers arriving from certain countries. In this context, the Ombudsman received complaints from citizens requesting that the cost of the tickets they had bought should be refunded.

Following up on such complaints, the Ombudsman either turned to the Directorate General "Civil Aviation Administration" (DG CAA) or provided counsel and explanations to the complainants concerning their rights and obligations in each specific case.

The Ombudsman received also alerts from citizens regarding noncompliance with the anti-epidemic measures on rail and urban transport services in the city of Sofia and on intercity transport services. Citizens complained also of the lack of control on the part of the competent authorities.

Following up on such complaints, the Ombudsman turned to BDZ Passenger Services EOOD, the Urban Mobility Centre, and the Executive Agency "Automobile Administration" (EAAA) with a recommendation that controls should be enhanced to ensure compliance with the anti-epidemic measures by both passengers and vehicle operators.

The EAAA issued a warning to all passenger carriers to take urgent measures to ensure compliance with all orders issued by the Ministry of Health.

- **Tourism services and services provided by travel agencies**

Dozens of citizens have turned to the Ombudsman institution since the countrywide state of emergency was declared requesting that the amounts paid for package tours or package holidays should be refunded.

The coronavirus pandemic and the measures introduced by all countries in response to it resulted in flight cancellations, hotel and restaurant closures, and closures of tourist sites and facilities. This, in turn, made it practically impossible for tour operators and travel agents to provide tourism services. This resulted in the cancellation of tourist arrangements and contract cancellations.

Numerous phone calls were placed and many telephone consultations were carried out regarding the Guidelines and Recommendations issued by the Ministry of Tourism and the Commission for Consumer Protection concerning package travel contracts whose performance had become impossible in the context of the state of emergency declared to prevent the spread of COVID-19 in Bulgaria and worldwide.

Citizens were provided with explanations concerning the opportunities available to them under the *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act*. The Ombudsman institution engaged in mediation between citizens and travel agencies. The Ombudsman was contacted also by citizens who had cancelled their planned trips themselves because they were scared to travel in the ongoing adverse situation.

In those cases, the Ombudsman carried out mediation between citizens and travel agencies.

- **Administrative services (general services)**

The pandemic raised also many issues relating to general administrative services. Citizens sought the Ombudsman's assistance regarding the administrative services they had received.

Complaints relating to Bulgarian identity documents

– Numerous complaints from citizens raised the issue of Bulgarian identity documents' validity in the context of COVID-19.

They were informed by the Ombudsman of the amendments introduced by the *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act* providing for an extension of the validity of Bulgarian identity documents.

Complaints about refusals by registration offices to perform registration of residence

Citizens alerted the Ombudsman that certain municipal administrations (e.g., Razgrad, Shumen, Panagyurishte) had suspended the registration of residence services because of the countrywide state of emergency.

Following up on such complaints, the Ombudsman approached the administrations in question and put forward recommendations that the registration of residence services should be resumed subject to compliance with the relevant anti-epidemic measures. The recommendations were duly implemented.

The Ombudsman received also requests from residents of the cities of Sofia and Assenovgrad that rental payments for municipal real estate property rented by commercial

tenants (both natural persons and companies) whose operating activities had ceased due to COVID-19 should be reduced or deferred.

The Ombudsman held consultations with the Sofia Municipality and was informed that the Sofia Municipal Council had adopted Decision No. 136 of 16 April 2020 where one of the measures aimed at reducing the burden on traders provided for waiving temporarily, in part or in full, rental payments for municipal commercial real estate properties for tenants who had either limited or ceased their business activities as a result of the measures and restrictions imposed during the state of emergency.

A similar decision (No. 206 of 29 April 2020) had been adopted by the Municipal Council of Assenovgrad.

2. The Ombudsman's Reception Office

In the last year, the operations of the Ombudsman's reception office were reorganized in consideration of the countrywide state of emergency and emergency epidemic situation. For that reason, in-person visits were restricted for the period of validity of the orders issued by the Minister for Health. Alternative and flexible mechanisms were introduced to ensure that citizens have uninterrupted access to the Ombudsman institution.

The mobile phone numbers not just of the experts working in the reception office, but of the entire Ombudsman's team were made publicly available. The information was published on the Ombudsman's official website and was prominently displayed at the entrance to the institution. 12,092 phone calls in total were received at the published mobile phones from March till the end of 2020. In most cases, the callers sought information on the anti-epidemic measures, asked the experts' advice on what actions to take to protect their rights, and shared the challenges they were facing in isolation. Most citizens requested the Ombudsman's support and assistance.

| | | | |
|---|--|---|---|
|  | By email to the following address: priemna@ombudsman.bg |  | By fax to the following number: 02/81 06 963 |
|  | Via the Ombudsman's website: www.ombudsman.bg |  | By snail mail to the following address: Sofia 1202, 22 Georg Washington Str. |
|  | By phone at the following number: 02/810 69 55 |  | In-person at the reception office at 22 Georg Washington Str., Sofia 1202 |

During the COVID-19 outbreak, a significant share of the citizens contacting the Ombudsman institution chose to call the publicized phone numbers. This resulted in the more frequent use of the complaint mechanism provided for in Article 25 of the *Ombudsman Act*. In those cases, the expert taking the call compiled, with the caller's consent, a record of verbal complaint describing the case, identifying a wrongdoer, and the complainant's specific request concerning the protection of her or his rights and interests. The number of complaints received in this manner was 416, or 3.14 percent of all complaints received.

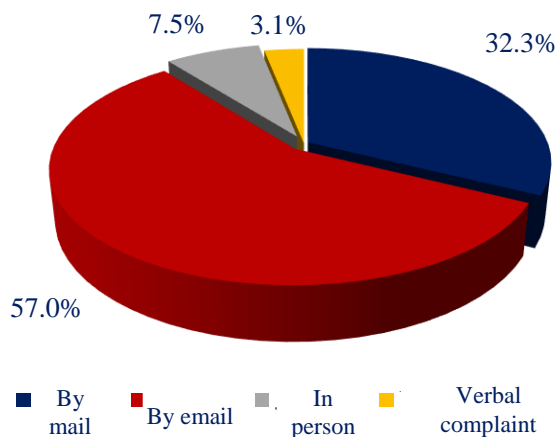
Another complaint mechanism utilised frequently in the last years was the electronic filing of complaints. In the context of the anti-epidemic restrictive measures, this made it much easier for citizens to seek the Ombudsman's assistance.

During the periods when the restrictions were lifted, **1,326 citizens** and representatives of various organizations **visited the Ombudsman's reception office in person**, and **6,325**

persons called the reception office via the 24/7/365 phone line seeking information and/or counsel.

The number of citizens who received assistance in 2020 was 19,743 or 6,582 more than in 2019. They turned to the Ombudsman by either visiting the institution in person, or calling the 24/7/365 landline, or calling the publicized mobile phone numbers.

Chart 6: Breakdown of complaints and denunciations received in 2020 (in %)



- Public reception days

The new situation in Bulgaria necessitated also a change to the traditional method of holding public reception days when visiting citizens could meet the Ombudsman in person. Given the need to comply with the anti-epidemic measures, a new form of meetings was introduced, i.e., online meetings held by either Skype or phone.



- Citizen complaints and denunciations

The number of complaints and denunciations received in 2020 was 13,244, up by 2.54% compared to 2019 when the same number was 12,916.

Owing to the Ombudsman's active work, nationals of other countries also sought her assistance.

The number of complaints from foreign nationals in 2020 was 60. Those were from nationals of the United Kingdom, Russia, Turkey, Ukraine, Serbia, and other countries. The majority of the complaints and alerts from foreigners were filed in English (27), followed by those composed in Bulgarian (24). In terms of the kinds of citizens' rights violations, most

complaints concerned violations of civil and political rights (12), followed by violations of the rights of administrative and public service users (10).

In the last year, **23,865** citizens filed collective complaints and petitions with the Ombudsman. Those came most frequently on behalf of initiative committees. This was undoubtedly an expression of the enhanced citizens' trust and confidence in the institution's abilities to find solutions to problems of high public interest.

The experts working at the Ombudsman's reception office provided citizens with advice on various issues. In the last year, citizens sought most frequently information on the possibilities to have their rights protected during the state of emergency and the emergency epidemic situation. The complaints received by the institution were seen by the Ombudsman as an important source of information regarding the emergency measures' implications for citizens' rights and interests, as well as which measures were met with controversy by the general public. All experts endeavoured to provide assistance and find solutions to the problems facing citizens.

3. Consumer Rights

Table 5: Number of consumer complaints during the period 2018–2020 broken down by industries

| Industries | 2018 | 2019 | 2020 |
|-----------------------------------|------|-------|--------------|
| Water supply and sanitation (WSS) | 753 | 1,409 | 1,097 |
| District heating | 418 | 327 | 964 |
| Electronic communication services | 456 | 331 | 322 |
| Financial services | 296 | 424 | 302 |
| Electricity supply | 431 | 542 | 275 |
| Transport services | 374 | 167 | 153 |
| Collection agencies | 97 | 102 | 44 |
| Waste collection | 56 | 34 | 37 |
| Gas supply | 16 | 17 | 31 |
| Insurance services. | 96 | 54 | 22 |
| Postal services | 21 | 25 | 16 |
| Other consumer disputes | 92 | 86 | 137 |

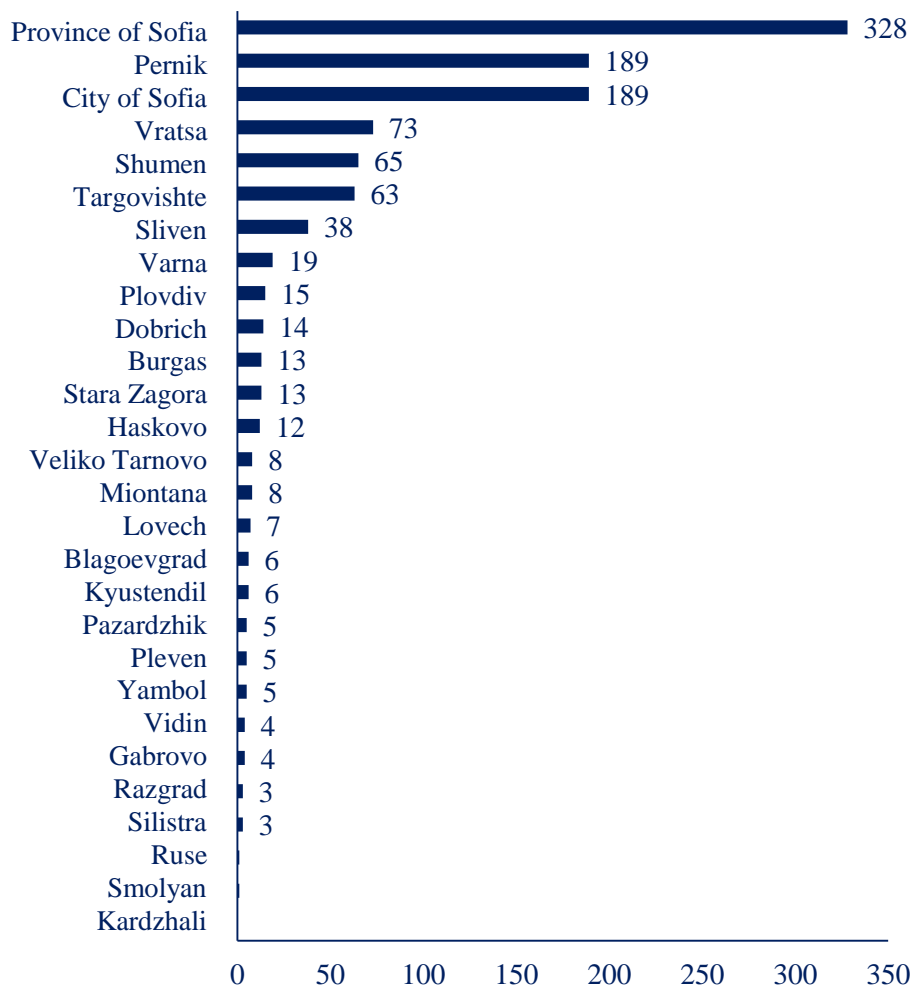
Complaint analysis has shown that in 2020, most complaints were filed, once again, by WSS consumers, followed by complaints against district heating companies, mobile operators, banks and payday loan companies, electricity supply and distribution companies, etc.

3.1. WSS services

In 2020, the Ombudsman institution received 1,097 WSS-related complaints, or 32 percent of all consumer complaints received.

Inquiries into 1,378 complaints were completed in 2020. The Ombudsman put forward recommendations with regard to 114 alerts. 109 of those were implemented. With regard to 972 complaints, the Ombudsman expressed an opinion. In 36 cases counsel was provided, and in 21 cases successful mediation was carried out.

Chart 10: Number of complaints against the WSS industry received in 2020 broken down by provinces



The number of complaints related to the poor quality of WSS services remained high.

Hundreds of consumers have been deprived of access to water – an integral part of the right to an adequate standard of living, explicitly recognised by the United Nations General Assembly and the United Nations Human Rights Council. Poor quality water supply services hamper the maintenance of good personal hygiene. In the context of the coronavirus pandemic, this poses a risk to citizens' health and even to their lives.

The widespread public discontent with the annual increases in the price of water supply services is justified given that their quality has not been improving.

On the occasion of the public consultations held on 5 May 2020 by the Ministry of Regional Development and Public Works (MRDPW) regarding the proposed drawing up a *Water and Sanitation Bill*, the Ombudsman addressed an opinion pointing out the need for:

- economically justified prices of water supply and sanitation services;
- clear rules for adopting business plans and for fixing the prices of WSS services where part of the regulatory period has expired;
- proof of consultations with citizens held;
- procedure for reviewing an approved business plan where circumstances have been established that impact its technical and economic sections;
- clear rules for determining the affordability level for the prices of WSS services;
- procedure for paying lower prices for water supply services where the water supplied is unfit for drinking, household, and sanitary purposes.

The *Water and Sanitation Bill* circulated for public consultation by the MRDPW on 26 October 2020, did not provide a solution to the problems raised by the Ombudsman. Thus, she addressed an opinion to the MRDPW regarding the drafted *Water and Sanitation Bill* pointing out that the consumers' rights and interests were not sufficiently protected. She insisted that the problems raised during the public consultation should be resolved and pointed out further issues, in particular:

- the role of the WSS associations had not been reviewed and the requirement that the regional governor (a state representative) should have a blocking quota of 35 percent when deciding on certain matters within the competence of the General Assembly of shareholders, and should receive a voting mandate from the MRDPW had been retained. This had deprived practically the municipalities of autonomous decision-making powers;
- a fixed price component had been introduced designed to cover the suppliers' cost of ensuring access to WSS services regardless of their actual use. Such change was not in the interest of citizens and would not result in fewer failures of the old and worn-out WSS network;
- the requirements for and the powers of the new WSS Commission had been lowered which would affect the quality of oversight over the operations of WSS providers;
- the quality indicators for service provision had been reduced to 6 from the current 15, which was not in the citizens' interest;
- the general conditions in standard form consumer contracts with WSS providers would be drawn up by the MRDPW with no requirement to be approved by the WSS Services Regulatory Commission and the Commission for Consumer Protection to prevent unfair terms;
- enforcement orders under Article 410(1) of the *Code of Civil Procedure* would be issued irrespective of the debt amount. The law should provide for a voluntary dispute resolution procedure to be attempted before resorting to litigation;
- the municipalities would be required to join the respective WSS associations following the Bill's entry into force. Water extraction facilities, water transfer networks and facilities owned by the municipalities would be, without their consent, turned over to the Associations, and then, in turn, to the WSS providers. This would be contrary to the provision of Article 21(1)(8) of the *Local Self-government and Local Administration Act* which provides that the Municipal Councils should adopt decisions on managing municipal property;
- it was not clear how the WSS providers and the companies for equity distribution would be able to read water meters remotely given that they used different water meter reading software, which was seen as a problem with the remote meter reading.

In an opinion addressed to the Energy and Water Regulatory Commission (EWRC) regarding the new approved prices of WSS services for 2021, the Ombudsman underscored that the increases in water prices would not result in tangible benefits for the citizens since the service provision quality had not improved. She put forward a recommendation that water prices in the provinces of Razgrad, Sofia, Pleven, Kardzhali, Varna, Haskovo, Pernik, and Plovdiv should not be increased.

Following the adoption by the EWRC of its Decision No. C-46 of 30 December 2020 to approve new higher prices of WSS services in the said provinces, the Ombudsman addressed separate recommendations to each of the eight WSS providers whose water prices had been increased insisting that they should defer such increases. She based her arguments on the fact that according to the regulator's assessment, all WSS providers had failed to meet the quality indicators and on the financial difficulties facing citizens in the context of the emergency epidemic situation.

Main recommendations:

A new *Water and Sanitation Bill* should be proposed that ought to:

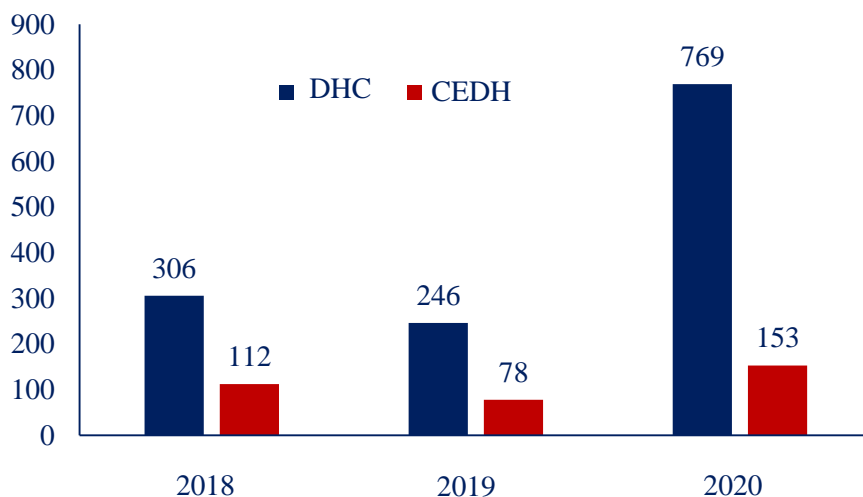
- protect sufficiently consumers’ right to receive quality WSS services at economically justified prices;
- provide for targeted assistance measures to help socially disadvantaged citizens pay their water bills;
- provide for a clear procedure for paying lower prices for water that fails to meet the regulatory quality requirements;
- ensure effective oversight over the operations of WSS providers.

3.2. District heating

The number of complaints received in 2020 from consumers of district heating was 954, up by 300 percent compared to 2019. 769 of those were against district heating companies (DHC) and 153 – against companies for equity distribution of heat (CEDH).

Inquiries into 600 complaints were completed in 2020. The Ombudsman put forward 20 recommendations, expressed an opinion in 495 cases, and provided counsel in 85 cases.

Chart 7: Number of complaints against DHCs and CEDHs received during the period 2018–2020



In the last year, citizens sought most frequently assistance concerning high balancing bills for heat supplied in the 2019–2020 heating season; low refund amounts owed to consumers as a result of the retroactive reduction in natural gas prices; conflicting data from the CEDHs and the district heating companies on the equity distribution results; vague information in the explanatory notes to the monthly invoices; lack of possibility for individual consumers to withdraw from contracts for heating supply services; and poor service quality.

There was a tangible increase in the number of complaints related to certain problems, such as non-compliance by the CEDHs with the deadlines for drawing up the balancing bills in accordance with *Ordinance No. E-RD-04-1 of 12 March 2020 on Heat Supply* (Heat Supply Ordinance); failure of *Toplofikatsia Sofia EAD* to provide invoices for the amounts charged to household customers; lack of publicly available information on the approved prices for the services provided by the CEDHs; increases in the heating bills in renovated buildings; substantially overestimated costs of heating 1 cubic meter of water and of the radiative heat transfer along the pipe-embedded structures in buildings.

In January 2020. The Ombudsman addressed an opinion to the Minister for Energy concerning the draft version of the new *Heat Supply Ordinance* circulated for public discussion. In the public advocate's opinion, the draft Ordinance had failed to meet public expectations for a clearer and fairer methodology for heat distribution in condominiums. The new Ordinance had failed, once again, to guarantee the right of citizens to pay for the amount of heat actually consumed. For example, the new *Heat Supply Ordinance* allowed the specific costs of heating water to reach substantially overestimated amounts – up to 150 kWh/m³, and the share of energy from the pipe-embedded structures to be up to 50 percent of the energy consumption for heating in condominiums with no provision for mandatory corrective measures. There was no provision for effective oversight over the implementation of the obligations of the CEDHs and the district heating companies in cases of exceedances of the said values.

- **Right to pay economically justified prices**

The public advocate opposed the draft amendments to *Ordinance No. 5 of 23 January 2014 on Heat Price Regulation* which provided for an increase in the anticipated cost elements in price formation and restricted the possibilities for their flexible reduction for end customers within the annual regulatory period. The Ombudsman opposed also the Energy and Water Regulatory Commission's proposal for an increase in the heat prices valid for the city of Sofia in May and June 2020 pointing to the lack of clear and transparent arguments.

It was established in December 2020 that the customers of the district heating companies had been paying for half a year higher heat prices due to a significant discrepancy between the high anticipated prices and the considerably lower actual prices of natural gas. In this regard, the Ombudsman put forward a recommendation to the EWRC that heat prices for household customers should be reduced with effect from 1 January 2020. The regulator did not consider the recommendation citing the higher costs reported by the heating companies of payments for carbon dioxide emissions reduction relating to their cogeneration.

- **Right to pay for the amount of heat actually consumed**

In a number of cases, citizens had found a discrepancy between the actual consumption of heat in their properties and the heat bills charged to them.

In April and December 2020, dozens of complaints were filed with the Ombudsman institution concerning unexplained and unjustified increases in the heat bills charged by *Toplofikatsia Sofia EAD* for March and November 2020, respectively.

The problems related to the metering, distribution, and payments for the radiative heat transfer along the pipe-embedded structures in buildings remain unresolved. It is often these costs that lead to the accumulation of unpaid bills and convictions.

Dozens of citizens turned to the Ombudsman in 2020, in connection with high and unclear balancing bills for heat supplied in the 2019–2020 heating season.

- **Right to receive quality services**

There was a significant increase in the number of complaints about deviations in the statutory heating and hot water parameters. Complaints about the poor quality of heat supply services increased year on year from 137 to 190 (i.e., by 38.7%).

The legislation does not provide for an independent controller with the authority to inspect the technical condition, settings, and functioning of the district heating substations. Citizens turn for such inspections to the respective heating companies since they own the substations. Inspections are carried out at the request of the Ombudsman as well. However, citizens are rarely satisfied with the results considering that the heating companies focus their attention on the internal building installation and the intensity of consumption.

Another significant reason for the poor quality of heat supply services stems from the worn-out facilities operated by the district heating companies. Acting on specific complaints, the Ombudsman turned to the EWRC and the respective heating companies demanding that the reasons for the frequent decline in the quality of services should be identified and timely action should be taken to keep the heating network in working order and restore normal heat supply.

- **Right to be informed**

The number of complaints concerning incomprehensible heat bills was also on the rise in 2020. In August, the Ombudsman recommended to the Chair of the EWRC to initiate an extraordinary inspection of *Toplofikatsia Sofia EAD* regarding the preparation of the balancing bills for the heating season and the recovery of overpayments. In his response, the Chair informed the Ombudsman that such inspection had already been commissioned on the regulator's initiative.

Acting on the numerous complaints against *Toplofikatsia Sofia EAD*, the Ombudsman's team found out that the company did not issue invoices to its household customers. There had been documented cases where employees had refused to provide invoices notwithstanding the customers' explicit requests. In this regard, the Ombudsman sent in September 2020 a recommendation to the company's CEO demanding that invoices containing all mandatory details be provided to household customers.

The issue concerning monthly invoices was resolved in October 2020.

- **Freedom of choice (Right to decide for oneself)**

In 2020, citizens continued to file complaints requesting that their right to withdraw individually from contracts for heating supply services should be respected. They demanded also that the threshold for deciding on collective withdrawal by the General Assembly of condominiums should be lowered. The threshold is currently set at a minimum of two-thirds of the individual condo owners in a condominium. The complainants pointed out also the untenability of the ban on removing heating units in residences, set out in Article 153(5) of the *Energy Act*. The ban was not respected in practice and the control and meting out of sanctions were ineffective.

As the Ombudsman has repeatedly insisted, the provision at issue should be repealed.

Main recommendations:

- A comprehensive review of the legal framework governing the relations in the heat supply industry, as well as the General Terms for the sales of heat for household use by district heating companies, with the involvement of all stakeholders, with a view to ensuring their equal treatment and the protection of the rights of household customers.
- Effective control of compliance with quality indicators for heat supply services.

1.3. Electronic communication services

A total of 322 complaints were received in 2020 concerning the provision of phone services, internet, and television. The inquiries into all of those were completed. Acting on those complaints, the Ombudsman put forward 195 proposals, opinions, and recommendations. Helpful counsel was given in 49 cases, and mediation was carried out in 13 cases.

Citizen complaints related mostly to inflated bills, insufficient information when contracts were concluded, poor service quality, penalties charged for failure to return equipment upon termination of contracts.

In the face of the coronavirus pandemic, poor mobile coverage makes it difficult for citizens to carry out their work and study commitments remotely, in an electronic environment.

While carrying out inquiries with mobile operators, the Ombudsman was informed that coverage in the areas concerned was good and no optimisation of networks was being considered at this stage. The operators clarified that mobile coverage criteria were based on population and not on territory.

Main recommendations:

- Mobile operators ought to provide in a timely fashion correct information on all contract parameters before their conclusion, as well as on customers' obligations upon contract termination.
- Mobile operators should ensure quality mobile coverage by optimising their networks.

1.4. Electricity supply services

A total of 275 complaints against electricity companies were filed with the Ombudsman institution in 2020. Inquiries into 459 cases were completed.

The number of complaints concerning the poor quality of power supply services was on the rise. The majority of them related to frequent outages, low supply voltage, breakdowns on the distribution network, etc.

• Right to receive quality services

293 complaints were received in 2020 concerning disturbances in the electricity supply of settlements or parts thereof.

Citizens expressed dissatisfaction with planned repairs requiring power cuts during the winter season and in an epidemic situation without considering that outages hamper working from home, online learning, and heating in many households (*see Section One on citizens' rights in the pandemic crisis for more details*).

• Right to pay economically justified prices for services actually received

In addition to the poor quality, citizens were dissatisfied with electricity prices as well.

The Ombudsman did not support the EWRC's decision adopted in connection with the reduction in natural gas prices in effect from 01 April 2020, i.e., to keep the electricity prices as approved by Decision No. C-19 of 01 July 2019 unchanged.

Because of the short period of just 4 days granted from publicising the invitations to holding the public discussion on *Ordinance No. 1 of 14 March 2017 on the Regulation of Electricity Prices* (OREP), the Ombudsman called on 1 May 2020 on the Commission to extend the period at issue. She stressed that such an approach was unacceptable and perfunctory, deprived stakeholders of sufficient time to familiarise themselves with the proposals, and prevented their effective participation in the discussion.

During the public discussion on the proposed amendments to the OREP, the Ombudsman directed the regulator's attention to certain provisions that threatened the balance between the interests of power companies and the interests of consumers.

The Ombudsman raised specific objections during the public discussion at the EWRC on the draft decision on setting new electricity prices for the regulatory period from 1 July 2020 to 30 June 2021, and in particular:

- the electricity distribution companies' requisite annual revenue had not been adjusted with performance-based indicators;
- Some electricity distribution companies had deleted in their applications data on the implementation of their repair and investment programmes for 2019; thus, it was not possible to assess whether the amount of the adjustment to the companies' requisite annual revenue had been properly determined;

– There was no analysis on the effect of the retroactive reduction in natural gas prices with effect from 5 August 2019 on cogeneration.

Citizens' complaints about unilateral estimations of their meter reads where the meters were either not read or inaccurately read continued.

A review of the current general terms in standard form consumer contracts with the electricity distribution companies established that they **did not envisage an explicit procedure for notifying the customers when their meter reads had been adjusted.**

- **Right to be informed**

The inquiries into consumer complaints found out that all electricity distribution companies did not, as a rule, notify their customers of upcoming actions concerning commercial metering devices (CMD), which required drawing up a statement of findings. The actions at issue were carried out in the presence of witnesses. Technically, this was not contrary to the procedure for drawing up the statements of findings as laid down in the general terms.

The Ombudsman's position, however, was that the lack of prior information about upcoming inspections or replacement of CMDs was conducive to violating consumer rights.

Main recommendations:

- The electricity distribution companies ought to take timely measures to ensure the quality and uninterrupted electricity supply to their customers by scheduling planned repairs necessary for this purpose, involving prolonged power cuts, for appropriate periods taking into account the weather conditions or emergencies such as the ongoing epidemic situation.
- The general terms in standard form consumer contracts with the electricity distribution companies ought to be brought in line with the requirements set out in Article 127(1) (17) of *Ordinance No 3 of 21 March 2013 on Licensing the Activities in the Energy Sector* (OLAES), by including an explicit provision governing the procedure for notifying the customers when their meter reads have been adjusted.
- Electricity distribution companies ought to take the necessary actions to inform their customers in advance of upcoming inspections or replacement of CMDs.

1.5. Financial services

A total of 302 complaints against banks and payday loan companies were filed with the Ombudsman institution in 2020.

- **Banks**

Most complaints concerned:

- inability to repay a debt obligation under a loan agreement due to financial difficulties resulting from the COVID-19 pandemic;
- lenders' refusals to renegotiate loan agreements;
- refusals to grant interest-free credit under the government-approved "*Programme for Guaranteeing Interest-Free Loans to Support People Deprived of Employment Opportunities due to the COVID-19 Pandemic*";
- refusals to defer payments under the *Procedure for Deferment and Settlement of Debts Due to Banks and their Subsidiaries – Financial Institutions in Connection with the State of Emergency Introduced by Decision of the National Assembly of 13 March 2020*;
- high fees for banking services.

Regarding the excessive bank fees, the Ombudsman turned to the Association of Banks in Bulgaria with a recommendation that the fees should be appropriate to the nature of the banking services provided.

In response, the Association informed the Ombudsman that her recommendation had been forwarded to all member banks for information so that individual decisions could be made by their respective governing bodies. The Association underscored that any interference in the commercial and pricing policies and practices of its member banks was unacceptable.

- **Payday loan companies**

Most complaints against payday loan companies concerned:

- excessive interest and penalties in loan agreements;
- failure to inform borrowers that their debts have been assigned;
- failure to provide information on the current amount of the debt as a whole and its components, i.e., principal, interest, penalties, and fees;
- use of unlawful and abusive debt collection methods (threats, psychological harassment, home visits, visits at work, etc.).

The Ombudsman addressed the Chairperson (Speaker) of the National Assembly and the Chairperson of the Parliamentary Committee on Legal Affairs regarding the exorbitant interest rates, fees, and unlawful methods of debt collection by collection agencies, with concrete proposals for the cessation of such unlawful practices.

The Ombudsman put forward also a recommendation to the Chairperson of the Association for Responsible Lending urging payday lenders to be considerate towards debtors in the context of the pandemic and to avoid taking coercive measures against citizens who were temporarily unable to repay their debts.

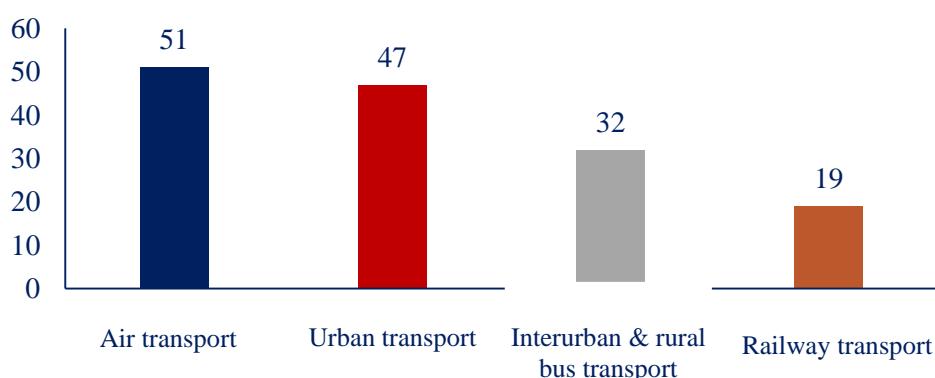
Main recommendations:

- Bank charges ought to be commensurate with the nature of the services provided;
- The activities of the payday loan companies should be regulated and the regulatory authorities should effectively oversee them.

1.6. Transport

A total of 153 complaints related to transport services were received by the Ombudsman institution in 2020. Of those, 114 concerned violations of the right to receive quality services, 19 dealt with violations of the right to pay for services actually received, and 15 related to violations of the right to have access to transport services.

Chart 8: Number of complaints and denunciations received in 2020 broken down by modes of transport



- **Air transport**

The number of complaints concerning air transport services doubled in 2020 compared to 2019. This was due to the fact that many international flights were cancelled due to the COVID-19 pandemic. Citizens sought the Ombudsman's assistance to get refunds for their air tickets.

Following up on the complaints, the Ombudsman provided counsel and explanations to the complainants concerning their rights in case of flight cancellation and brought specific complaints to the attention of the Directorate General of Civil Aviation Administration.

- **Urban transport**

Citizens brought to the Ombudsman's attention issues related to:

- noncompliance with the anti-epidemic measures while travelling on public transport. Following up on such complaints, the Ombudsman addressed letters to the local authorities and the transport undertakings concerned insisting that controls should be enhanced to ensure compliance with the anti-epidemic measures by both passengers and vehicle operators;
- impossibility to effectively use their annual travel cards due to working from home or because of being afraid to travel on public transport in the context of the pandemic;
- the difficulties encountered in purchasing transportation documents for ground and underground transport in the context of the pandemic. The complainants pointed to the insufficiency of points of sale (cash desks, kiosks, etc.) selling tickets, travel cards, and passes in the city of Sofia, as well as to the fact that drivers did not sell transportation documents as a precautionary measure to help prevent the spread of COVID-19. As a result, citizens were fined for fare evasion.

In this regard, the Ombudsman put forward a recommendation to the Urban Mobility Centre and Sofia Metro's operator Metropolitan that timely action should be taken to increase the number of points for the sale of transportation documents.

- **Interurban and rural passenger bus transport**

The problems brought to the Ombudsman's attention included:

- cancelled bus lines before and during the state of emergency. In a recommendation to local authorities, the Ombudsman insisted that the problem be resolved as soon as possible;
- noncompliance with the anti-epidemic measures. The public advocate forwarded those complaints to the competent supervisory authority – the Executive Agency “Automobile Administration” (EAAA) and recommended that inquiries into the denunciations be carried out;
- no bus services for small settlements. The people living in the affected areas were forced into isolation and faced serious difficulties in receiving medical and administrative services. The public advocate put forward recommendations to the local administrations to look for opportunities to provide accessible public transport.

- **Railway transport**

Passengers travelling by rail sought the Ombudsman's assistance most frequently with problems concerning:

- service disruptions, timetable changes, and train delays along certain routes (e.g., Karlovo – Sofia, Septemvri – Dobrinishte, Brusartsi – Lom, etc.);
- train cancellations;
- inconvenient rail timetables for commuters travelling to work.

Main recommendations:

- Ensure access to public transport for residents of small settlements;
- BDZ's rolling stock should be modernised and increased in order to provide the requisite number of locomotives in service to run trains on schedule;
- Rail timetables should be coherent and convenient for commuting workers;
- Provide all necessary conditions for the sale of transportation (fare) documents for public transport in the capital city of Sofia.

1.7. Waste collection

The number of complaints relating to poor provision of services involving payment of household waste charge increased in 2020. Citizens complained most frequently about:

- irregular household waste and recycling collections;
- waste pickup noise in the early hours that disturbs the comfort and peace of citizens;
- worn out, damaged and unusable or insufficient waste receptacles;
- irregular cleaning of public areas, etc.

Main recommendations:

- Municipalities ought to charge municipal waste tax appropriate to the services actually provided as per Article 62 of the *Local Taxes and Fees Act (LTFA)*;
- Municipal authorities ought to strengthen the control on the quality and regular performance of waste collection and transportation services and the maintenance of public area cleanliness.

1.8. Postal services

In 2020, the state-owned company Bulgarian Posts EAD and all other postal operators suspended temporarily the acceptance of outbound international certified and regular mail items (items of correspondence, small packages, printed matter), parcels, and EMS items to many countries. The measure was necessitated by the numerous flight cancellations and major delays in the transportation and delivery of mail items in numerous countries caused by the restrictive measures taken to contain the spread of the coronavirus worldwide. The Ombudsman institution received complaints from citizens who had been prevented from sending international mail items to their loved ones, as well as complaints about lost or delayed international mail items.

Acting within the powers vested in her, the Ombudsman launched inquiries into the complaints and carried out mediation.

Main recommendations:

- Postal service users ought to be provided timely with up-to-date information on any restrictions on sending and receiving international mail to and from certain countries;
- Effective control ought to be exercised over the compliance with the technological requirements for acceptance, processing, dispatch, and delivery of certified and regular mail items.

4. Right to Healthcare

Protecting citizens' rights in the healthcare sector remained among the Ombudsman institution's priorities in 2020, which was marked by the COVID-19 crisis.

A number of anti-epidemic measures were introduced during the state of emergency declared in March 2020, and the subsequent emergency epidemic situation. Many citizens disagreed with those restrictive measures convinced that they violated their rights and freedoms.

Several issues whose solutions had been sought in recent years were once again brought to the Ombudsman's attention, both by members of the public and by patient, professional, and trade organisations and medical staff.

The Ombudsman's report traditionally examines and systematizes the problems, taking into account the complaints and alerts received by the institution. At the same time, the Ombudsman institution carefully monitors the public reactions and reacts to cases where civil rights and freedoms have been violated or jeopardized.

The share of complaints and alerts related to violations of rights in the healthcare sector of the total number of complaints received by the Ombudsman institution has been steadily increasing over the last three years: 4.71% in 2018, 5.16% in 2019, and 6.57% in 2020.

Table 7: *Complaints about rights violations in the healthcare sector during the period 2018–2020*

| Sectors | 2018 | 2019 | 2020 |
|--|------|------|------------|
| COVID-19 pandemic and anti-epidemic measures introduced | 0 | 0 | 320 |
| Medical expertise | 120 | 211 | 175 |
| Quality of medical services | 90 | 83 | 71 |
| Access to medical services | 69 | 87 | 72 |
| Access to medicinal products, medical devices, and dietary foods | 47 | 51 | 39 |
| Healthcare coverage | 64 | 79 | 41 |
| Labour rights and professional rights of healthcare workers | 31 | 33 | 37 |
| Proposals and opinions related to legislative amendments | 27 | 35 | 24 |
| Health promotion and disease prevention, immunization, health controls | 34 | 15 | 11 |
| Access to health information | 2 | 4 | 9 |
| No specific request | 30 | 26 | 29 |
| Other complaints | 81 | 34 | 40 |
| Complaints that fell outside the Ombudsman's remit | 12 | 8 | 2 |

The Ombudsman put forward 312 recommendations related to 557 complaints. (It is important to make it clear that some of the recommendations related to more than one complaint – petitions and identical complaints, as well as that some complaints were addressed with more than one recommendation.)

- **Protecting citizens' rights during the COVID-19 pandemic and in the context of the anti-epidemic measures put in place**
 - Problems with obtaining medical certificates (sick notes) for quarantine;
 - temporary suspension of services at healthcare facilities, impaired access to medical services;
 - impaired access to medicinal products;
 - dissatisfaction with having to pay out-of-pocket for PCR tests;
 - noncompliance with the anti-epidemic measures;
 - disagreement with the restrictions imposed on Bulgarian citizens entering the country.

Main recommendations:

- An analysis should be performed and specific actions should be planned to address all issues stemming from the COVID-19 pandemic and the anti-epidemic measures taken in response to ensure that the health system is prepared to cope successfully with such unexpected challenges without creating conditions for civil rights violations.
- Decisions that affect citizens' rights and freedoms ought to be taken in consultation with all stakeholders. At the same time, the public ought to be informed in detail of the reasons for the introduction of restrictive measures and the expected outcomes.

- **Right to request a medical expertise**

The main issues raised by the complainants related to:

- disagreement with the permanent incapacity percentage as determined by the experts and/or with the type and degree of disability expressed in percentage;
- lost entitlement to an invalidity pension due to general illness;
- delays in the issuance of expert decisions by the Regional Expert Medical Commissions (TEMC) or the National Expert Medical Commission (NEMC);
- problems with the organization and conduct of medical expertise by the TEMCs;
- violation of rights in connection with temporary incapacity for work.

Main recommendations:

- Amendments to the *Ordinance on the Medical Expertise* should be considered with a view to ensuring fair assessment, including of the persons with multiple disabilities;
- Urgent measures should be taken in the areas where delays in the issuance of expert decisions by the TEMCs have been observed, including, *inter alia*, setting up new commissions and shortening of deadlines for pronouncements.
- An analysis of the reasons should be conducted and measures should be taken to reduce the time it takes the NEMC's Specialised Boards to pronounce their decisions, including the drawing up and forwarding of expert decisions.
- Speed up the introduction of the WHO's International Classification of Functioning, Disability, and Health (ICF).
- Consideration should be given to removing the insurable earnings requirement for citizens with congenital diseases or diseases acquired before employment as a condition for granting an invalidity pension due to general illness.
- The determination of lifetime validity of the permanent incapacity for work and/or the type and degree of disability where the leading disability is definitive should be regulated.
- Amendments to the *Social Insurance Code* should be considered to extend the payment of a cash benefit allowance for caring for a sick family member, with priority given to children.

- **Quality of medical services**

The provision of medical services of the requisite volume and quality is undoubtedly an important prerequisite for guaranteeing the rights of citizens as patients. Unfortunately, a significant number of citizen complaints and denunciations received by the Ombudsman institution concerned the following problems:

- dissatisfaction with the quality of medical care provided;
- observable differences in the quality of medical care provided at different healthcare establishments;
- quality of dialysis care.

Main recommendations:

- A strategy should be developed and measures should be taken to overcome inequalities between healthcare establishments, as well as to ensure the financial stability and quality of medical care.
- Changes to the way hospitals are financed ought to be considered, linking the financial outcome to the quality of care provided and patient satisfaction.

- Measures ought to be taken to ensure that there are enough doctors and health care professionals in understaffed healthcare establishments to ensure the quality of medical services provided.

- **Access to medical services**

Ensuring accessible medical care for all citizens, applying the principles of timeliness, sufficiency, and quality is a necessary condition for guaranteeing Bulgarian citizens' rights in the healthcare sector. The complaints and signals received by the Ombudsman institution led to a conclusion that there were still serious problems (*detailed in the report*):

- impaired access to medical care in remote and inaccessible areas;
- violated rights of bedridden patients and persons with reduced mobility;
- provision of out-of-hours services for patients;
- failure to secure access to long-term treatment, rehabilitation, and palliative care;
- access to health promotion and disease prevention;
- impaired access to transplantations, blood, and blood products.

Main recommendations:

- A strategy should be developed aimed at increasing the number of general practitioners and specializations in general medicine, increasing the attractiveness of working in remote and inaccessible areas.
- guarantee that citizens have 24-hour access to primary and specialized medical care.
- Access to medical services for vulnerable groups ought to be improved, including by providing home visits by GPs and specialists.
- Efforts should be made to expand the scope of screening programmes for pregnant women and new-borns, as well as to improve uninsured women's access to prenatal medical examinations and tests.
- Programs ought to be developed aimed at early detection of cancer, including by expanding the scope of screening tests.
- Public funding ought to be provided for sufficient amount and duration of treatment, rehabilitation, and palliative care, as well as for health care.
- Measures ought to be considered to ensure that children have access to a full range of dental services and the elderly have access to prosthodontic services, both publicly funded.
- Measures to promote donation and support transplantation in the Republic of Bulgaria should be sped up, international cooperation should be strengthened, and measures should be put in place to ensure sufficient amounts of blood and blood products.
- Mechanisms should be put in place to ensure access of uninsured citizens with mental illness to outpatient psychiatric care and medicinal products for home treatment.

- **Access to medicinal products, medical devices, and dietary foods for special medical purposes**

Citizens continued to turn to the Ombudsman with complaints regarding their treatment. The major problems raised by the complainants included:

- the prices of and the allocation of public funding to pay for medicinal products, medical devices, and dietary foods for special medical purposes;
- impaired access to medical devices due to their high prices;
- lack and scarcity of medicinal products;
- use of medicines in special cases.

Main recommendations:

- The allocation of public funding to pay for new costly medical devices and costly consumables should be increased.
- Access to medicinal products should be guaranteed, including by allocating public funding to pay for them. Access to innovation should also be guaranteed.
- Measures ought to be taken to facilitate the procedure for prescribing and obtaining medicinal products paid in full or in part by the NHIF. The introduction of electronic protocol and electronic prescriptions should be sped up.
- Action ought to be taken to allocate public funding to pay for medicinal products for the treatment of acute diseases at home, with priority given to children.

• Health insurance and benefits

The Ombudsman received complaints from citizens whose healthcare coverage had been cancelled. They requested the Ombudsman's assistance with the following problems:

- problems with reinstating healthcare coverage that had been cancelled;
- delays in obtaining information required to aggregate periods of health coverage;
- approval of treatment abroad and/or payment for such treatment following its provision;
- payment of cash benefits.

Main recommendations:

- Consideration should be given to expanding the scope of persons whose health insurance is covered by the State during the emergency epidemic situation.
- Consideration should be given as to how to ease the procedure for payment of health insurance contributions by self-employed persons and payment of outstanding amounts for health insurance.
- Consideration should be given to providing for an accessible legal option for reinstating healthcare coverage upon acquiring an entitlement to an old-age or invalidity pension where there are outstanding amounts for health insurance.
- Measures ought to be taken to ensure access to healthcare in cases of delayed receipt from EU countries of the forms required to aggregate periods of health coverage and reinstate healthcare coverage in this country.

5. Right to Education

In the field of education, the crisis necessitated an abrupt transition to distance learning in an electronic environment (a.k.a. remote or online learning) for pupils and students. This has highlighted new issues related to access to education and technology, exacerbating inequalities and disparities in the country's learning environment.

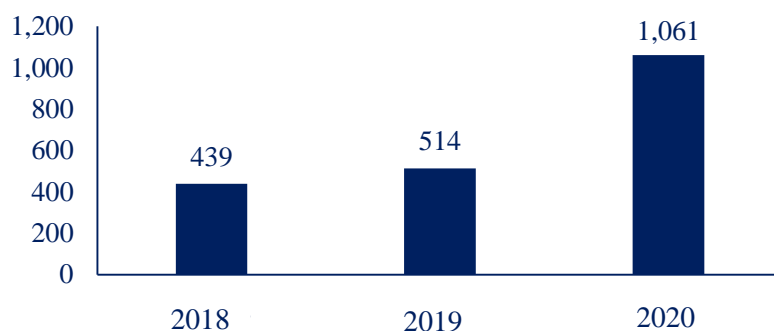
Protecting the right of children and young people to equal access to quality education in the face of was a key priority for the National Ombudsman in 2020.

Following up on the numerous complaints, most of which concerned problems caused by the COVID-19 pandemic, The Ombudsman put forward several recommendations to the competent authorities and the academic leaders of higher education institutions. Her recommendations were taken into consideration. They related to a whole gamut of issues, such as the high fees charged by privately-run day-care facilities during the countrywide emergency epidemic situation; the conduction of the national external assessment (NEA) exams for pupils in grade 4, grade 7, and grade 10 for the 2019-2020 school year, as well as the planned modification of the NEA exams into a new format making it possible to integrate the assessment

of competencies from several subjects into a single test; the readiness of the education system for the new 2020-2021 school year – the organisation of learning and curricula; the provision of electronic devices for children excluded from the ongoing online learning; the development of a response algorithm where students and teachers have fallen sick; the dramatic increase in tuition fees for non-subsidised programmes in the medical universities; the rights of graduating students related to their health coverage and scholarships, the right to stay in their dormitories; the in-person conduction of final state examinations for all majors in all universities.

A total of 1,061 complaints and denunciations about problems in the field of education were received in 2020, up by 200 percent compared to 2019.

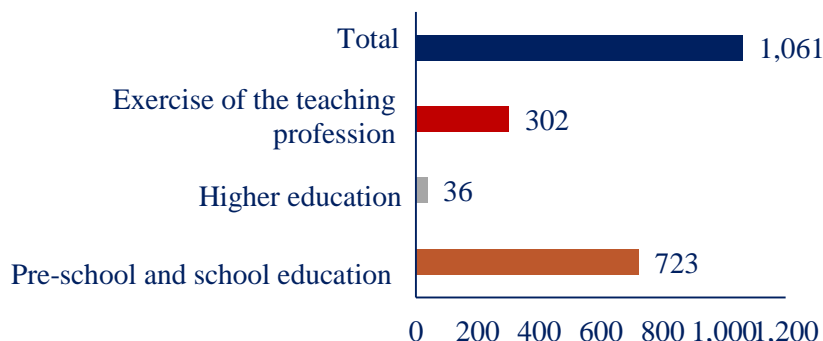
Chart 9: Number of complaints and denunciations about issues in education during the period 2018–2020



In defence of citizens' rights, the Ombudsman put forward 105 recommendations. 100 of those were taken into consideration and 5 were partially implemented.

A total of 1,061 inquiries into complaints and denunciations about issues in the field of education were completed in 2020.

Chart 10: Number of complaints and denunciations about issues in education received in 2020 by type



- **Pre-school education**

Findings:

- The temporary suspension of childcare due to the measures taken by the authorities to contain the spread of COVID-19 has made it difficult for families and forced many parents to look for alternative options for raising and caring for their children or to leave work.
- The introduction of mandatory pre-school education for 4-year-old children continues to be of concern to the parent community since the education system appears to be unprepared to accommodate all children in the day-care facilities.
- The fees charged by day-care facilities represent a barrier to ensuring access to education for children from vulnerable families.
- Free access to pre-school education would lead to the inclusion of children living in poverty and children at risk.

- Urgent measures are needed for the widespread introduction of Bulgarian language classes in child-care facilities for children whose mother tongue is not Bulgarian.
- The trend towards closing kindergartens in the country causes dissatisfaction among local communities and inconveniences parents, forcing them to take their children to childcare facilities in other settlements.
- The problem with the insufficiency of places in childcare on the territory of Sofia Municipality and some of the largest cities in the country has not yet been resolved.
- Quality of care in crèches and kindergartens is of concern to parents.
- The collaboration with parents in the process of easing children’s adjustment to the childcare facilities is not always at the desirable level.
- Forcing parents of children in crèches and kindergartens to pay additional fees and money for consumables is still a fact.

Recommendations:

- Given the need to conduct distance learning, it is imperative to ensure internet connectivity and technical resources for childcare facilities and their teaching staff.
- The introduction of mandatory pre-school education for 4-year-old children should be linked to the removal of childcare fees as an investment in early childhood development.
- Pre-school groups should be gradually taken out of the schools and enough places should be provided for the five- and six-year-olds in the kindergartens.
- Bulgarian language classes ought to be introduced in the child-care facilities for children whose mother tongue is not Bulgarian.
- Active collaboration with parents is required to build up trust between them and the teams taking care of children in childcare facilities.
- Measures should be taken to provide social support to parents whose children have not been accepted to a state-run or municipal kindergarten. They should receive a subsidy determined by the state.
- It is imperative to increase investment in upgrading childcare facilities and building new ones to achieve accessibility and high-quality early childhood care.
- Sofia Municipality should identify sites for the construction of childcare facilities to provide places in crèches and kindergartens for all candidates, especially in newly built residential areas.
- University programmes for training teachers and education professionals working in the preschool education system need to be updated.
- It is imperative to provide alternative forms of raising and education for children enrolled in mandatory preschool education and there should be also a possibility to certify and validate the knowledge and skills acquired in such alternative forms.
- It is imperative to provide better conditions for physical activity, sports, and outdoor play for toddlers.

• School education

The school education system as a whole responded rather quickly to the need to transition to distance learning. In many schools across the country, adequate arrangements were made to include all pupils in the learning process. Teachers have been making great efforts to stay in touch with distance learners and with parents of young pupils in striving to achieve an adequate level of knowledge acquisition and to ensure success at learning.

In consideration of the problems in the educational process identified during the countrywide state of emergency, the Ombudsman recommended to the Ministry of Education and Science (MES) that action should be taken to ensure adequate organisation of learning and

curricula for the new 2020-2021 school year, as well as to prepare the education system for a rapid response in emergencies (action plan). She requested also information from the MES on measures related to ensuring safety in schools and adequate response to COVID-19 cases in any educational establishment.

In 2020, most complaints concerned, once again, the efficiency of distance education; the organisation of learning and curricula in the 2020-2021 school year; ensuring healthy and safe conditions for both pupils and teachers while returning to in-person classes; the quality of learning in schools; students' workload; the complexity of the curricula, the insufficiency of classes for exercise and consolidation of knowledge in certain subjects; the terms and criteria for admission to grade 1, grade 5, and grade 8; the changes in the conduction of the NEA exams after grade 7 and the state matriculation exams (SME) after completing grade 12; the planned 'on-the-fly' changes to the format and content of examinations that are of importance to pupils; the amounts of and the eligibility criteria for scholarships for academic excellence (SAE); poor state of repair or lack of gymnasiums; transfer of students from one school to another; poor school management; lack of adequate communication with parents; the reorganisation of the school network in connection with the transition to single-shift schooling; the issuance of documents in the field of education, etc.

As early as before the start of the 2020-2021 school year, the Ombudsman identified a problem concerning the shortage of technical devices for distance learning and put forward a recommendation to the MES that electronic devices be purchased for children and teachers who did not own any. She suggested also that Internet vouchers should be made available.

The ongoing distance learning has also posed many problems for the education of children with SEN due to the lack of specialised platforms.

- **Issues related to the exercise of the teaching profession**

Findings:

- Difficult access to distance learning for students from small settlements and vulnerable groups.
- The quality of distance learning depends on the provision of technology in education.
- The lack of internet connectivity in many areas of the country has led to a lack of distance learning opportunities.
- There is a shortage of electronic devices for students and teachers for distance learning.
- There is a lack of specialised distance learning platforms for children with SEN.
- Continued efforts of institutions to prevent student dropout and get children who have left back into school.
- There is a need to modernise teaching content.
- More investment is needed in vocational education and training to make it attractive for students.
- Changes are being made 'on-the-fly' to the NEA exams after grade 4, grade 7, and grade 10, as well as to the SMEs after completing grade 12, there is also a lack of predictability for both students and teachers.
- The material to be covered on the NEA and SME exams should be reduced because of the long-term distance learning.
- In connection with the transition to single-shift schooling in some municipalities, the school network is being reorganised without holding public discussions and without reaching public consensus, which results in parental discontent.
- The enrolment in grade 1 and grade 5 in certain schools is being reduced with a view to the introduction of full-day and single-shift schooling.
- Schools and educators do not work enough with talented children.

- The amounts of and the eligibility criteria for scholarships for academic excellence (SAE) are different in different schools.
- Control over the activities of school principals is weakened.
- It is imperative to take measures to address the crisis for educators caused by the ageing of teachers.

Recommendations:

- It is imperative to supply children from vulnerable groups with electronic devices to ensure their access to distance learning in an electronic environment.
- Wireless networks (of Wi-Fi type) with open free internet access ought to be set up to secure the distance learning process in places with high concentrations of school-aged children who are not in school.
- It is essential to modernize facilities and to provide financial support for the introduction of innovative practices in schools.
- New technologies should be actively used in the learning process and educational innovation should be stimulated.
- Special language learning programmes should be introduced for children whose mother tongue is not Bulgarian with a view to their adequate inclusion in the educational system.
- Sustainable measures are needed to introduce educational mediators to work with families from vulnerable communities towards overcoming their negative attitudes towards their children's education.
- It is essential to expand the activities under the *Institutions' Interaction Mechanism for Inclusion in the Education System of Children and Students at Compulsory Pre-school and School Age*, particularly as regards the retention of children and students in schools.
- It is imperative to set up specialized platforms for working with children with SEN.
- Digital skills training programs and courses should be provided for teachers.
- It is essential to increase investment in science, technology, engineering, and mathematics (STEM) education in schools.
- It is necessary to integrate parents and local communities into school life to build trust and establish partnership and collaboration.
- More opportunities ought to be provided for free extracurricular activities and sports in schools.
- It is imperative to increase the SAE amounts to support students that are the top student(s) in their respective schools.
- It is necessary to introduce a system for certifying school principals.
- The administrative burden on teachers ought to be eased.
- Teachers ought to have access to in-house training and continuing education programmes.

• Tertiary education

Findings:

- When discussing strategic and long-term documents, it is essential to hold broad public fora with all stakeholders to ensure support from the academic community.
- The funding of higher education institutions is more strongly correlated with the quality they offer and to their students' realisation, leading to an increase in the quality of higher education as a whole and its applicability to and relevance on the labour market.
- The governance model of higher education institutions needs to be improved.
- The quality of higher education also needs to be improved.

- Student learning is not always aimed at acquiring more skills.
- Some faculty face technical difficulties teaching distance education courses.
- Control over the procedures for holding competitions for academic jobs is weak.
- Educational and scientific results are not of the requisite quality.
- High prices for administrative services in some higher education institutions.
- The link between secondary and tertiary education needs to be boosted by developing special programmes and providing possibilities for faculty to participate in the teaching process in secondary schools.

Recommendations:

- The structure and network of higher education institutions need to be optimised;
- The funding model of higher education institutions needs to be linked more closely to the assessment of the quality of their teaching rather than the number of students;
- Transparency in the governance of higher education institutions;
- Improving the quality of higher education and its relevance to the labour market;
- The quality of higher education and its compatibility with European systems needs to be improved to ensure its integration into the European Education Area;
- It is essential to elaborate national programmes for tertiary education to help students acquire more skills during their studies;
- The digital skills of faculty members should be honed so they could apply digital technology and use electronic devices to teach distance education courses;
- It is necessary to improve the systems for enhancing the faculty's professional competencies;
- Research spending should increase and government support should be provided to increase project participation;
- It is imperative to stimulate research and innovation in higher education institutions;
- Stricter control is needed over the procedures for holding competitions for academic jobs;
- Urgent measures ought to be taken to address the imbalances associated with the increase in the faculty's average age;
- Student loan interest rates must be reduced.

The Ombudsman recognizes the importance of education in shaping a sustainable future for the country and each citizen. This is why she drew once again the attention of both institutions and citizens to recommendations, some of which she had put forward in her annual reports in previous years. Those related to equal access to quality pre-school and school education, the creation of conditions for achieving quality education and lifelong learning, the inclusive nature of education, and the relevance of education to the labour market.

GENERAL recommendations:

- It is necessary to secure investment in schools' educational and technological infrastructure. It is essential also to enable all students to have access to education and quality learning in the context of the pandemic.
- It is essential to procure electronic devices and provide Internet connectivity for teachers and for students whose families are unable to do so, to ensure their full participation in distance learning in an electronic environment.
- It is essential to introduce mandatory pre-school education for 4-year-olds.
- It is essential to remove childcare fees as an investment in early childhood development.

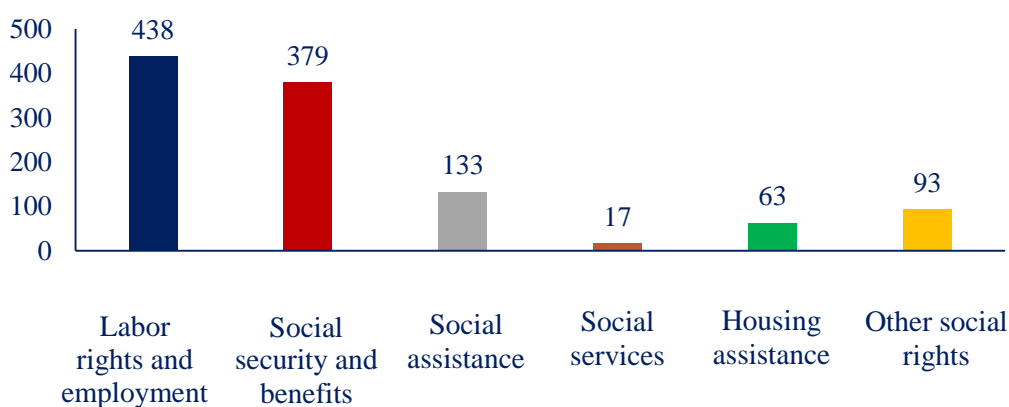
- It is necessary to provide compensation to parents whose children have not been accepted to municipal childcare facilities due to insufficient places.
- Special language learning programmes should be introduced for pre-school children whose mother tongue is not Bulgarian.
- Measures should be taken to ensure the sustainable and large-scale introduction of educational mediators to work with families from vulnerable communities towards overcoming their negative attitudes towards their children's education.
- Education spending ought to be used effectively to improve system outcomes;
- The quality of vocational education and training needs to be improved through a funding system for vocational schools.
- It is essential to introduce a mechanism for assessing the quality of vocational education and training.
- Schools should be encouraged to establish partnership programmes with higher education institutions and conduct practical sessions with local companies to improve the quality of vocational education.
- The quality of adult education and training should be improved given its relevance to the needs of the economy.
- The quality of higher education and its relevance and applicability to the labour market should be improved.
- Measures should be taken to address the imbalances associated with the increase in the faculty's average age.
- The funding model should stimulate competition and the higher education institutions' development with a view to improving the quality of higher education.
- Research spending should increase and government support should be provided to encourage project participation.

6. Social Rights

In 2020, complaints and denunciation concerning social rights –1,218 in total – continued to be among the most numerous of all complaints addressed to the Ombudsman institution.

The largest share of complaints concerned labour rights and employment – 521, followed by complaints related to violations of rights in the field of social security and benefits – 379, and complaints concerning social assistance and social services – 226.

Chart 11: *Number of complaints and denunciations received in 2020 broken down by types of rights*



In defence of citizens' rights, the Ombudsman put forward in 2020 a total of 517 recommendations. 512 of those were taken into consideration and 5 were partially implemented.

Most complaints were against:

- employers;
 - the National Social Security Institute (NSSI);
 - the Executive Agency "General Labour Inspectorate";
 - the National Employment Agency;
 - the Agency for Social Assistance.
- **Citizens' pension rights and social security rights**

Pension entitlements

A total of 254 complaints regarding citizens' pension rights were received in 2020 – both individual and collective.

Following up on specific complaints and problems concerning citizens' pensions, the Ombudsman put forward 72 recommendations to the competent authorities and institutions. 70 of those have been implemented. She sent out also a total of 157 opinions.

The issues that were most frequently raised in 2020 concerned, once again, the low pensions, the need for their updating, and the lack of the much-awaited policy for recalculating all pensions based on the average insurance income after 2016. Data compiled from the complaints showed that in 2020 the issue with the low pensions remained top-ranking and continued to worsen.

In 2020, citizens expressed also their discontent with the impossibility to transfer the funds from their individual accounts for a second supplementary pension from one private pension fund to another or to the NSSI, because of the current limitation provided for in the *Social Insurance Code* (SIC) on exercising this right up to 5 years before reaching retirement age. Another issue of concern to citizens related to the possibilities of obtaining a second supplementary pension, which should become payable to citizens retiring in September 2021, as well as its possible inheritance.

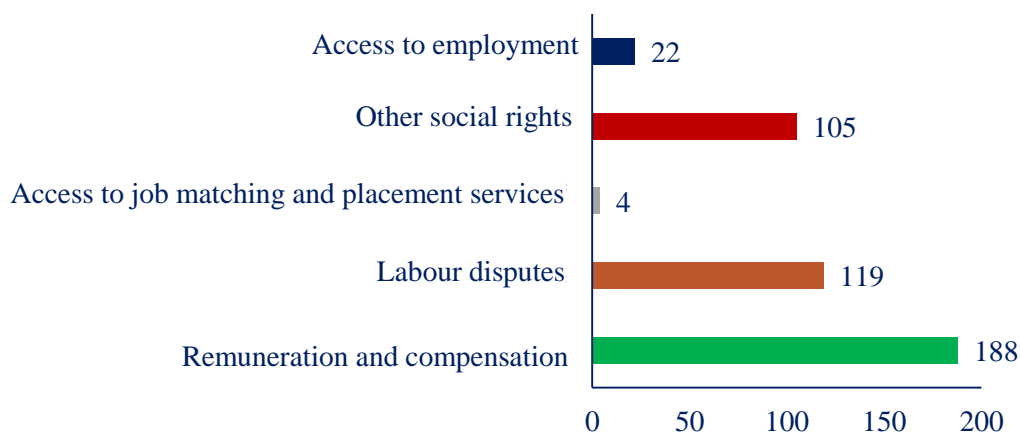
Main recommendations:

- A legal mechanism should be put in place for establishing a minimum amount of retirement pensions that would bring annually the said amount closer or equal to the poverty line.
- All pension amounts should be recalculated based on the average insurance income for the country after 2016 or on last year's one.
- The provision establishing a maximum amount of the pension or pensions received by one retiree should be repealed (§6 of the Transitional and Final Provisions of the SIC).
- The pension rights of the first insured persons who will be eligible for old age contributory pension from the second pension pillar must not be violated.
- Urgent action ought to be taken to protect the interests of Bulgarian citizens who have acquired pension and social security rights in the EU Member States, in particular the Hellenic Republic.

• Labour rights

In defence of citizens' labour rights and employment, the Ombudsman put forward in 2020 more than 300 recommendations. In more than 100 cases the Ombudsman institution expressed opinions and provided counsel in support of the complaining citizens.

Chart 12: Number of citizen complaints and denunciations concerning labour rights received in 2020 broken down by types



2020 saw a change in the profile of persons seeking assistance from the Ombudsman institution. In the context of the pandemic, apart from employees, employment support was also sought by business representatives – employers, self-employed persons, persons paying for their insurance premiums, owners of micro and small enterprises. They sought support to ensure that their employees would remain employed and earning an income after the suspension of business activities during the state of emergency and the emergency epidemic situation.

As in past years, workers and employees who were left with unpaid wages or benefits after the termination of their employment contracts continued to seek support. Workers whose companies were in a difficult financial situation also turned to the Ombudsman for assistance, which necessitated the involvement of the Executive Agency "General Labour Inspectorate" to launch insolvency proceedings.

Main recommendations:

- Urgent measures ought to be proposed to assist people in need of social support during the state of emergency and the emergency epidemic situation.
- The requirement that employers must have paid workers' insurance contributions as a condition for receiving interest-free loans must be abolished.
- A wider range of preliminary information ought to be provided on the measures planned by the Ministry of Economy to provide government support to those in need – traders, freelancers, and self-employed persons paying for their insurance premiums.
- Action should be taken to legislate a possibility for the state to pay the health insurance contributions of persons taking unpaid leave due to the declared epidemic emergency and the anti-epidemic measures introduced in this regard.

• Right to social support and social services

In the context of the countrywide state of emergency and the subsequent emergency epidemic situation, there was a significant increase in 2020 in the number of complaints requesting assistance with much-needed social support.

The majority of last year's complaints concerned, once again, the income criterion for granting monthly allowances for raising children until completion of secondary education, but

no more than 20 years of age, as well as their amount as per the *Family Allowances for Children Act*. Citizens voiced their discontent that it was unfair to take into account the gross amount of the family's income, as it included insurance contributions, deductions, additional compulsory pension insurance. They maintained also that it was unfair to deprive single parents of this type of social support.

Main recommendation:

- All parents, regardless of their income, should receive the support they need from the state in raising their children.

- **Housing assistance**

In 2020, citizens continued to seek the Ombudsman's assistance with finding solutions to their housing problems. The institution received 63 complaints from citizens seeking the Ombudsman's support in this regard. The complainants asked mostly for urgent solutions, including rehousing, deferment of utility bills, or revocation of eviction orders.

Main recommendations:

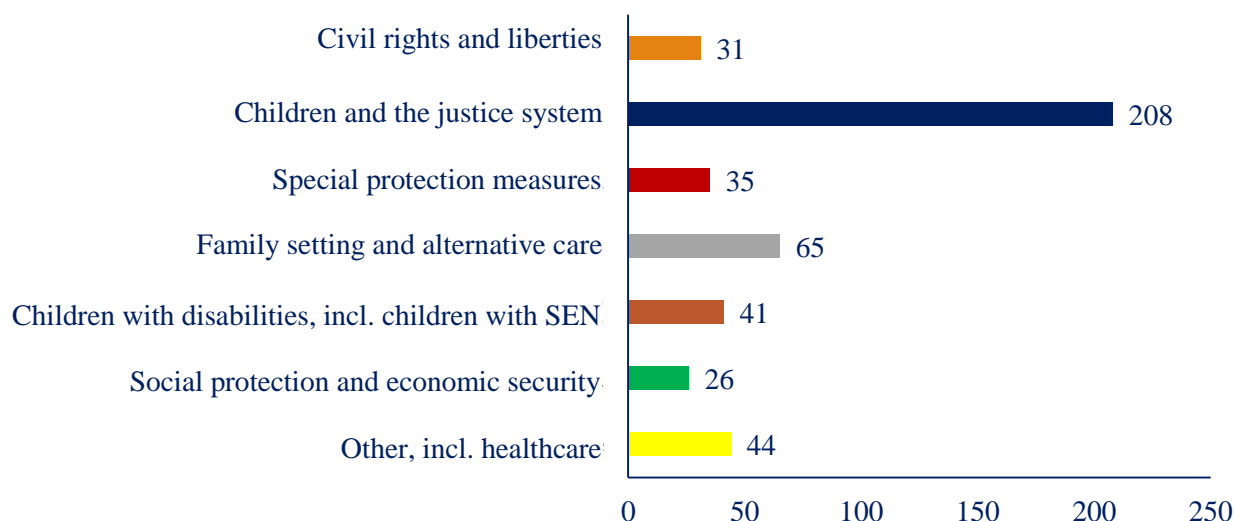
- The Ombudsman reiterates the need to take urgent measures to improve and expand the municipal housing stock.
- The eligibility criteria for accommodating citizens in need in municipal housing ought to be updated to provide opportunities for emergency accommodation.
- Measures need to be taken to make it possible to build social housing.

7. Children's Rights

The complaints and denunciations received in 2020 highlighted a number of issues and systemic gaps related to the policies for adequate child care and adequate risk prevention. 2020 was mostly marked by the COVID-19 pandemic. The state of emergency introduced in Bulgaria in response to the pandemic forced thousands of children and families to face numerous challenges which they have been trying to tackle day in, day out. Children's health issues, mental disorders and anxiety, domestic violence, online education, and the digital divide – those were just some of the issues that had to be addressed as a matter of urgency and citizens brought them to the Ombudsman's attention. Prolonged isolation, combined with the economic impact on families, gave rise to different types of family crises. Limited access to education, health, and social services made the situation even worse.

The Ombudsman put forward more than 100 recommendations. Some of those referred to specific cases while others related to the rights of large groups of children. Most recommendations were addressed to the competent child protection authorities – Social Assistance Directorates (SAD), the Agency for Social Assistance (ASA), the State Agency for Child Protection (SACP), the Ministry of Labour and Social Policy (MLSP), the Ministry of Education and Science (MES) and certain Regional Departments of Education, the Ministry of Health (MH) and the National Health Insurance Fund (NHIF), Mayors of municipalities, and law enforcement authorities. In response to her recommendations, the Ombudsman was informed of the actions taken, including findings of infringements and the sanction meted out.

Chart 13: *Number of complaints and denunciations concerning children's rights received in 2020 broken down by type of wrongdoing*



The issues brought to the Ombudsman's attention by complainants included:

- the need for financial and social support for parents raising their children alone who were left without income;
- complaints about protection measures;
- complaints about the closure of day centres for children with disabilities and the special education support centres;
- complaints about access to education for children with SEN;
- problems with ensuring the safety of Roma children and lack of personal protective equipment for Roma families and neighbourhoods;
- civic discontent with the restrictive measures imposed on children, especially on outdoor activities, sports, and art schools;
- complaints about regulatory changes;
- complaints about the closure of specialised institutions for children and their transfer to other services in the context of emergency measures – Institutions for Children Deprived of Parental Care (ICDPC) and Homes for Medical and Social Child Care (HMSSC);
- the quality of care in residential services and crisis centres for children victims of violence;
- complaints about the work of child protection authorities, demanding changes to the approaches and attitudes of those working in the child protection system, especially when drawing up social reports and individual assessments;
- violations of the child's right to maintain a personal relationship with the parent with whom he or she does not live particularly restricted during the emergency measures;
- violence against children; heightened sensitivity to violence in parental conflicts, bullying and harassment in schools, violence within the family, and in disputes between neighbours;
- complaints demanding the provision of an opposite placement service for a child victim of violence that is close and appropriate to his or her social environment;
- complaints by parents residing abroad whose children had been taken away from their families by social workers on the grounds of poor care, conflicts, and violence;
- lack of resources for social support to children raised by addicted parents – suffering from either drug addiction or mental illness;
- complaints relating to the application of The Hague Convention on the Civil Aspects of International Child Abduction.

Complaints concerning the rights of children with disabilities received by the Children's Rights Directorate were dominated by the following topics:

- violated rights of children with special educational needs (SEN) – educational problems facing blind children, deficiency of adapted textbooks, insufficiency of lessons to work with resource teachers, lack of individual approach, limited access of children with SEN to online education, restrictions on the movement of children with disabilities, access to community-based social services;
 - the need to extend social support measures for families of children with disabilities;
 - restricted access to healthcare services.
- **Child justice (juvenile justice)**

The protection of children's rights in the justice system has been a priority in the work of the Ombudsman. This is so because every child could come into contact with the justice system and could be involved through different procedures: as a victim, as a witness, as an offender, as an affected person in the case of parental separation and divorce. However, despite the different capacities in which children participate, there must be a regulated child-friendly approach to them, appropriate to their development.

The challenges in this area highlighted once again by the Ombudsman last year included:

- Insufficient coordination and cooperation between the child protection system, on the one hand, and the police, the prosecution, and the courts, on the other.
- Limited access to specialised legal aid for children.
- Failure to apply a holistic approach to dealing with children in conflict with the law.
- Insufficiency of trained professionals to work with children.
- Lack of standards for holding child-friendly 'blue room' hearings of children.
- Lack of statistical data.
- Serious delays in the implementation of the new legal framework for restorative justice for children.

Main recommendations:

- A functioning juvenile justice system must be set in place.
- The minimum age of criminal responsibility for children must be set, and the child protection system should bear the responsibility for children under the age of 14.
- It is necessary to introduce mandatory specialisation in the judiciary, as well as ongoing training on children's rights for the magistrates and officials in the judiciary.
- It is essential to introduce mechanisms for coordination between the social and judicial systems that ought to be organised around the best interest of the child.
- It is necessary to research the mechanisms for legal representation of the child and to introduce special representatives other than the court-appointed public defenders;
- Accessible legal aid for children;
- It is necessary to encourage the opening of more social services working with and providing support to children with challenging behaviour, relying on the resources of the *Social Services Act*.
- standards for assessing and determining children's best interests, including after hearing them.
- It is essential to guarantee a child's right to psychosocial support and rehabilitation.
- It is necessary to work towards building a system of alternative measures to punishment for children who are criminally responsible that would be effective for children's rehabilitation and reintegration while acting as relapse prevention.

- **Child victims of violence and crisis centres for child protection**

Complaints filed with the Ombudsman institution in the past year concerned mainly issues related to the care provided to children in Crisis Centres for Child Victims of Violence. Following up on those complaints, the Ombudsman pointed to the need to introduce in the child protection system guardians for children whose interests could not be represented by their parents, e.g., in situations of parental abuse or neglect.

Main recommendations:

- It is necessary to consider the possibility of introducing in the child protection system guardians for children victims of trafficking, abuse, or systematic neglect.
- provide access to crisis placement services on a regional basis, thus preventing the need to relocate a child away from her or his immediate environment.
- It is necessary to change the way crisis centres approach their functions by focusing on specialised intervention and individual support (psychological, legal, social) that is expected to be provided to a child in crisis, especially in cases of emergency placement, rather than on the residential nature of the service.
- It is essential to ensure prompt judicial control over the placement of children in crisis centres.

- **De-institutionalisation of childcare**

The Ombudsman considers the de-institutionalization of child care as a modern solution to the social-care problems accompanying the development of children growing up in different institutions and residential services, as well as for children growing up at risk of poverty and separation from their families, for children with disabilities and with differing abilities. Late in the year, the public was again inflamed by the emergency relocation of children from Homes for Medical and Social Child Care (HMSSC) due to the closure of eight such homes.

It was found out that:

- Not all requisite actions had been taken to prepare the children for relocation and handover of care.
- The assessments had not been drawn up by multidisciplinary teams, as provided for in the project implemented by the ASA. They had been drawn up instead by a social worker and the HMSSC team.
- No case conferences had been held and no integrated approaches had been used.
- Preparing the children and handing over care from one team to another had not been carried out in a way beneficial for the children. The mechanical handover of documentation and children alike as if they were inventory was an institutional approach to relocation and was contrary to the vision of de-institutionalisation.
- No data had been collected in the process of de-institutionalisation, especially data related to the closure of institutions and the relocation of children.

Main recommendations:

- The process of relocating each child must follow certain strategic stages. At each stage, methods and approaches should be used that are consistent with the goal of moving the child as safely and smoothly as possible to her or his new residence.
- The focus in the process should be on the child with her or his individual characteristics and needs, and not on deadlines and formal requirements.
- The elaboration of plans for each child should be tailored to her or his individual assessment.

- The handing over of care for each child should follow a predetermined plan and schedule – smoothly and gradually.
- It is essential to ensure effective monitoring of the de-institutionalisation process to track children's development outcomes.
- The work of the standing group of experts on de-institutionalisation should urgently resume.

• **Rights of children with disabilities**

Complaints filed with the Ombudsman institution by parents showed that placing vulnerable citizens, such as children with disabilities, within the scope of general measures, without taking their special needs into consideration, could have serious implications for their development and interests.

Complaints concerning the rights of children with disabilities dealt predominantly with:

- violated rights of children with special educational needs (SEN) – educational problems facing blind children, deficiency of adapted textbooks, insufficiency of lessons to work with resource teachers, lack of individual approach, limited access of children with SEN to online education, restrictions on the movement of children with disabilities, access to community-based social services;
- the need to extend social support measures for families of children with disabilities;
- restricted access to healthcare services.

Main recommendation:

- All measures to cope with and limit the spread of COVID-19 ought to be tailored to the needs of children with disabilities.
- Actions ought to be taken to resolve the problem with the amount of monthly allowance granted as per Article 8e(8) of the *Family Allowances for Children Act* (FACA).
- Measures ought to be taken to amend the technical requirements for passenger cars set out in Article 10c of the *Road Traffic Act*, laying down the entitlement to exemption from payment of vignette fees, in compliance with the legislation in force protecting the rights of people with disabilities and their families.

• **Right to education – children with special educational needs (SEN)**

The number of complaints related to limited access to education for children with SEN remained persistently high. This vulnerable group of children was particularly deeply affected in 2020 by the health crisis.

The problems pointed out by parents of children with SEN in their complaints included:

- Closures of Centres for Special Educational Support (CSES).
- Insufficiency of lessons to work with resource teachers and specialists. Perfunctory approach to the online education of children with SEN.
- Insufficient support for parents during the online education of children with SEN.
- A number of negative implications of isolation that trigger aggression and self-aggression in children with disabilities.
- Lack of adapted and interactive materials for working in an electronic environment. Problems with access to electronic textbooks through screen readers for blind children.

- Limited access to specialised programs and platforms for children with an autistic spectrum disorder.
- Limited access of preschool children to support from resource teachers.
- Lack of accurate and reliable data on the number of children with SEN and children with disabilities in the education system.

Main recommendations:

- A survey should be conducted among school educators and parents about the problems with distance education faced by children with SEN. The results would make it possible to allocate appropriate resources.
- Additional distance learning classes ought to be scheduled during the summer holidays at the request of parents and pupils with SEN.
- Support ought to be provided to children with SEN with a view to developing their social skills particularly limited during the pandemic.
- Children with SEN should be offered psychological support to cope with the state of emergency and the changes in the manner of schooling.
- Additional funding should be provided for the CSESs so they could implement the needs-based approach to their work with children.
- An adequate system and practice of inclusive education should be put in place. This should include changes in curricula and programmes, adapting textbooks and materials, training teachers and other school staff.
- It is essential to introduce new approaches and forms of providing additional support to pupils with SEN.
- It is necessary to conduct campaigns aimed at parents, teachers, and children to accept differences and combat the stigmatization of children with SEN.

• Right to healthcare

During the year, the Ombudsman was approached by parents of children who had been denied access to treatment abroad. Another serious problem brought up by the complainants concerned the quality of and access to medical devices for children. The Ombudsman received also numerous complaints about the uneven process of building a National Children's Hospital.

The topics that came to the attention of the Ombudsman's included:

- providing therapeutic foods for a child;
- perfunctory approach to considering an application for treatment of a child abroad;
- problems with providing catheters for children;
- impossibility to obtain a sick note for a child attending a school rather than a childcare facility from which she or he had been sent back due to quarantine;
- halting the construction of the National Children's Hospital onto an existing old construction site;
- failure to implement the good medical practice in maternity wards due to separating infants from their mothers in the immediate postpartum period;
- the need for timely and sufficient prenatal diagnostic testing for possible foetal abnormalities for expectant mothers, including uninsured women;
- lack of access to child and adolescent psychiatric care.

Main recommendations:

- It is necessary to provide a range of integrated services for children covering health, social, and education sector activities.
- The activities of health mediators should be analysed and measures should be taken to expand their work patterns to actively involve the local self-government bodies.
- The number of health mediators working with the Roma communities should increase.
- It is necessary to change the current hospital protocols which restrict skin-to-skin contact for mothers and their healthy new-born infants immediately after birth.
- Active measures need to be taken in the field of children's mental health to ensure that children have unimpaired access to psychiatric care services.
- It is necessary to elaborate and implement prevention programmes for children and young people related to addiction prevention; interactive materials should also be developed and introduced.
- It is essential to set up a network of specialised health and social services, as well as programmes for early intervention and treatment of children and young people who are drug users.
- Transparency and dialogue ought to be ensured at every stage of the construction of the National Children's Hospital.
- The database on child health must be improved.
- Further targeted action is also required to support child health.
- It is essential to introduce child rights standards in the health care system, in the relevant legislation, and higher medical education.

• Protection of children's rights in cases of parental conflict

Complaints from parents about being deprived of the opportunity to fully communicate with their children made up, once again, the majority of all complaints filed with the institution in 2020. The Ombudsman followed up on those alerts in the light of the child's right to maintain a personal relationship with both parents, regardless of who has been awarded custody of the child by the court.

The Ombudsman did not observe significant progress in the past year in the effectiveness of the actions taken by the child protection bodies to safeguard the rights and interests of children involved in parental conflicts. Unfortunately, the Ombudsman's findings made over the years as a result of her work on cases of parental conflict remained unchanged in 2020.

Over the years, the Ombudsman has insisted on a change in the pattern of work towards resolving parental conflicts given that timely and professional intervention by the institutions would lead to the prevention of conflict escalation.

Main recommendations:

- A multidisciplinary approach must be applied to working with parents. Efforts should be aimed at supporting parents to prevent and resolve inter-parental conflict.
- Other professionals, e.g., psychologists and mediators, should also be involved in dealing with cases of inter-parental conflict to inform parents about the implications of their fighting for their child's development.
- Upon assessing the circumstances of each case and where possible, parents should be referred to mediation to reach an agreement on contentious issues in their co-parenting conflict.

- It is necessary to develop a uniform methodology for assessing and safeguarding children’s best interests. The methodology should be set out in the current legislation and applied uniformly by all experts in the field.
- Changes in the child protection system must be effected to ensure that there are clear guarantees regarding the social workers’ impartiality and professional approach to their caseloads.
- Social workers within the child protection system need to be empowered to take tougher measures, where necessary, in respect of parents refusing to collaborate in social work.

• **Children and the child protection system**

The COVID-19 pandemic intensified citizens’ critical disposition and sensitivity and their attitude towards the child protection system, its effectiveness, and the outcomes of the interventions. During this period, there was a definite decline in trust in social workers, who, moreover, ceased social outreach work.

The major challenges facing the system, which become even more evident in times of crisis, are outlined below:

- The system has been unable to respond to the dynamics of social relations and emerging social problems, especially in times of crisis.
- The quality of social work and its outcomes are measured mainly by using statistics and counting the number of cases closed, not by taking account of the outcome for the children and their families.
- Social work during the crisis was mainly document-based, and no alternatives to outreach were sought.
- During the pandemic, social work in vulnerable groups and the Roma community was kept to a minimum.
- Social workers feel unsupported in their work, which results in staff turnover and low motivation.
- In the context of emergency measures, the lack of cross-sectoral and integrated approaches was even more noticeable.
- Social workers quite often make decisions out of fear. They are overseen by different institutions. Social work has not gained professional status and no integrated data is collected.
- Children remain too long in foster care and residential service without any long-term plans and a vision for their development.

Given these findings, the Ombudsman institution has drawn up a comprehensive document containing numerous recommendations. It will be presented for comments to the legislative, executive, and local governments, as well as to civil society organizations (CSOs).

Main recommendations:

- A methodology for coordination between child protection departments working on the same case ought to be developed and implemented in the child protection system.
- A mechanism for working on child cases ought to be elaborated in synch with service providers.
- It is recommendable to consider the creation of a mobile group of external and internal experts from the ASA and SACP to assist child protection departments in more complex and long-standing cases.

- It is necessary to evaluate the current format of social reports as regards the information on children at risk collected and included in such reports.
- It is necessary to perform an analysis of the system's caseload and to adopt a standard for the individual caseloads of social workers.
- It is necessary to introduce a requirement for a minimum level of educational attainment for social workers.
- The process of control and monitoring ought to examine the outcome achieved for the child, and not just how administrative procedures have been followed.
- Hearing the child's voice and holding a child's hearing in the course of any procedure of relevance to her or his interests is a must.
- Training in and rules on holding a child's hearing for everyone working in the
- The methodology for assessing the child's best interest requires improvement.
- Pending the enactment of new legislation on children in conflict with the law, specific rules on dealing with such children ought to be adopted, including a requirement for coordination with the local Commissions for Combating Antisocial Behaviour and Juvenile Delinquency Commissions.
- It is necessary to introduce an integrated information system for children to provide up-to-date data on each child's situation and needs, the protection measure, and the results achieved.
- Sustained action is needed to be aimed at the development of foster care. It will make possible the placement of children with disabilities, children in conflict with the law, and unaccompanied children.

- **Roma children**

The Ombudsman received last year complaints about Roma children living in dire conditions and poverty, as well as about limited access to social assistance.

- **Impact on the legal framework for more effective protection of children's rights**

- **Suggestions on the draft *Bill to Amend the Asylum and Refugees Act* (ARA)** concerning the rights of unaccompanied refugee minors.
- **A draft *Bill to Amend the Code of Criminal Procedure* (BACCP)** aimed at introducing into national legislation the standards set out in Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings and the full transposition of Directive 2012/29/EU.
- A written opinion on the **draft *Bill to Amend the Family Code*** with the intention of making legislative amendments to bring the *Family Code* into line with the judgments of the European Court of Human Rights (ECtHR) in the case of L.D. and P.K. v. Bulgaria (applications nos. 7949/11 and 45522/13) and in the case of Doktorov v. Bulgaria (Application no. 15074/08).
- A written opinion on the **draft *Bill to Amend the Child Protection Act*** introduced by a group of Members of Parliament, in which the Ombudsman stressed that the issues of children's rights and their protection were undoubtedly of concern to the whole society, and this was why they required relentless political attention and any significant change must be implemented based on broad public debate and consensus.

Main recommendations:

- It is necessary to carry out an analysis as to how social allowances impact poverty and family vulnerability.
- Social assistance must be linking to mandatory social casework.
- It is necessary to research the effectiveness of the measures leading to reducing poverty and breaking the vicious circle of poverty.
- A range of resources must be mobilized to help families remain with their children.
- A comprehensive, integrated, and long-term strategy for the elaboration and implementation of policies appropriate to the 21st century ought to be adopted to support children and their families.
- The funding model of residential services ought to be changed to meet the children's individual needs.
- It is necessary to take measures to effectively support the child social care workforce.
- It is necessary to introduce a uniform methodology to research the best interests of children in each public sphere.
- Systematic measures are needed to raise public awareness of violence against children.
- Fair access to justice for every child in Bulgaria must be ensured and new legislation must be adopted.
- A clear vision and a commitment of the state are needed as to how child healthcare, which is part of the entire health system, should be organized and funded.
- State policy in support of adoption is much needed.
- It is essential to develop platforms and projects to promote children's participation in decisions made for them at all levels.

8. Rights of Persons with Disabilities

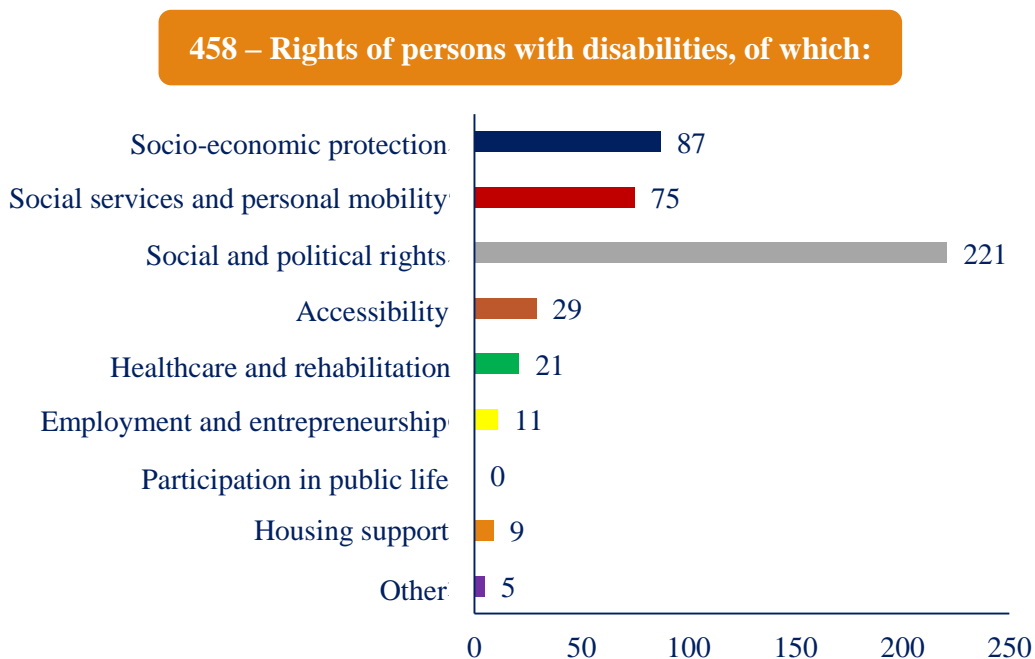
2020 was marked by the restrictions imposed on citizens' social and economic life in response to the COVID-10 pandemic. It brought also to the fore the challenges associated with respecting the rights of persons with disabilities in Bulgaria.

Health, education, and especially social policy are among the main areas where people with disabilities face additional difficulties.

Thus, as a result of the epidemic, reforms of relevance to people with disabilities were delayed or suspended in 2020, i.e., the provision and funding of medical devices and assistive devices, the setting up of the State Agency for People with Disabilities, the development of new services governed by the new *Social Services Act*. Serious difficulties were observed in the provision of existing and new social services, inclusive education, medical services, the functioning of the TEMC and/or NEMC, and the TREMC.

The problems in the above areas, the increased risk of violations of the rights of citizens with disabilities, as well as the Ombudsman's active work were the reasons for the increased number of complaints received by the institution in 2020 – 458 in total.

Chart 14: *Number of complaints and denunciations concerning rights of persons with disabilities received in 2020 broken down by type of wrongdoing*



Following up on the complaints where violations were ascertained, the Ombudsman put forward 138 recommendations and expressed 66 opinions. Over 130 recommendations have been fully or partially implemented.

Mediation was carried out in 8 cases. In 7 of those the mediation was successful and in 1 case only partial success was achieved. Counsel was provided regarding 2 complaints.

Following up on the complaints where no violation was ascertained, the Ombudsman put forward 16 recommendations all of which have been acted upon. Successful mediation was carried out in 7 cases. Opinions were given on 143 complaints and counsel was provided regarding 43 complaints.

- **Problem areas where rights of persons with disabilities were violated**

The complaints received by the Ombudsman institution in 2020 and the trends in recent years highlighted the following main areas where the rights of persons with disabilities were violated:

Socio-economic protection

- **Monthly financial support**

Complaints received by the Ombudsman institution in 2020 revealed that social services failed to inform citizens of the expiry of their needs assessments and the forthcoming termination of the monthly financial support they were eligible for. The persons who were most affected were the older persons with severe disabilities with lifetime expert decisions, who due to their deteriorating health, often failed to keep track themselves of the deadlines for filing the requisite paperwork, even more so in the context of COVID-19. The problems that the Ombudsman has repeatedly raised regarding the unfair grouping of eligible citizens under the current provisions of Article 70(3) to 70(5) of the *Persons with Disabilities Act* remained unresolved. The same holds for the problems regarding the amount of support that puts at a disadvantage certain groups of citizens – military veterans with disabilities entitled to a care allowance and the recipients of survivor pensions entitled to a care allowance.

- **Monthly Allowances for Raising Children with Disabilities under Article 8e of the *Family Allowances for Children Act***

The institution of the Ombudsman of the Republic of Bulgaria received complaints concerning the problem with the unfair amount of the monthly allowances granted under Article 8e(2) of the *Family Allowances for Children Act* – for raising a child with permanent disabilities placed with a family of relatives or friends, or with a foster family under the procedure set out in Article 26 of the *Child Protection Act*.

The complaints raised also another issue. Following the initial certification, the monthly allowance payable for the period before filing the application declaration until the initial date of disability specified in the expert decision issued by a TEMC or the NEMC (retrospectively calculated for no more than a year) are paid in the amount of just 50 percent of the amount determined per Article 8(3) for the respective year.

• **Social services and personal mobility**

Personal assistance

The problems with personal assistance detailed in the Ombudsman's Annual Report for 2019, were raised again in numerous complaints received last year.

– Unequal treatment stemming from the requirement to waive the carer's allowance supplement, as all personal assistance users are required to waive the carer's allowance supplement irrespective of the number of hours of personal assistance determined in the assessment of their personal needs.

– Difficulties facing citizens living alone who are entitled to personal assistance but are unable to designate a carer themselves.

– The number of hours of personal assistance determined in the assessment of the personal needs for persons with mental illness who have, though, retained their mobility.

Carer services in the context of the pandemic

An unresolved issue brought to the attention of the Ombudsman institution by citizens with disabilities, their relatives, and personal assistants (private carers) concerned the lack of clear and explicit rules and/or guidance on the provision of carer support in the context of the unprecedented threat posed by the coronavirus.

The complainants pointed out the following problems:

– Early in the state of emergency, neither the municipalities in their capacity as the private carers' employers nor the other competent institutions provided personal protective equipment or even assistance in its procurement.

– The authorities failed to come up with a solution to allow people with disabilities to temporarily suspend receiving carer assistance until the lifting of the state of emergency.

– There were no regulatory arrangements to allow persons with disabilities who are beneficiaries of the personal assistance mechanism to receive their carer's allowance supplement for periods when their personal assistants (private carers) were unable to perform their duties because they were in quarantine or because of another cogent reason and no substitute carer had been designated.

– Conversely, there were no provisions in place for compensation mechanisms in cases where users of carer services were prevented from receiving the full range of carer support because they were placed under quarantine or because of other exceptional circumstances related to the current situation.

– No flexible mechanisms were provided for the submission of personal assistants' reports during the lifespan of the countrywide anti-epidemic measures to avoid crowding at the municipal administrations.

People with disabilities cared for by personal assistants who were not their family were affected worst.

Other carer services

The Ombudsman expressed her deep concern over the lack of measures to provide carer support to people with disabilities not covered by the *Personal Assistance Act*.

The lack of possibility to receive the necessary carer support restricted the rights of the citizens concerned and violated their right to independent living set out in Article 19 of the *UN Convention on the Rights of Persons with Disabilities*. The failure to provide adequate support had also negative implications for the personal assistants (private carers), who were left without an income for an indefinite period.

A recommendation was put forward which was implemented by the elaboration of the *National Programme "Provision of Care in Domestic Settings"*.

New complaints were received, however, from citizens with disabilities concerning the requirements for inclusion in the National Programme. Those complaints dealt with the fact that people with disabilities with between 90 and 100 percent permanent incapacity for work and/or type and degree of disability but not entitled to private care, were excluded from the programme. This was true also for applicants over the age of 65 who had an expert decision issued by a TEMC or the NEMC but were not entitled to private care.

Attention should also be paid to other requirements, which have long been part of the *National Programme "Assistants to People with Disabilities"* and projects implemented with EU funds, as they are included again in the *National Programme "Provision of Care in Domestic Settings"*.

- There are no uniform criteria for carrying out individual assessments. This activity of significance to the rights of citizens with disabilities has been, once again, vested entirely with the municipalities. They are to "carry out an individual assessment of the need for private care in domestic settings, according to criteria approved by the respective municipality's mayor."

- The persons in need of private care have been deprived of the possibility to choose their assistants, who must be unemployed and registered with the employment offices (a.k.a. Labour Office Directorates).

- The programme provides for an income criterion for applicants, which automatically excludes a significant portion of the persons in need of private care.

- There is no provision governing the exercise of oversight over the actions of the municipal administration.

- There is no obligation for the mayors of municipalities to set out a procedure for challenging and reviewing the individual assessments.

- There is no provision allowing the programme beneficiaries to use another carer and/or appropriate social service for the period during which their assistant takes his/her annual leave or is sick.

• Assistive devices and medical devices

2020 saw yet another failure to implement the much-awaited reform. A number of existing problems with the current procedure for funding and provision of assistive devices, mobility aids, medical equipment, and medical devices remained unresolved – the procedure for obtaining assistive devices, mobility aids, medical equipment, and medical devices; their quality and service life; the amount of targeted assistance granted by the state for the purchase or manufacture of medical devices for children and adults. Under the Transitional and Final Provisions of the *2021 National Health Insurance Fund Budget Act*, the transfer of competence over the procedure for funding assistive devices, medical equipment, and medical devices to the National Health Insurance Fund was, once again, put off to 1 January 2022.

- **Healthcare**

The operational organisation of the Transportation Regional Expert Medical Commissions (TREMCM)

Complaints from concerned citizens described the challenges they and their families faced when having to appear before a TREMCM. The most significant problem identified by the complainants was the location of the commissions in just four hospitals across the country – in Sofia, Plovdiv, Gorna Oryahovitsa, and Burgas. Many people with disabilities who ought to appear before a TREMCM, found the commissions' locations inappropriate, given the lack of accessibility, the need to pay significant out-of-pocket costs for travel, meals for them and their accompanying assistants, and in many cases for overnight accommodation.

Another pressing issue raised by some complainants in the light of the coronavirus crisis was the fact that the commissions booked appointments for examinations too far in advance, in some cases over 6 months ahead. Thus, some people were put at risk of being unable to have their driving licences renewed within their remaining validity.

- **Accessible environment**

2020 saw the final stages of the procedure for the development and adoption of a new normative act – an ordinance governing the minimum requirements for accessibility and universal design of urban areas for people with disabilities and reduced mobility.

During the public consultation on the draft ordinance, the Ombudsman also expressed her position on certain provisions. The Ombudsman insisted that when assessing the conformity of investment projects for new buildings, representatives of the nationally-representative organisations of and for people with disabilities ought to be by law invited to sit on the expert councils of the approving administrations and on the state commissions for the building commissioning of new buildings. She suggested that certain provisions of the draft ordinance should be elaborated in more detail and corrected, i.e., Article 13, Article 53, Article 55, etc.

The finalized text was enacted as *Ordinance No. RD-02-20-2 of 26 January 2021 on Determining the Requirements for Accessibility and Universal Design of the Elements of the Accessible Environment in Urban Areas and of Buildings and Facilities*. It was promulgated in State Gazette No. 12 of 12 February 2021 and went into force on 13 March 2021.

The Ombudsman of the Republic of Bulgaria was approached by citizens with disabilities who sought assistance with the creation of the requisite accessible environment within the buildings where they resided.

Citizens were familiar with the conditions under Component 1 "Accessible Housing Environment" of the *National Programme for Accessible Housing Environment and Personal Mobility*. They pointed out, however, that the programme contained certain requirements that seriously hampered people with disabilities.

- The costs of the investment project and the permit for building or installing accessibility equipment were not covered by the programme and were the responsibility of the applicant, which represented an unbearable additional financial burden on the person with a disability.

- A particularly serious problem was the requirement that residents of condominiums should submit documents on behalf of an association established and registered under the *Condominium Management Act*. In many condominiums, the owners refused to establish such associations.

In 2020, citizens continued to file complaints about inaccessible buildings where public services were provided. They were concerned most frequently about the failure to comply with the established accessible environment standards.

Main recommendations:

- All possible measures ought to be taken to minimize the risk of violating the rights of persons with disabilities stemming from the restrictive measures imposed in response to the pandemic.
- Persons with disabilities, or their representatives, ought to be involved at all levels of governance where decisions are made or policies are developed that affect their rights.
- The transfer of competence over the procedure for funding assistive devices, medical equipment, and medical devices from the MLSP to the MH and the NHIF, as provided for in the *Persons with Disabilities Act*, ought to be completed without any further delay.
- The problems with personal assistance as provided for in the *Personal Assistance Act* should be resolved, and opportunities should be provided to all persons who need carer support to get access thereto.
- The amount of cash benefits for people with disabilities ought to be adequate and in line with the current income levels in the country.
- It is necessary to apply an individual approach to the granting of monthly allowances and targeted cash assistance, as well as to the provision of social services.
- It is essential to create employment opportunities for people with disabilities by funding, promoting, and developing the national employment programme for persons with disabilities provided for in the *Persons with Disabilities Act* in force since 2019.
- It is essential to establish apposite family-based and community-based social services conducive to independent living, including for older people living alone who need continuous support, but are not certified by a TEMC or the NEMC, or are not eligible for carer assistance.
- It is essential to ensure the provision of quality and accessible healthcare for people with disabilities, including appropriate rehabilitation, especially in the context of the pandemic.
- It is essential to reduce the administrative burden in the provision of social services and the granting of social benefits.
- Integrated e-services for people with disabilities ought to be introduced in all government institutions.
- It is necessary to set up an effective register, integrated across all responsible institutions, containing up-to-date information required to ensure the exercise of the rights of persons with disabilities, as provided for in the *Persons with Disabilities Act*.
- It is essential to carry out an adequate reform of the medical and disability expertise with the active participation of people with disabilities and their representatives.
- Mechanisms ought to be set up for the actual implementation of the commitment by the Ministry of Labour and Social Policy and all other state institutions to ensure proper implementation of Article 112(9), the first sentence of the *Health Act* by all structures within the social assistance system.
- Measures ought to be taken to support children with disabilities and their families to effectively participate in the learning process, especially in the context of the pandemic.

9. Right to a Healthy and Favourable Environment

The number of complaints and denunciations concerning the environment increased significantly in 2020. Collective citizen complaints outnumbered, once again, individual complaints. A total of 535 complaints were received during the year. 285 of those concerned wrongdoings by public authorities and their administrations and 239 – by local self-government bodies. Violations were identified in 433 cases, and the Ombudsman followed up on those by putting forward recommendations with a view to protecting the citizens' right to a healthy and favourable environment.

Most complaints concerned air quality and various aspects of the concerned public's right to be informed and to be involved in the environmental decision-making process. The largest share of those concerned the procedures for preventive oversight over investment projects requiring a mandatory environmental impact assessment or an assessment of whether an EIA was needed.

The Ombudsman institution is committed to facilitating public dialogue on air quality issues, including on the various aspects of the concerned public's right to be informed and to be involved in the decision-making process.

A communication mechanism for cooperation and civilian control was implemented within the period between late 2018 and early 2020. The Ombudsman held periodic meetings with representatives of environmental NGOs and citizens; with representatives of Sofia Municipality and of specialized government bodies – the Ministry of Environment and Water (MEW), the Ministry of Health (MH), the Ministry of Agriculture, Food, and Forestry (MAFF), the Ministry of Transport, Information Technology, and Communications (MTITC), the National Institute of Meteorology and Hydrology (NIMH), the State Agency for Metrological and Technical Surveillance (SAMTS), the academia and the research communities in the field of air quality management and public health. Following up on the discussions, the Ombudsman put forward written recommendations on specific issues.

- **Programmes for reducing the levels of air pollutants**

Planning measures aimed at reducing air pollutants is a multi-stage process. Two national programmes are currently being implemented – the *National Programme for the Improvement of Ambient Air Quality (2018-2024)* adopted by the Council of Ministers' Decision No. 334 of 7 June 2019 and the *National Air Pollution Control Programme (2020-2030)* adopted by the Council of Ministers' Decision No. 541 of 13 September 2019.

The Ombudsman recommended that the targeted air quality programmes and plans should be linked to the measures provided for in the Operational Programmes for Environment and Regional Development for the period 2021-2027. It is necessary also to implement measures to coordinate the multi-level air quality management to meet the objectives of the *National Programme for the Improvement of Ambient Air Quality (2018-2024)*.

Main recommendation:

- Measures ought to be implemented to coordinate the multi-stage process of air quality management to meet the objectives of the *National Programme for the Improvement of Ambient Air Quality (2018-2024)*.

- **Protection of the living environment from offensive odours**

The Ombudsman institution received complaints from people living in the vicinity of newly constructed plants extracting biogas from animal and plant waste and then utilising it to generate electricity. Such complaints came from the village of Trud in the municipality of Plovdiv, the town of Nova Zagora, the village of Tsarevets in the province of Vratsa, as well as

from the city of Ruse. Complaints were filed also by citizens whose homes were in the vicinity of livestock farms operating in urban areas.

Offensive odours are a significant contributor to air pollution and the degradation of the living environment's quality. They have been shown to harm people's health and psychological well-being, as well as on their ability to peacefully enjoy their homes and the publicly accessible buildings in the affected settlements.

The Ombudsman's findings indicated that the failure to overcome inertia and adopt the requisite norms and standards for the limits of offensive odours and the means to identify such type of pollution was in direct contradiction to the government's positive obligation to citizens set out in Article 55 of the Constitution of the Republic of Bulgaria. She recommended that normative acts and standards for reporting air pollution from malodorous substances should be elaborated and measures should be implemented to control, assess, and monitor the risk to human health posed by plants for the production of biogas from animal and plant waste located within or near settlements.

- **Maladministration**

A specific problem, identified by the authorities tasked with controlling air quality, is the lack of legislated limits for offensive odours and the absence of means to detect this type of pollution. The inaction on enacting the requisite legislation is a manifestation of maladministration, given the existing methodology, standards, level of regulation, and good practice in EU countries based on control of emissions from industrial sources or specific methods for eliminating offensive odours in the treatment of animal and plant waste.¹

The failure to overcome inertia and adopt the requisite norms and standards is in direct contradiction to the government's positive obligation to citizens set out in Article 55 of the Constitution of the Republic of Bulgaria. This obligation requires that the competent authorities should set norms and standards for a healthy and favourable environment. Failure to do so hampers the legal safeguards for discharging the said obligation through preventive controls, protection in land use planning and urban spatial planning, and effective handling of citizen complaints.

Main recommendation:

- It is essential to assign the elaboration of normative acts and standards for reporting air pollution from malodorous substances.
- Measures ought to be implemented to control, assess, and monitor the risk to human health posed by the impact of plants for the production of biogas from animal and plant waste located within or near settlements.

- **Other issues related to the right to a healthy and favourable environment**

Complaints related most frequently to excessive noise from air conditioning units on residential and public buildings, from vehicles, from restaurants and other establishments, and outdoor gatherings; problems with stray animals; inhumane treatment of animals; damage caused to agricultural property; problems related to unlawful removal of trees and other vegetation; and against the installation of cellular base stations (cell towers) because of concerns about possible negative impacts on human health.

¹<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5c7d98d4b&appId=PPGMS>

Main recommendation:

- The Ombudsman's recommendation regarding the need for better coordination between the bodies of local self-government and the competent state authorities – the Regional Inspectorates of Environment and Water (RIEW), the State Health Control bodies, the Bulgarian Food Safety Agency (BFSA) – in exercising monitoring and oversight over the factors of the living environment in urban and rural areas remains relevant.

- **Protecting the facilities of the shared technical infrastructure and protection against floods and landslides**

The catastrophic effects of climate change, resource depletion, and other sustainability issues that cannot be fully anticipated are becoming increasingly apparent. Citizens strongly oppose the detriment to existing technical and protective facilities resulting from the intrusion of subsequent investment projects in the design of new measures.

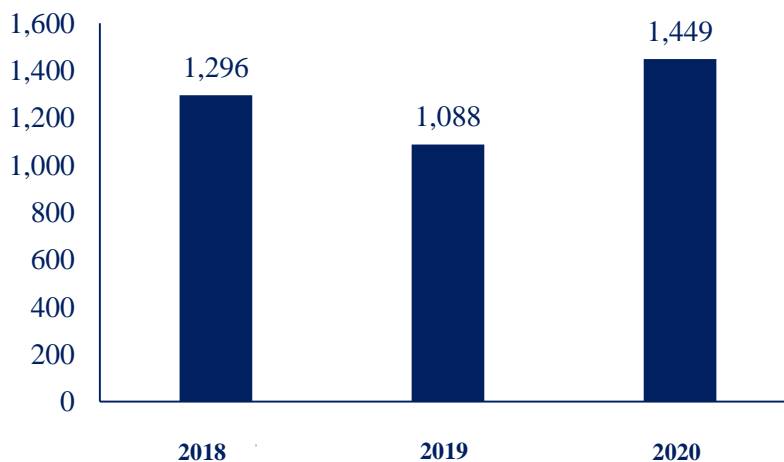
Main recommendations:

- The measures for flood and drought risk prevention and management must have a priority.
- It is necessary to assess the technical condition and reassess the design capacity to provide reliable protective infrastructure.
- No transformation of anti-erosion plantations should be allowed, except for the implementation of compensatory measures to protect against processes related to earth movement.

10. Right to property and economic freedom

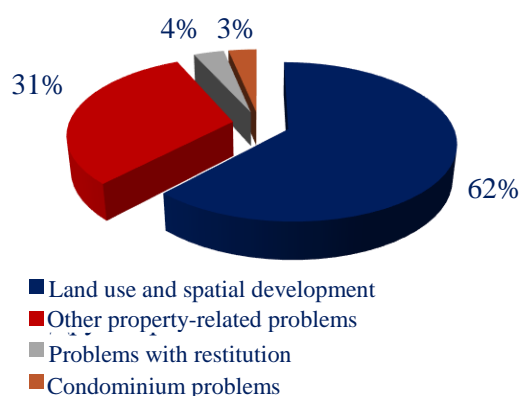
The number of complaints related to property rights increased significantly in 2020. A total of 1,449 complaints were received, or 10.9 percent of all complaints. 14 of those requested changes to the regulatory environment. Once again, apart from the citizens who filed individual complaints and denunciations, many civil society associations also sought assistance with safeguarding property rights and filed petitions.

Chart 15: Number of complaints and denunciations concerning the right to property received during the period 2018–2020



The analysis of the violations established by the Ombudsman institution identified, once again, several systemic problems with administrative regulations in specific areas.

Chart 16: Complaints and denunciations concerning the right to property received in 2020



The issues brought to the Ombudsman's attention in citizen complaints concerned:

- Regional and spatial planning issues – spatial plans and amendments thereto;
- lack of access to real estate properties, unbuilt infrastructure;
- unlawful constructions; cadastre and property register problems;
- expropriation and compensation procedures;
- other property-related problems – easements, boundary disputes, civil law disputes; condominium problems; deed problems, etc.;
- problems with restitution and problems with land relations.

- **The right of the public to partake in the process of regional and spatial planning**

The Ombudsman found out that there was insufficient information on the methodology for promoting stakeholder and citizen participation in the elaboration of regional development strategies. She recommended that criteria should be developed and approved, with the dutiful involvement of stakeholders and the public in the regional planning process, for assessing the public support for all investment projects supported under the Integrated Territorial Investment Mechanism before their consideration by the Regional Development Councils.

Main recommendations:

- It is essential that criteria should be developed and approved, with the participation of stakeholders and the public in the regional planning process, for assessing the public support for all investment projects supported under the Integrated Territorial Investment Mechanism before their consideration by the Regional Development Councils.
- In compliance with Article 8 of the *Agreement on Reviewing Multi-level Governance between the Ministry of Regional Development and Public Works and the Organisation for Economic Co-operation and Development* (SG No. 22 of 2019), a readable version of all publications produced under the project-funded activities ought to be made available through the website of the MRDPW.

- **Citizens' rights in the procedures for developing, communicating, approving, and implementing General and Detailed Land-Use Plans (GLUPs and DLUPs)**

Citizen complaints concerned the perfunctory approach and non-compliance with the rules on and the time limits for permitting, preparation, discussion, announcement, approval, assessment of the need for preparing environmental impact assessments and amendments to the GLUPs and DLUPs; expansion of the spatial development zones in the GLUPs by including protected areas; new construction within residential complexes.

Yet another extension of the deadline for approval of the municipalities' GLUPs until 01 January 2023, hinders making sustainable decisions in the area of spatial planning, infrastructure, and construction. In many cases, this results in overbuilding and detriment to green spaces, which rightfully motivates citizens to express their disapproval. The Ombudsman recommended that a review, analysis, and assessment of the existing land-use and spatial plans and their compatibility with the existing spatial characteristics of the separate areas should be carried out, to ensure that they are provided with land-use plans. The public interests and ensuring real public participation should prevail in designing, approving, and timely implementation of GLUPs and DLUPs.

Main recommendations:

- It is recommended that a review, analysis, and assessment of the existing land-use and spatial plans and their compatibility with the existing spatial characteristics of the separate areas should be carried out to ensure that they are provided with land-use plans.
- It is important to observe the principle that public interests and real public participation should prevail in designing, approving and timely implementation of GLUPs and DLUPs, while the initiative and financial provision are the main obligations of the state and municipalities.

• Citizens' rights affected by plans provided for in Article 1 of the Spatial Development Act (SDA)

The so-called "urban comassation" (land consolidation) plan aims at transforming an area of undeveloped (raw) land plots into a zoned area prepared for development.

The Ombudsman believes that imperfections in the regulatory framework create conditions for legal uncertainty and administrative errors. It is unacceptable to interfere with the citizens' right to property which is not justified by an overriding opposing public interest and is not linked to the conduction of an adequate expropriation procedure that guarantees the participation and protection of the persons concerned. The Ombudsman's recommended that a subsequent impact assessment should be carried out concerning the results of the application of Article 16 of the SDA, according to Article 18a of the *Normative Acts Act*, to re-regulate, respectively, the matter falling within the scope of the said provision.

Main recommendations:

- A subsequent impact assessment should be carried out concerning the results of the application of Article 16 of the SDA, according to Article 18a of the *Normative Acts Act*.
- Following up on the assessment, the annulment of or amendments to the regulatory framework falling within the scope of Article 16 of the SDA should be proposed, where necessary.

• Other issues related to land-use planning and spatial development

2020 saw an increase in the number of citizen complaints filed with the Ombudsman about administrative authorities' inaction on providing transport and pedestrian access to land plots, or on maintaining, or building technical infrastructure. Citizens complained also of interference with their rights in expropriation and compensation procedures relating to the implementation of land-use plans for streets. The Ombudsman's inquiry into such complaints found out that the requirement set out in the SDA that zoning lots must front on (have an exit to) a street or a road had been infringed, and that the exercise of property rights had been

seriously compromised. The Ombudsman recommended that the current zoning plans whose 10-year validity as per Article 208 of the SDA had not expired should apply to the conduction of expropriation procedures provided for in the *Municipal Property Act* for construction of technical infrastructure components. In all other cases, appropriate zoning and public works projects should be implemented taking into account citizens' needs for free movement and guarantees for their right to property.

Main recommendations:

- The current zoning plans whose 10-year validity as per Article 208 of the SDA has not expired should apply to the conduction of expropriation procedures provided for in the *Municipal Property Act* for construction of technical infrastructure components.
- Appropriate zoning and public works projects should be implemented taking into account citizens' needs for free movement and guarantees for the exercise of their right to property.
- The municipalities' investment programmes should be developed in a way that makes them adaptive to allow for supplementing them with the most urgent projects for rehabilitation of municipal roads and streets serving the population, which are in a poor state of repair.

- **Cadastral and property register problems. Infringement of rights in procedures for the creation and maintenance of cadastral maps and cadastral registers (CPCR) of real estate**

Complaints were filed concerning a reduction in the area of the restituted property as per the *Ownership and Use of Agricultural Land Act (OUALA)* in the process of *ex officio* conversion of the restituted property map (RPM) into a cadastral map; excessive delays, failure to provide requested administrative services, and termination of administrative proceedings by the Geodesy, Cartography and Cadastre Offices; making citizens foot the costs of fixing omissions and errors in the CPCR that were not their fault.

Following up on such complaints, the Ombudsman found out that reducing the area of agricultural land in the process of *ex officio* conversion of the RPM into a cadastral map resulted in restricting owners' rights insofar as it affects the severability of their land plots. This is a significant problem since agricultural land is mostly co-owned. The Ombudsman recommended that measures should be taken to prevent any worsening of the legal situation of owners of agricultural land in the cases at issue. She insisted that the requisite rules on the provision of administrative services should be set regarding the lawful footing of costs for the removal of omissions and errors from cadastral maps and cadastral registers.

Main recommendations:

- The competent administrative authorities should take measures to prevent worsening of the legal situation of owners of agricultural land and hampering the enjoyment of the right to property as a result of the *ex officio* conversion of the restituted property map.
- The Ombudsman insists that the requisite rules on the provision of administrative services should be set regarding the lawful footing of costs for the removal of omissions and errors from cadastral maps and cadastral registers.

- **Infringement of rights resulting from illegal construction**

Citizens complained most of all that the specialized bodies vested with exercising construction control failed to act on alerts from citizens about illegal, unfit for use, and unsafe constructions. They complained also of illegal moveable facilities, and against changes in the

use of individual units in condominiums without the consent of all homeowners. Following up on such complaints, the Ombudsman found out that the competent authorities departed from the requirements of the *Spatial Development Act* and did not carry out preventive control on the legality of construction sites. Such control was carried out instead subsequently, mostly in response to alerts. There was no balance between safeguarding the public interest and the reduced administrative impact. Recommendations were put forward that the regulatory framework for and the administrative practice of systematic and quality preventive and ongoing control should be optimised. Specific measures should be taken to guarantee citizens' right to a home where the only residences they occupy are subject to eviction or removal as illegal constructions.

Main recommendations:

- The regulatory framework ought to be optimised to include a requirement to consider if the regulation of administrative intervention should take into account whether the public interest has been affected or if the risk in cases of illegal construction ought to be borne by the owner alone.
- It is essential that the specialised authorities should exercise systematic and quality preventive and ongoing control and should, more specifically, initiate ex officio inspections.
- Actions ought to be taken to bring the municipal ordinances on the terms and procedures for placement of moveable facilities in line with the SDA by all municipalities where such synchronisation has not yet been done.

• Infringement of rights in land relations

The Ombudsman's findings revealed persistent inequalities in farmland use and infringement of the rights of small and medium-sized farmland owners and tenants. She recommended that the following practices should be introduced: 1) adequate and fair taxation of large-scale land ownership; 2) restrictions on the ownership and use of farmland; 3) easier access to farmland for landless and low-income citizens; 4) minimum rental and/or lease payments; 5) linking the provision of support subsidies by area to the payment of rent to the landowners as stipulated in the land-use contracts; 6) an out-of-court settlement procedure for disputes related to payments for farmland use.

Citizens' complaints in 2020 confirmed the finding of persistent inequalities in farmland use. The status quo in the legal framework of land relations remained unchanged, even though the concentration of agricultural land, which the European Parliament called on the EC and the Member States to combat², was the dominant indicator for Bulgaria. Accordingly, levels of inequality in land relations remained among the highest in the EU.³⁴

² European Parliament resolution of 27 April 2017 on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers and EC guidelines on permissible practices in Member States' land legislation of 12 October 2017.

³ According to the study "*Land Use Concentration in Bulgaria. Necessary Reforms*", available on the website of "Za zemjata" (For Land), www.zazemiata.org, Bulgaria is the EU leader in land inequalities according to the Gini coefficient for land distribution. The Gini coefficient for Bulgaria is 0.93; in Romania it is 0.77; in Poland – 0.62; in Italy – 0.69, and in Sweden – 0.62. The EU average is 0.82. Accordingly, nearly 75 percent of direct subsidies are distributed among one hundred related persons, according to a report by the Economic Research Institute at BAS of 2016, cited in the study.

⁴ Verbatim Report of Proceedings No. 15 for the sitting of the Regional Policy, Public Works and Local Self-Government Committee held on 1 October 2020. The Member of Parliament Iskren Vesselinov, pointed out in his comments on the Bill to amend the LTFA that there were a few landowners in Bulgaria holding over 200,000 decares of land, while 11 legal and natural persons owned between 200,000 and one million decares. The statement of reasons for amendments included data that 61 owners possessed over 4,100,000 decares of agricultural land.

Main recommendations that the following practices should be introduced:

- adequate and fair taxation of large-scale land ownership;⁵
- restrictions on the ownership and use of farmland;
- easier access to farmland for landless and low-income citizens;
- minimum rental and/or lease payments;
- linking the provision of support subsidies by area to the payment of rent to the landowners as stipulated in the land-use contracts;
- an out-of-court settlement procedure for disputes related to payments for farmland use.

• Infringement of rights in connection with pending land restitution

The current restitution regime, insofar as it is applied, is not conducive to finalising land restitution and does not guarantee that specific property will be identified and made available to eligible persons within a foreseeable timeframe. Denying access to land and maintaining the status of 'nominal' owners for large groups of citizens over a prolonged period is a serious violation of citizens' fundamental rights. In defence of restitution rights, the Ombudsman's proposed that the ban on the disposal of agricultural land from the residual land fund that is municipal property should be extended. The proposal was adopted and was included in Bill No. 002-01-65 of 10 November 2020 to amend the *Support to Farmers Act* (promulgated in the State Gazette, issue 103 of 2020). The Ombudsman insisted that the ECtHR's recommendations should be implemented and the following provisions should be incorporated into domestic law: 1) time limits for the implementation of decisions given by the competent administrative and judicial authorities to restore the right to property over agricultural land; and 2) a remedy allowing the concerned parties to obtain redress in the event of non-compliance with the said time limits.

Main recommendations:

- An adequate regulatory framework ought to be adopted, thus reaffirming the state's political and financial commitment to finalising land restitution. Such a framework should be linked to the policy on combating poverty.
- A special legal regime for the completion of land restitution should be provided for in order to resolve the problems with the restitution land and compensating owners of agricultural land, inclusive of the problems caused by the excessive delays.
- The unfair redistributive effect related to the status of land as per Article 19 of OUALA must be removed, including by resetting the time limit for making restitution claims.
- The ECtHR's specific recommendations must be implemented and the following provisions should be incorporated into domestic law: 1) time limits for the implementation of decisions given by the competent national administrative and judicial authorities to restore the right to property over agricultural land, and 2) a remedy allowing the concerned parties to obtain redress in the event of non-compliance with the said time limits⁶.

⁵ Bill No. 054-01-79 of 29 July 2020 to amend the LTFA, providing for the levying of a local tax on the possession of more than 20,000 decares of land within the territory of the country, was not approved by the National Assembly's Regional Policy, Public Works and Local Self-Government Committee (Verbatim Report of Proceedings No. 15 of 1 November 2020).

⁶ See the Seventh Annual Report of the Minister of Justice on the Execution of the Judgments of the ECtHR on Cases against Bulgaria in 2019, available on the MJ's website, page 43. where it is admitted that, for yet another year, those recommendations had not been implemented,

• Expropriation and compensation procedures

The main demand raised by owners in their complaints to the Ombudsman was that the constitutional requirement for equivalent compensation in cases of compulsory purchases in the public interest should be complied with. The Ombudsman's findings that there is a need to enhance the regulation on the assessment methods to ensure that all implications of the expropriation are taken into account have been supported by the case-law of the European Court of Human Rights.

Main recommendations:

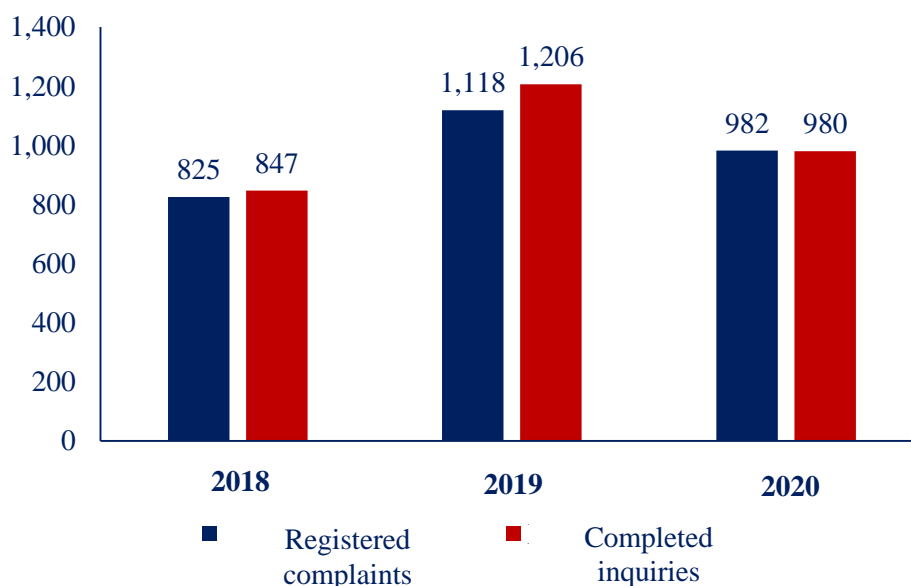
- The valuation rules for monetary compensation ought to take into account, in addition to market factors, other factors as well. By adopting a complex approach, all implications of compulsory expropriation should be taken into account.
- The owners ought to be afforded the right to choose the type of compensation – land-for-land or cash, in cases of expropriation of agricultural land and forestry.
- It is not speed (unequivocally identified with the public interest for fast satisfaction of the state or municipal need) that should be the priority but the protection of the right to equal compensation. The two-instance nature of administrative justice proceedings ought to be restored where expropriation acts are challenged.
- It is necessary to legislate the procedures for paying compensation to the owners of the expropriated property as determined and to unify the administrative practice in order to end the unlawful delays of payments and the transfer of the administrative and financial burden of obtaining documents onto the owners of expropriated property.

11. Right to Good Governance and Good Administration

The right to good governance and good administration is a governing principle for EU administrative practice and obligates European institutions to respect certain principles, rules, and practices in their relations with the public. It gives effect to democratic values and standards, human rights, and the rule of law.

A total of 982 complaints concerning the right to good governance and good administration were filed and registered with the Ombudsman institution in 2020. Inquiries into 980 complaints were conducted and successfully completed during the same period.

Chart 16: Number of registered complaints and denunciations, and completed inquiries concerning the right to good governance and good administration received during the period 2018–2020



Striving to defend citizens' rights, the Ombudsman put forward 237 recommendations and proposals to various administrative bodies. Most of them were acted on by the public administration.

The number of complaints can be broken down as follows depending on the authorities they concerned:

- 381 complaints against central bodies of the executive branch and their territorial structures, as well as against state and executive agencies, and state commissions (38.87%);
- 565 complaints against mayors of municipalities, districts and town hall officials, mayoral representatives, and their respective administrations (57.65%).

- **Major issues raised by citizens in 2020**

- 1. Lack of timely and adequate action by the competent institutions to ensure a favourable and safe environment in the settlements and worsening of the problems related to the road infrastructure's state of repair (588 complaints, or 60%)**

A large number of complaints against municipal administrations related to the need for repairs or construction of streets and the technical infrastructure associated with them; provision of parking spaces; construction and maintenance of playgrounds and small parks; construction and maintenance of sewers and prevention of systematic flooding of real estate; improvement of or changes to traffic arrangements, etc. There was an increase in the number of complaints from residents of suburban neighbourhoods on the outskirts of cities whose access to their properties is impeded by the poor state of repair of the roads leading to them.

Numerous complainants were critical of the poor condition of roads making up the national road network.

Citizens were increasingly demanding clear criteria for determining the sites and facilities to be built or renovated; shortening the timeframes for carrying out repairs and renovations; efficient control on the quality of works; optimal spending of public funds.

Main recommendations:

- Setting priorities and planning measures to improve the urban environment ought to be carried out in compliance with the principles of transparency and predictability, and with the participation of all stakeholders.
- It is requisite to perform a comprehensive assessment of the road network.
- An information system needs to be set up containing all data on the road network.
- Objective oversight over road construction and repairs must be exercised throughout the process.

- 2. Violations of legislative requirements and failure of public administrations to fulfil obligations (202 complaints, or 20.61%)**

The rule of law is one of the fundamental values of the EU, enshrined in Article 2 of the *Treaty on European Union*. It is a prerequisite for the protection of all other fundamental values, inclusive of fundamental rights and democracy. According to Article 4 of the *European Code of Good Administrative Behaviour*, “the official shall act according to law and apply the rules and procedures laid down in Community legislation”.

Complaints against municipal administrations related most frequently to the administration of local taxes and fees (51 complaints); the provision of administrative services and the issuance of civil status certificates (18 complaints); towing and impounding of vehicles and issuing parking tickets for parking violation (32 complaints), etc.

Complaints against central bodies of the executive branch and their territorial structures related most frequently to non-criminal traffic violation tickets; failure to comply with the time limit for responding to denunciations and complaints from citizens, etc.

Main recommendation:

- It is requisite to comply strictly with the legal requirements for decision-making by the administrative authorities, as well as the obligation to include in each decision the reasons it is based on, stating clearly the relevant facts and the legal justification.

3. Problems with annual toll (e-vignette) payment (60 complaints, or 6.12%)

Dozens of citizens turned to the Ombudsman in 2020 for assistance with the National Toll Administration's refusal to refund amounts where a wrong vehicle registration plate had been entered. They complained also of the inability to correct such errors.

The Ombudsman shares the opinion that there should be a procedure for correcting wrongly entered data in the toll system. Alternatively, the amount paid for an electronic vignette where the vehicle owner or user has entered incorrect data should be refundable. In practice, there have been hundreds of cases where BGN 194 was paid for an annual e-vignette for the same car instead of just BGN 97. This is unfair and incorrect.

Despite the recommendations put forward by the Ombudsman to the MRDPW and the Road Infrastructure Agency that action should be taken, the problem has not yet been resolved.

Main recommendation:

- It is requisite to address gaps in the electronic system for purchasing e-vignettes to prevent the entry of non-existent vehicle registration numbers.

4. Failure to comply with the quality standards for administrative services (71 complaints, or 7.24%)

Most citizens complained of/about:

- having been made to submit documents that the administration itself had;
- limited possibilities for requesting administrative services and limited ways to obtain individual administrative acts;
 - where certificates of civil status were issued – refusals to register the application; verbal refusals to issue a certificate; lack of interaction and exchange of information between municipal administrations, etc.;
 - poor working arrangements in some administrations, poor conditions in premises where administrative services are provided to citizens.
 - delayed response or no response within the statutory time limits. The administrations' most frequent excuses for such delays include heavy workload and staffing problems, difficulties with performing checks due to the emergency epidemic situation, etc.

Main recommendations:

- A system to measure user satisfaction, receive feedback, and evaluate the provision of administrative services should be introduced in all public administrations with a view to improving the relationship between administration and citizens.
- The ways to request, pay for, and receive administrative services should improve.
- The scope of the information collected *ex officio* should be expanded and citizens should not be required to present documents already available in the administration.
- An in-depth analysis should be conducted of the achievements and the outstanding issues in the implementation of the *Public Administration Development Strategy*

5. Infringement of the principles of transparency and citizens' participation (10 complaints, or 1.02%)

The extent of civic engagement and participation is an indicator of the development and maturity of civil society. Increasing transparency and accountability in the governance process and improving the mechanisms for stakeholder participation are important features of good governance.

Main recommendation:

- The institutions ought to inform citizens clearly and fairly, identify stakeholders, provide opportunities for expression of views, ensure stakeholder feedback and consider the views expressed, and expand the use of modern technology to encourage and facilitate civic participation in public policy development and governance decision-making.

6. Omissions in ordinances adopted by municipal councils (9 complaints, or 1,9%)

2020 saw a significant drop in the number of citizen complaints about provisions in municipal ordinances that are contrary to law and/or infringe their fundamental rights.

Following up on such complaints, the Ombudsman addressed recommendations to:

- the Municipal Council of Plovdiv regarding the need to introduce a clear procedure allowing citizens to make proposals and express opinions, as well as about the information released to the public when publishing the Municipal Council's decisions.
- the Municipal Council of Plovdiv regarding the need to regulate the procedure for imposing compulsory administrative measures to sanction parking violations in the territory of the municipality of Plovdiv.
- the Municipal Council of Kazanlak insisting that specific provisions in Ordinance No. 26 on the determination and administration of local fees and prices for services in the territory of Kazanlak Municipality, which contradicted the LTFA, should be amended.

12. Protection against Discrimination, Hate Speech, and Gender Equality

Discrimination, hate speech, and equality between men and women have become increasingly relevant issues in the context of COVID-19. The epidemic has adversely affected all spheres of social life, led to the closure of several industries, and social isolation. These conditions are conducive to increased discrimination, hate speech, and the deepening of existing inequalities.

Complaints received in 2020 indicated that the coronavirus situation has also changed in a way the focus of citizen complaints.

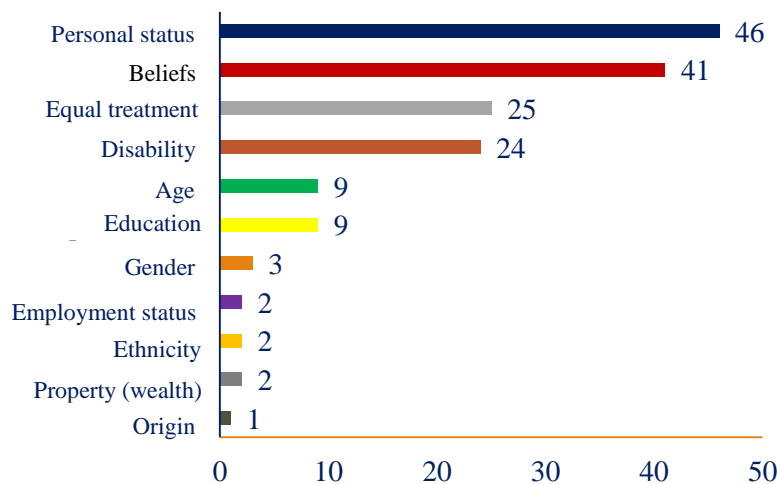
The restrictive measures adopted in response to COVID-19 and the efforts made by the responsible authorities to deal with the pandemic and its implications have given rise to complaints from affected citizens alleging unequal treatment.

Undoubtedly, the most notable examples concerned the introduction of “green corridors”, which allowed only children up to the age of 12 to walk in parks, but restricted older children, and allowed seniors over the age of 65 to shop only during certain hours.

Following the Ombudsman's recommendation and public pressure, the measure was rightfully repealed.

In the meantime, citizens continued to file complaints claiming discrimination. A total of 164 discrimination complaints were received.

Chart 17: *Complaints and denunciations received in 2020, broken down by the main protected grounds of discrimination*



1. Discrimination

• Discrimination based on personal status (civil, marital, and familial status)

The complaints received related to different walks of public life, such as:

- the commercial practice of a large retail chain regarding the use of a digital discount card in its stores countrywide;
- disputes between employers and employees, and allegations of discriminatory treatment;
- the scope of Component 1 "Accessible Housing Environment" of the *National Programme for Accessible Housing Environment and Personal Mobility*;
- the K5 criterion of the Ordinance on the admission of children in municipal kindergartens and preparatory groups in municipal schools in the territory of Sofia Municipality;
- the distribution of the supplementary remuneration payable to frontline workers in the fight against COVID-19;
- the decision to grant a one-off allowance to parents of children under 12 who have taken at least 20 days unpaid leave;
- the cap on old-age contributory pensions, etc.

• • Discrimination based on beliefs

The complaints claiming discrimination based on beliefs (religious or philosophical beliefs, or political opinion) concerned:

- Regulation No. 15 of 12 May 2005 on Immunizations in the Republic of Bulgaria.
- Refusal to pay supplementary remuneration on the occasion of a hospital's holiday.

The persons concerned claimed that the reason was their active citizenship and civic standpoints.

Citizens sought also the Ombudsman's assistance asking that she should seize the Constitutional Court with a petition to establish the unconstitutionality of certain provisions.

• **Discrimination based on disability**

Complaints about disability discrimination related to the failure to provide an accessible environment in buildings where public services were provided. This constituted an infringement in the meaning of Article 5 of the *Protection Against Discrimination Act*.

Lack of accessibility is a serious problem that has commanded the attention of the Ombudsman institution for years.

• **Discrimination based on age**

Complaints about age discrimination filed with the Ombudsman institution related to the restrictive measures introduced in response to the COVID-19 pandemic to contain the spread of the disease.

– The restriction imposed on children over the age of 12, including children with disabilities, to visit large and small parks even if the anti-epidemic measures are strictly observed (Order No. RD-01-239 of 26 April 2020 issued by the Minister of Health.

– The requirement that senior citizens over the age of 65 should only shop in grocery stores and in pharmacies from 8:00 a.m. till 10:00 a.m. The restriction at issue was set out in paragraph 15 of Order No. RD-01-651 of 11 November 2020 issued by the Minister of Health.

• **Discrimination based on ethnicity**

Based on the complaints received over the past year, it was established that the practice of forced eviction, in particular the demolition of citizens' sole residences, remained a serious problem affecting especially badly and disproportionately Roma families.

The reasons given by the authorities for the forced removal of dwellings were that the buildings were illegal and dangerous to the life and health of their residents. Yet another reason was the unlawful occupation of land that was municipally owned or owned by other entities.

The Ombudsman finds it necessary to reiterate her opinion that the authorities should not be influenced by the hostile attitude of one group against another and their actions should not aim to satisfy the demands of only one group. Every effort must be made to ensure that this issue does not focus on the ethnicity of the individuals concerned.

In the context of the epidemic emergency in response to COVID-19, the Ombudsman recalls with even greater concern the human rights standards invoked in cases where a citizen's only home is razed because it is illegal.

– prior to carrying out forced evictions, the authorities should notify properly the affected residents that action is planned to demolish their homes, including the plans for their subsequent accommodation, particularly with a view to protecting vulnerable groups;

– the affected parties should be allowed to challenge the proposed plan and to submit alternative proposals if any;

– a reasonable time limit should be provided to allow for public review and/or rejection of the proposed plan;

– affected citizens should be provided with opportunities for access to legal, technical, and other assistance;

– the evicted persons should be provided with alternative accommodation.

2. Hate Speech

Hate speech and hate crimes are extremely important human rights issues that are constantly on the Ombudsman institution's radar. The Ombudsman notes with concern that in recent years, hate speech has become increasingly omnipresent in our society and is all around us – in the media, on the internet, and in communication between people. Most worryingly, though, this language is also found in institutions. What is of even greater concern is that our

society seems to be less and less sensitive to the issue of hate speech and it seems to be accepted as part of our everyday lives. This threatens the existence of a societal climate of respect for human rights, which the Ombudsman has been loudly advocating for.

The Ombudsman insists that sensitivity to this issue be raised. The responsible institutions ought to respond promptly and exercise their power to impose restrictions and penalties on any and all instances of hate speech.

• **Implications of COVID-19 pandemic on Roma communities**

In the context of the COVID-19 crisis, the situation of Roma communities has worsened and the economic and social implications of the crisis are likely to affect them hardest and deepen existing inequalities.

To a large extent, the COVID-19 crisis has had a disproportionately negative effect on minority children. They are particularly vulnerable and experience frequent lack of food, poor housing and living conditions, overcrowding, as well as limited access to digital devices and/or low education and skills level of their parents who have to support them.

During the countrywide state of emergency, the local authorities in several cities imposed restrictions on access to and from neighbourhoods with a predominant Roma population. A complete lockdown was even imposed and police checkpoints were set up checking the identity of persons entering or leaving the Roma neighbourhoods in the cities of Sofia, Yambol, Sliven, Nova Zagora, and Kazanlak. This resulted in serious tensions and unrest in Roma neighbourhoods.

The Bulgarian Ombudsman drew the attention of the legislative and executive authorities to the need to seek and find a fair balance between the restrictions objectively necessitated by the spread of COVID-19 and the rights of citizens.

3. Equality between Women and Men and Protection from Domestic Violence

The principle of gender equality is promoted by all international and European human rights instruments.

Accordingly, the Ombudsman recommended amendments to the national legislation to ensure that gender equality is effectively achieved.

2020 saw the adoption of the *2021-2030 National Strategy for Promoting the Equality between Women and Men*. The drafting of a *National Action Plan on Promoting the Equality between Women and Men in the Period 2021–2022* is underway.

The Ombudsman observed that the challenges to gender equality have not yet been overcome. The social and economic realities reinforce the importance of some of those. New challenges keep emerging. This requires adaptive regulations, adequate measures and practices.

The Ombudsman remains committed to the issue of domestic violence and the protection of its victims and has repeatedly brought the problem of domestic violence to public attention. Sadly, however, the problem has further intensified in the context of the COVID-19 pandemic.

No official statistics are kept in this country, but according to data from NGOs, calls to helplines for victims of domestic violence have increased anywhere between 30 percent and almost twice. According to data from civic monitoring again, 15 women were killed within an intimate relationship in 2020. There have been, however, media reports of 5 more victims.

The Ombudsman's institution has consistently defended the position that changes in the legal framework are needed to ensure both more effective protection of victims of domestic violence and modern mechanisms for prevention.

Main recommendations:

- Measures ought to be taken to address discrimination in current legislation.
- Action ought to be taken to address the absence of an accessible built environment for people with reduced mobility.
- Action ought to be taken to address the insufficient visibility of and opposition to the use of hate speech.
- The competent authorities ought to commit to taking measures and actions to sensitise society to discrimination and hate speech.
- Amendments to the *Spatial Development Act*, the *State Property Act* and the *Municipal Property Act* ought to be adopted to set out an explicit requirement that an assessment of the administrative intervention's proportionality should be carried out where an unlawful building is to be demolished, which, however, is the owners' sole residence.
- The current legislation ought to be amended to ensure the achievement of effective gender equality.
- Decisive and consistent steps are needed to adopt amendments to the legal framework that will provide for more effective protection for victims of domestic violence.

13. Right to Protection in Enforcement Proceedings

Citizens' rights in the area of enforcement proceedings were put to a serious test in 2020 in the context of the COVID 19 outbreak. The number of citizen complaints did not drop compared to previous years. Apart from the 466 complaints that were specifically investigated by conducting inquiries into enforcement cases, there remain several groups of complaints and grievances received through phone calls, in hearings held with large groups of citizens, and at the Ombudsman's daily reception office. The Ombudsman put forward proposals for legislative amendments concerning issues of order for payment and enforcement procedures.

At the insistence of citizens, the Ombudsman held in 2020 three thematic forums on problems related to order for payment and enforcement procedures.

Following up on the hearings and having analysed the numerous citizen complaints and the relevant case law, the Ombudsman sent out the detailed information and specific proposals for normative changes to the Chairperson (Speaker) of the National Assembly, to the Chairperson of the Standing Parliamentary Committee on Legal Affairs, and the Minister of Justice concerning the collection agencies and payday lenders, as well as to the protection of third parties in enforcement proceedings.

The Ombudsman had a meeting with Ms Dolors Montserrat, Chair of the Committee on Petitions of the European Parliament (PETI), PETI members, and Bulgarian MEPs.

Given the lack of income from employment, the problem with repayment of debts collected by bailiffs is even more pressing. Citizens posed also questions about debt forgiveness or debt deferral. It is important to bear in mind in this regard the adoption of a legal provision allowing the time barring of debts of natural persons after a 10-year statute of limitations, subject to exhaustively listed exceptions.

The introduction by way of the law of an absolute statute of limitations in civil law relations should be seen as a first step in protecting "eternal debtors" and providing a second chance by the adoption of a law on personal bankruptcy.

14. National Preventive Mechanism

The NPM's annual reports provide an assessment of the human rights situation in prisons and detention facilities. Their addressees are the institutions in the Republic of Bulgaria, as well as international organizations and non-governmental associations involved in and committed to the protection of persons deprived of their liberty. The 2020 report is based on on-the-spot checks, observations, documentary checks, meetings, and interviews with detainees, convicted inmates, and corrections officers. Numerous complaints and denunciations have also been analysed and summarised.

3,848 persons received protection from the NPM in 2020. Throughout the state of emergency and the emergency epidemic situation, the Ombudsman provided access to the mobile phones of all NPM experts to ensure that the rights of all citizens held in correctional facilities and detention centres were effectively protected.

The state of emergency and the emergency epidemic situation necessitated changes to the scope and schedule of inspections conducted by the NPM. The aim was to visit both the facilities planned for inspection based on recommendations from previous years and to conduct unplanned inspections on the implementation of anti-epidemic measures in the correctional and detention facilities. Thus, a total of 49 planned, unplanned, and ad hoc inspections were carried out in 2020 in various facilities — prisons and hostels associated with them, detention facilities, district and border police departments, psychiatric hospitals, etc. This was an increase of 50 percent compared to the original plans. The focus of the inspections organised by the Ombudsman in her capacity as NPM in 2020 was to cover as many persons deprived of their liberty as possible.

Following up on the inspections, the NPM put forward 39 recommendations to specific institutions.

The methodology for carrying out inspections in correctional and detention facilities was supplemented to include the updated international and European human rights standards, such as the *Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic*⁷, as well as the Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic adopted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)⁸, and the World Health Organization Pandemic Guidelines

The inspections conducted by the NPM identified numerous shortcomings, particularly evident in those systems on whose reform the Ombudsman has long insisted.

The NPM found, for example, that in some detention facilities it was not possible to quarantine new detainees. PCR testing as an alternative to quarantine was not in place. The Ombudsman, therefore, recommended to the General Directorate Execution of Sentences to apply a flexible approach to the implementation of the anti-epidemic measures, considering the actual capacities of prisons and detention facilities, and to carry out systematic monitoring.

The results of the monitoring are made public in the Ombudsman's annual reports to serve as a starting point for policy changes and improvement of conditions in the correctional and detention facilities specified in the report.

The 2020 Annual Report is available at <https://www.ombudsman.bg/national-prevention/>

⁷ Adopted on 25 March 2020

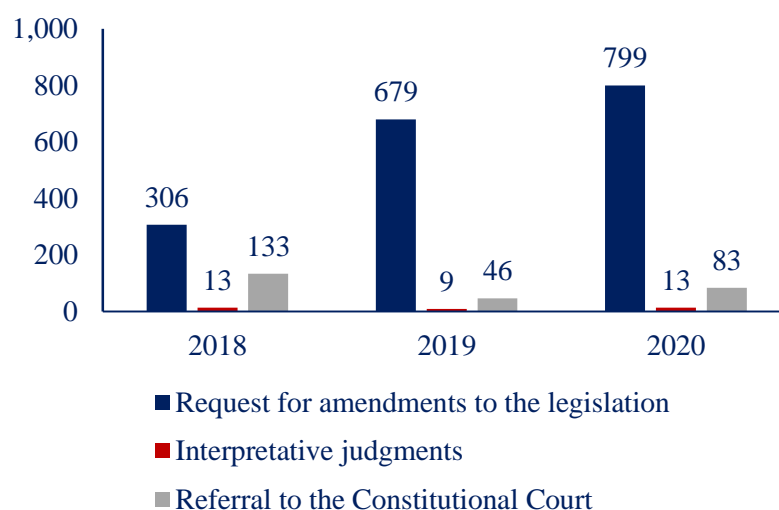
⁸ Issued on 20 March 2020

CHAPTER TWO. IMPACT ON THE REGULATORY FRAMEWORK

Overview

The year 2020 was characterised again by an upward trend in the number of complaints and signals submitted to the Ombudsman with requests for amendments to the legislation and for referral to the Constitutional Court while the requests for interpretative judgments remained the instrument of rights protection the citizens recognised the least.

Chart 18: Number of complaints and signals with requests for amendments in the period 2018-2020



Legislative proposals

As regards the requests for amendments to the legislation, the increasing trend continues which shows the growing trust in the institution of the Ombudsman that proposals and recommendations for legislative amendments can contribute to the protection of the citizens' rights.

The number of requests for interpretative judgments is approximately the same as in previous years while there is an almost twofold increase in the number of requests for referral to the Constitutional Court in comparison to 2018.

The Ombudsman uses the powers to exert an impact on the regulatory framework in the interest of the citizens when referred to with complaints and signals, some accompanied by collections of signatures. The Ombudsman also takes steps ex officio when, in the course of support for citizen actions, it is established that there is a gap in the legislation or that the provisions create prerequisites for violations of the citizens' rights.

In 2020, the COVID-19 pandemic was largely the starting point for the legislative initiatives of the public advocate aimed at protecting the citizens' rights at risk or breached in

the period of the state of emergency due to the coronavirus and, after that, during the emergency epidemic situation.

In an opinion to the Legal Affairs Committee of the 44th National Assembly during the discussion of the Act on the Measures and Actions during the State of Emergency Declared by Virtue of a Decision of the National Assembly of 13 March 2020 and on Overcoming the Consequences (title amended SG, issue 44 of 2020), the Ombudsman expressed support for the proposal of attorneys from the Sofia Bar Council for a moratorium on procedural, limitation and preclusion deadlines in relation to the epidemic situation in the country in order not to violate citizens' rights, including the rights to judicial defence because the citizens could lose the possibility to take action within the terms laid down by law. The Ombudsman also recommended suspension of the actions of private enforcement officers related to public sales, inventories of property and setting of distraint on work remuneration and bank accounts of debtors which would alleviate the citizens' situation in this case. Both issues pointed out by the public advocate were provided for in the Act adopted.

In June, the Ombudsman sent detailed information and analysis to the Parliament Speaker, the Chair of the Legal Affairs Committee of the 44th National Assembly and the Minister of Justice in relation to the problems citizens faced due to debt collection companies and fast loan companies. Further to the same topic which is a priority to the institution, the Ombudsman took part in the meeting of a working group at the Ministry of Justice tasked with proposing regulatory framework for the activities of debt collection companies, lenders functioning outside the Bulgarian National Bank supervision and fast loan companies; a detailed opinion was prepared on the bill discussed. The Ombudsman is of the opinion that the matter related to debt collection companies and companies offering to the citizens the so called fast loans needs to be the object of comprehensive regulation in a separate bill concerning the activities of out-of-court debt collection and rules for their transfer as well as heightened control over the debt collection companies while ensuring an in-depth discussion.

In protection of the citizens' rights, the Ombudsman took a stand against proposed amendments to the Code of Civil Procedure concerning the procedure for voluntary collection of receivables which are not set by the court by enforcement agents. According to the public advocate, this procedure assigns quasi-judicial and quasi-mediator functions which is unacceptable. The Legal Affairs Committee of the National Assembly took into account the Ombudsman's opinion and rejected the proposed changes.

The Ombudsman also opposed firmly the proposed amendment to the Consumer Credit Act made through the Transitional and Final Provisions of the Bill to Amend the Value Added Tax Act. The amendment envisages that the costs a consumer pays in the event of non-fulfilment of obligations under a consumer credit contract with a financial institution may reach double the amount of the principal and will not be deemed excessive. The proposed amendment did not enter into force.

The cases of domestic violence increased during the state of emergency and the emergency epidemic situation. In this regard, the Ombudsman tabled proposals for amendments to the Criminal Code and the Protection against Domestic Violence Act related to more effective protection of the victims of domestic violence. On the occasion of the UN International Day for the Elimination of Violence against Women, a recommendation was sent to the Minister of Justice insisting that the Bill against domestic violence should be proposed for review by the Council of Ministers and then put forward for review, vote and adoption by the National Assembly.

Again in relation to the Act on the Measures and Actions during the State of Emergency which amends the Electronic Communications Act, the Ombudsman sent a recommendation to the Minister of Interior. The provisions which prompted the

recommendations allow the Ministry authorities to request information about a citizen placed in mandatory isolation and hospital treatment directly from the mobile operators which, on their part, must provide the information requested “immediately”. The Ombudsman emphasised that the saving of traffic data and their use in the manner and with the means laid down in the law, albeit pursuing a legitimate aim in the public benefit, could violate the citizens’ rights because, in its essence, this constitutes interference in their personal life. In this regard, information was requested about the measures taken to exercise control over the authorised MoI authorities to fulfil their obligations to refer to the district court to exercise control in every case within 24 hours after the request to the mobile operator to provide traffic data.

The public advocate sent a recommendation to the Minister of Justice to adopt legislative amendments in order to eliminate the flawed practice for hollow companies to be registered at the home addresses of citizens or at the addresses of other real estate properties without the owners having any idea.

In relation to the discussion of the Bill to Amend the Energy Act, in an express opinion the Ombudsman stated that the procedures envisaged in the Bill for reimbursement of the difference in the amounts to persons down the chain did not take sufficient account of the citizens’ interests. While short and clear deadlines are laid down for gas supply and energy enterprises, the provisions of the Bill for the reimbursement of differences to end consumers raise justified questions about the correct and accurate deduction.

As regards the Bill to Provide for the Relations Concerning Personal Accounts for Dematerialised Securities Maintained at the Central Securities Depository by Central Depository AD or the so called “sleeping shares”, the Ombudsman sent an opinion to the Ministry of Finance. The public advocate does not support the Bill which impacts on the rights of almost 2.5 million Bulgarian shareholders at risk of losing their securities at a par value of close to 2 billion levs acquired in the mass privatisation.

An opinion was also provided in relation to the Bill to Amend the Social Services Act. The Ombudsman emphasises that one of the most serious concerns the citizens share in their complaints is that there are practices of taking children out of their families only in view of their social status and that a material criterion is laid down for taking a child away, i.e. due to poverty. It is stressed that the UN Convention on the Rights of the Child obligates the Member States to guarantee that parents receive appropriate support in exercising their parental obligations.

The public advocate sent an opinion to the Parliament Speaker and the Minister of Agriculture, Food and Forests insisting on an extension of the period of the prohibition for disposal of agricultural land from the remaining land estate – municipal property. The period recommended is at least another five years. The matter concerns land under Article 19 of the Ownership and Use of Agricultural Land Act and the reason is that the effect of the temporary prohibition for disposal of such lands ends on 22 December 2020.

The opinion emphasises the fact that the prohibition was introduced after publicly known cases of flagrant non-compliance with the restitution purpose of the lands of the remaining land estate as a result of the expiry of the express restrictions for disposal of them in 2010.

Requests to the Constitutional Court

- **Request for anti-constitutionality of the provisions of Article 171, para 1, littera e and para 2, littera k of the Road Traffic Act (RTA)**

The RTA provisions challenged by the Ombudsman set out the involuntary administrative measures applied to ensure road safety and eliminate administrative violations, namely:

- Temporary withholding of the driving licence of a driver driving a vehicle while having a fine not paid within the term for voluntary payment – for the period until the fine due is paid (Article 171, para 1, littera e RTA);
- Temporary suspension of the vehicle of a driver driving a vehicle while having a fine not paid within the term for voluntary payment – for the period until the fine due is paid (Article 171, para 2, littera k RTA).

The motivation of the Ombudsman's request notes that the said provisions are contrary to:

- The principle of rule of law enshrined in Article 4, Article 1 and Article 2 of the Constitution;
- The guaranteed right to possession and inviolability of private property enshrined in Article 17, para 1 and para 3 of the Constitution;
- The right to inviolability of private life enshrined in Article 32, para 1 of the Constitution;
- The right to free movement and exiting the territory of the country enshrined in Article 35, para 1 of the Constitution;
- The inalienability of fundamental rights enshrined in Article 57, para 1 of the Constitution of the Republic of Bulgaria.

In the Ombudsman's opinion, the underlying reason of the RTA texts challenged is an economic interest to collect receivables of the State (unpaid fines) but this cannot justify the infringement upon fundamental constitutional rights such as the right to free movement and exiting the country which can only be restricted by law for the protection of national security, public health and the rights and freedoms of other citizens. It is unacceptable for the right to leave the territory of the country, which is an inalienable right, to be tied to the collection of unpaid fines in order to protect the financial interest of the State.

In the motivation to the request for anti-constitutionality, the Ombudsman also notes that the involuntary administrative measures imposed under Article 171, para 1, littera e and para 2, littera k RTA are contrary to Article 21 of the Treaty on the Functioning of the European Union which provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States and they could result in the launch of an infringement procedure against Bulgaria by the EC. According to the case-law of the Court of Justice of the European Union, the admissible grounds to restrict the movement of EU citizens and their families within the Union may be justified only based on considerations related to public order, public security or public health and not such pursuing economic aims. The omissions of the NRA as regards the collection of public receivables imposes disproportionate and anti-constitutional restrictions of fundamental rights of the citizens which is also a flagrant violation of the principle of good administration enshrined in Article 41 of the Charter of Fundamental Rights of the EU.

The Constitutional Court ruled by virtue of judgment No. 3 of 23 March 2021 declaring Article 171, para 1, littera e and Article 171, para 2, littera k of the Road Traffic Act anti-constitutional.

Requests for the initiation of interpretative cases

A request of the Ombudsman for an interpretative ruling of the General Assembly of the Civil College of the Supreme Court of Cassation and the General Assembly of the Justices on the Supreme Administrative Court on the following matter:

In which cases people with disabilities, pregnant women and mothers of children aged up to 6, orphans are exempt from paying stamp duty under Article 5, littera O of the Stamp Duty Act – in all cases due to health reasons established with a conclusion of a medical committee or only in the cases of transfer from one educational institutional to another, from one specialty or form of education to another due to health reasons established with a conclusion of a medical committee?

The request was submitted after the Ombudsman had been contacted in relation to the existence of diverse case-law in the interpretation and application of the provision of Article 5, littera o of the Stamp Duty Act as regards the exemption from stamp duty of people with disabilities, pregnant women and mothers of children aged up to 6, orphans.

- **Opinions of the Ombudsman on pending interpretative cases**

Following a request, the Ombudsman provided an opinion as regards the adoption of an interpretative judgment of the General Assembly of the SCC Civil College in interpretative case 1/2020 initiated upon the request of the Minister of Justice due to the existence of diverse case-law on the following matter:

“When hours of night-time work of MoI personnel are reported and paid for, do the provisions of the Labour Code and of the Ordinance on the Structure and Organisation of the Work Salary (in particular the provision of Article 9, para of the said Ordinance) apply or do the provisions of the special MoI Act and of the acts issued thereunder need to be applied?”

CHAPTER THREE. MONITORING OF THE IMPLEMENTATION OF INTERNATIONAL ACTS IN THE AREA OF HUMAN RIGHTS

1. European Convention for the Protection of Human Rights and Fundamental Freedoms

The monitoring of the implementation of the international acts in the area of human rights is carried out by the Ombudsman of the Republic of Bulgaria on the basis of the UN Paris Principles and the Ombudsman Act. Pursuant to Article 19, para 1, item 10 of the Ombudsman Act, the Ombudsman has express powers to monitor and encourage the effective application of the human rights protection conventions to which the Republic of Bulgaria is a party. On the basis of the ongoing monitoring of the way in which the State applies the international legal acts of human rights protection, the Ombudsman develops opinions and gives recommendations. Along with this, in exercise of its powers to encourage and protect human rights, the Ombudsman creates a separate section in the Annual Report assessing the degree in which the national legislation is aligned to the content of each convention and the practices of its application are aligned by the national institutions. As regards the ECHR, the main criterion for the opinion of the Ombudsman is the execution of final ECtHR sentences against Bulgaria and the alignment of the national legislation to its case-law.

The 70th anniversary of the signing of the European Convention on Human Rights and Fundamental Freedoms (ECHR) was marked on 4.11.2020.

Overall findings about the execution of final ECtHR judgments within the meaning of Article 46 ECHR in 2020

As in previous years, it can again be concluded that the individual execution measures laid down in ECtHR judgments are implemented and they usually do not pose problems. The process of payment of compensation and notifying the competent authorities about the possible need for additional individual measures (for example, reopening judicial proceedings and others) as well as the process of translation of the judgments and their dissemination is coordinated by the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate at the Ministry of Justice with strict monitoring that the respective deadlines are observed and that the judgments reach as wide a circle of competent authorities and persons as possible. In addition, all judgments are posted on the Ministry of Justice website and on the portal: <http://humanrights.bg/>. However, the general measures the Committee of Ministers requires with a view of executing the ECtHR judgments raise numerous serious questions. Some ECtHR judgments reveal systemic or structural problems related to the need for legislative amendments or changes in the case-law or administrative practice. It is the general measures which are under the supervision of the Committee of Ministers and which remain non-implemented for years by the national institutions. One of the main reasons is that the implementation requires active efforts on the part of different institutions which, in many cases, do not take timely the necessary measures to execute the judgments. The coordination role of the Ministry of Justice is insufficient to impose the adoption of measures which are within the competence of other institutions.

As regards Bulgaria's progress in executing the judgments under the supervision of the Committee of Ministers in 2020, the following main conclusions can be reached:

First, over 27 years, from 1992 till 2019, the Committee of Ministers adopted only two interim resolutions against Bulgaria on the account of non-execution of ECtHR judgments. In the period from December 2019 to December 2020, the Committee of Ministers adopted four interim resolutions against Bulgaria. The four interim resolutions adopted for a relatively short period of time – one year – are yet another manifestation of the serious issues Bulgaria is currently experiencing with the rule of law. An interim resolution is a measure of last resort of the Committee of Ministers taken in response to a serious delay or specific refusal of the State to execute a ECtHR judgment. It is an expression of deep concern and a signal for the affected State about the lack of cooperation. The step which comes after a series of non-implemented interim resolutions is an infringement procedure⁹.

The interim resolutions are:

- In December 2019 in the group of cases *S.Z. and Kolevi v. Bulgaria* concerning the impunity of the Prosecutor General and the inadequacy of criminal investigations.
- In October 2020 in the group of cases *UMO Ilinden and Others v. Bulgaria* concerning the systemic refusal of the Bulgarian authorities to register associations of Bulgarian nationals with a Macedonian self-awareness.
- In October 2020 in the group of cases *Velikova v. Bulgaria* concerning the failure to investigate cases of homicide and maltreatment of Bulgarian citizens by police officers.
- In December 2020 the Committee of Ministers of the Council of Europe adopted an interim resolution in the group of ECtHR sentences in *Yordanova and Others v. Bulgaria*. They concern actions of the authorities to remove the sole residences of Bulgarian nationals on the sole grounds that they are illegal.

Second, the total number of judgments subject to execution and being supervised by the Committee of Ministers has decreased significantly. The statistics show that as of 31 December 2020¹⁰ the total number of ECtHR judgments at execution stage was 165 in comparison to the data as of 31 December 2019 and 31 December 2018 when the non-executed ECtHR judgments were respectively 170 and 208. In 2020, 32 new sentences were placed under the supervision of the Committee of Ministers and their number is similar to the number of judgments placed under supervision in 2018 (36) and significantly higher than the number of judgments placed under supervision in 2019 (18). In 2020, the total number of cases completed with a final resolution was 37 compared to 56 completed cases in 2019. It is worth noting that the number of cases completed in 2020 is significantly smaller than the number of cases completed in 2019 (56).

Third, a positive trend emerges regarding the compensation paid by Bulgaria. In 2020, it totalled EUR 320,393¹¹ which is less than the compensation paid in 2019, namely EUR 421,823. Still, Bulgaria's progress is highly unsatisfactory in comparison to the progress of other countries in the region: for example, the compensation due paid by Croatia in 2020 stood at EUR 203,388 which is a great leap in comparison to the compensation paid in 2019 in the total amount of EUR 105,313.

Fourth, as of 31 December 2020 the total number of judgments under enhanced supervision by the Committee of Ministers was 48 cases of which 18 precedents and 30 repeated cases. For the sake of comparison, as of 31 December 2019 a total of 41 judgments

⁹ Bulgarian Helsinki Committee <https://www.bghelsinki.org/bg/news/20201204-press-interim-resolution-yordanova>

¹⁰ Data current as of 31.12.2020, source Country Factsheet <https://rm.coe.int/1680709740>

¹¹ Data current as of 31.12.2020, source Country Factsheet <https://rm.coe.int/1680709740>

were under enhanced supervision by the Committee of Ministers of which 18 precedents and 23 repeated cases. The overall trend continues to close the supervision in sentences in the two supervision procedures (standard and enhanced).

Despite the above positive trends, the execution of a large number of judgments is slow while Bulgaria continues to be on the list of the ten countries with the largest number of judgments under enhanced supervision by the Committee of Ministers. In 2020, Bulgaria¹² reached sixth place among the Council of Europe Member States as regards the number of sentences of the ECtHR in Strasbourg. The ECtHR Annual Report shows that, in 2020, a total of 35 sentences were issued against Bulgaria finding at least one violation of the Human Rights Convention while their number in 2019 was 13 and in 2018 – 27. Ranked before Bulgaria by number of sentences are: Russia, Turkey, Ukraine, Romania and Azerbaijan but their population is much larger than ours. Our country used to be in top-ten by number of sentences for a long time but then dropped out of the ranking and it is now back to the negative top. At the same time, in the beginning of the week, the Parliamentary Assembly of the Council of Europe adopted a resolution listing Bulgaria among the ten countries with the largest number of non-executed ECtHR judgments which are still facing serious structural or complex problems, some for more than 10 years.

In 2020, Bulgaria continued to be in the situation where the country is still sentenced in similar cases and going forward will pay great amounts of compensation while the citizens' rights are not effectively protected. This situation is unacceptable and decisive actions need to be taken to overcome it. As in previous years, the Ombudsman is committed to assist and provide support to the Minister of Justice through recommendations to the responsible institutions to take specific actions in relation to the sentences against Bulgaria.

Main recommendations:

- Strengthen the coordination mechanisms among the institutions responsible for the execution of ECtHR sentences against Bulgaria. The lack of progress in this regard in 2020 has once again shown that general preventive measures need to be applied as taken by the State;
- The Ombudsman's monitoring in 2020 has shown once again that measures need to be taken to strengthen the role of the Ministry of Justice and the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate as regards the coordination of the process of aligning the national legislation and institutional practice to the ECtHR judgments;
- It is logical for the coordination of the execution process to continue to be provided by the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate but a new form for the coordination could be considered to make it much more effective and achieve actual progress. This is especially true for the cases where actions need to be taken by the executive and the cases where measures can only be implemented through a change in case-law or administrative practice or legislative amendment;
- This is why the Ombudsman proposes that an inter-institutional coordination council be set up involving representatives (experts) of all national institutions which need to be engaged directly in the process of coordination and monitoring of the implementation of the measures to execute ECtHR sentences;
- Such a mechanism could ensure the effective execution of the ECtHR judgments and productive cooperation of the authorities and institutions with competence in the area;

¹² https://echr.coe.int/Documents/Annual_report_2020_ENG.pdf

- Along with this, the council could significantly increase the awareness of the ECtHR case-law and the standards of observance of the fundamental human rights. This could actually result in a decrease in sentences under enhanced supervision by the Committee of Ministers for many years;
- The alignment of the national legislation and case-law to the ECHR and the ECtHR case-law will also ensure a more effective guarantee of the observance of the fundamental rights and freedoms of the Bulgarian citizens;
- It is appropriate for such an inter-institutional coordination mechanism to include mainly representatives of the executive;
- Yet, the mechanism would only be effective if its sessions are also attended by representatives of the judiciary and the legislature;
- It would be appropriate for the council to get together for periodic sessions (at least four sessions a year) so that its members could discuss the measures which need to be taken, commit to implement them, ensure coordination of the implementation in their institution and provide information about the progress;
- The coordination process needs to include the national Ombudsman in the role of public advocate who encourages the applications of the conventions for the protection of the fundamental rights and freedoms of individuals as well as independent experts and representatives of non-governmental organisations.

Other recommendations:

Yet again the Ombudsman recalls that after the entry into force of the provision of Article 28, para 3 of the Statutory Instruments Act at the end of 2016, the National Mechanism for compliance review of statutory instruments with the ECHR needs to be applied both by the executive and the legislature. A practice where the bills put forward by Members of Parliament are not checked for compliance with the ECHR and the ECtHR case-law could lead to a violation of the international standards of observance of human rights and new convictions of Bulgaria in Strasbourg.

In this sense, it is appropriate to consider legislative amendments providing for a preliminary assessment of the bills proposed by Members of Parliament for compliance with the ECHR when they concern the citizens' fundamental rights and freedoms. Next, a general finding should be made that Bulgaria is lagging behind in the process of joining international legal acts making it possible for citizens to lodge complaints before supranational (convention) authorities if their rights are breached.

In 2020 Bulgaria yet again failed to take any steps to join the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Third Optional Protocol to the Convention on the Rights of the Child. Along with this, Bulgaria has not yet ratified Protocol 16 to the ECHR which ensures a possibility for a cooperation mechanism between the national court and the ECtHR similar to the requests for preliminary rulings to the Court of Justice of the European Union. This mechanism will significantly facilitate the alignment of the case-law of the Bulgarian court to that of the ECtHR and will contribute to ensuring fewer conviction. The new ECtHR judgments against Bulgaria in 2020 totalled 36.

- **Key ECtHR judgments in 2020**

In 2020, no key judgment was issued against Bulgaria according to the official ECtHR report. There was no such decision in 2019 either.

ECtHR judgments in which measures have been taken to deal with the issue but they are still under the supervision of the Committee of Ministers.

The 2020 Annual Report of the Ombudsman lists the recommendations in relation to:

–Deficiencies in investigations in cases of death or inhuman treatment. Violations of the right to life and the prohibition of torture, inhuman and degrading treatment (Article 2 and Article 3 of the Convention);

–Prohibition of torture (Article 3). Over crowdedness and poor conditions in places for deprivation of liberty and remedies them (Article 3);

–Placement in centres for minors and underage persons (Article 5);

–Violations of the right to a fair trial (Article 6);

–Right to respect for private and family life (Article 8);

–Freedom of thought, conscience and religion (Article 9);

–Restitution and other matters of possession (Article 1 of Protocol No. 1);

–Problems related to the citizens' election rights;

–Signing and ratification of Protocol No. 16 to the ECHR by Bulgaria.

A repeated case under enhanced supervision was completed in 2020 – 59273/10 *Petkov and Parnarov v. Bulgaria*.

- **Signing and ratification of Protocol No. 16 to the ECHR by Bulgaria**

There has been no progress in relation to the signing of Protocol No. 16 to the ECHR by Bulgaria. The Ombudsman will continue to monitor the process and insist on its ratification in 2021.

2. UN Convention on the Rights of the Child

Every State which has ratified the UN Convention on the Rights of the Child (“the Convention”) needs to make consistent efforts to ensure the compatibility of its domestic legislation with its provisions and to guarantee the coordination among policies for children at all levels of governance.

It is the obligation of the Government to make the Convention provisions and principles widely known to adults and children. The dissemination of information and increasing the awareness about the rights of the child are most effective when they are carried out as a process of social change and as interaction and public dialogue. The training in the rights of the child needs to be practical, systematic and integrated in education.

The national human rights institution (NHRI) has special authorisation to encourage and protect the rights of children. This is also emphasised by the UN Committee on the Rights of the Child which notes the key role an NHRI needs to play in its setup, organisation and activities to encourage respect for the children’s opinions on all matters which concern them. The existence of an independent mechanism dedicated to the rights of children extends a special message to children: that they have rights and that there are means within their reach to guarantee observance of these rights.

In 2020, the national Ombudsman developed a system of impact assessment for the legislation and policies for children in Bulgaria together with a set of indicators to monitor the Convention. The matters are structured by topics following the rights of children.

For the purpose of independent monitoring, questionnaires were prepared and sent out to these institutions and organisations: MLSP, MES, MH, MJ, State Agency for Child Protection, State Agency for Refugees, Commission for Protection against Discrimination and National Network for Children (no response was submitted within the deadline).

The Annual Report of the Ombudsman sets out 60 specific recommendations for the main categories of rights of the child under the Convention which can be summarised in the following main areas:

Final recommendations:

- Develop a special mechanism to monitor the implementation of the Convention and indicators for its application;
- Take measures to analyse the coordination of the legislation with the CPA;
- Develop procedures and criteria to serve as guidelines for all competent institutions and staff on how to determine the best interest of the child in every area of the rights;
- Guarantee that all children receive care in support their appropriate development in the first years of their lives, including appropriate nutrition, access to healthcare, protection against violence and damage, stimulation and possibilities for learning;
- Introduce special measures to guarantee that children accommodated at specialised educational institutions have access to protection measures under the CPA;
- Ensure equal access for all children who are victims of crime to protection measures and specialised support services fulfilling Bulgaria’s commitments to the EC related to the full transposition of Directive 29/2012/EU establishing minimum standards on the rights, support and protection of victims of crime;
- Reform the system of juvenile justice in line with the UN Convention on the Rights of the Child. Adopt a National Juvenile Justice Strategy and related Action Plan, including an overall change in the legislation for child offenders. Repeal the Combating Juvenile Delinquency Act and put forward for discussion and adoption

the Bill on Correctional Measures for Persons Who Have Committed Crime or Administrative Violations as Juveniles;

- Initiate a public and expert debate about a vision for the development of the Bulgarian education which will guarantee an equal start for the development of every Bulgarian child;
- Develop platforms and projects to encourage the participation of children in the decision making process about it at all levels;
- Make efforts to popularise the UN Convention on the Rights of the Child and update the actions related to the ratification of the Third Optional Protocol.

3. UN Convention on the Rights of Persons with Disabilities

As an independent authority for human rights protection whose activity is subject to the Constitution, the laws and international treaties to which the Republic of Bulgaria is a party and in the capacity of a rotating president of the Monitoring Council, the Ombudsman also monitors the implementation of the Convention on the Rights of Persons with Disabilities.

In 2020, the activities of the Ombudsman on monitoring the implementation of the CRPD were carried out in relation to complaints submitted by citizens to the Ombudsman as well as in view of the activities of the Monitoring Council set up in 2019 in execution of Article 33, para 2 and para 3 of the CRPD. The cooperation of the Ombudsman with the representatives of persons with disabilities within the work of the Monitoring Council is under the motto “Nothing About Us Without Us!” which was used by persons with disabilities and their representatives in the development of the Convention and which is enshrined in the text of Article 4, para 3 of the CRPD: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

Within its powers, the Ombudsman expresses opinions, provides recommendations and organises public discussions on the observance of the rights of persons with disabilities involving actively the Monitoring Council.

A focus in the work of the Council is the COVID-19 situation and the measures taken to deal with the pandemic and its grave consequences. The coronavirus has affected the persons with disabilities adversely and has contributed to increasing the difficulties they face every day in their efforts to lead an independent, dignified and active life. The positive momentum gained in the previous two years in relation to the rights of persons with disabilities was lost quickly and the problems of persons with disabilities have once again been relegated to lower status.

Main recommendations:

- Transform the Agency for Persons with Disabilities in State Agency for Persons with Disabilities within the term laid down in the Persons with Disabilities Act after discussions and consultations with organisations of and for persons with disabilities;
- Carry out the transfer of the provision of auxiliary means and medicinal items laid down in the Persons with Disabilities Act from the MLSP to the MH and the NHIF;
- Take action to continue the reforms of medical expert examinations and examinations of fitness for work with the active involvement of representatives of persons with disabilities with broad public discussions and publicity;
- Accelerate the procedure of ratification of the CRPD Optional Protocol.

4. UN Convention on the Elimination of All Forms of Discrimination against Women

The UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and has been in force in Bulgaria since 1982. With the adoption of the Convention, the States which are signatories to it are obligated to include the principle of equality of men and women in their national constitutions or other respective legislation, to adopt respective legislative and other measures prohibiting any forms of discrimination against women; to establish legal protection for the rights of women on an equal footing with men; and to ensure the support of the competent national courts and other government institutions for the effective protection of women against any act of discriminations, etc.

In the course of Bulgaria's reporting under the Convention, the CEDAW requires of the State information about the measures taken and progress achieved in the following areas: violence against women, participation of women in the political and public life, employment, education, role of Roma women and others.

According to the Ombudsman, all institutions and participants in the process of prevention and protection against domestic violence need to consider applying a holistic approach of work which will address this enormous issue in our society in its entirety.

In 2018, the Constitutional Court ruled on the incompatibility of the Istanbul Convention with the Bulgarian Constitution which hampers its ratification. This has prompted amendments to the national legislation aimed at overcoming the problems in the protection of women against domestic violence. The changes made in the Criminal Code and the Protection against Domestic Violence Act related to combating domestic violence are an important step but the efforts most certainly need to continue.

In this regard, in 2020 the Ombudsman took part in the MJ Working Group developing a Bill to Amend the Protection against Domestic Violence Act with specific proposals:

- Remove from the Criminal Code of the requirement to consider a crime to have been committed in the conditions of domestic violence only if it systemic;
- Incriminate all forms of domestic violence, including sexual and economic violence;
- Incriminate all forms of psychological violence and refining the existing definition of harassment;
- Incriminate rape in marriage;
- Amend Article 10, para 1 of the Protection against Domestic Violence Act pursuant to which a protection application to the court is submitted within one month as of the act of domestic violence and extend this term;
- Ensure better guarantees for access to justice and legal aid of women who are victims of domestic violence;
- Take effective measures to obligate perpetrators of domestic violence to comply with judicial rulings to take part in rehabilitation programs such anger management training and others.

In 2020, the Ombudsman continued to insist on the position that the said proposals for legislative amendments need to be complemented with other measures such as:

- Ensure integrated gathering of data and official statistics about the cases of domestic violence;
- Create an effective coordination mechanism to ensure better cooperation among the institutions in cases of domestic violence;

- Provide targeted training of professionals working with victims of domestic violence – police, prosecutors, judges, social workers, healthcare specialists;
- Hold campaigns for zero tolerance to domestic violence to increase the public awareness in order to overcome the social stereotypes and empower women not to be silent victims.

The Ombudsman recommends the creation of a sufficient number of centres for accommodation of victims of violence which are accessible and allocated even geographically throughout the country (with at least one in every regional centre) in accordance with the minimum standards of the Council of Europe to have at least one place for accommodation at a crisis centre for every 10,000 people.

5. UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the UN General Assembly on 10 December 1984 and has been in force in Bulgaria as of 1987.

International law provides for restrictions of almost all fundamental human rights in certain statutory conditions and the interference in such fundamental rights is carried out in the discretion of the State. Only the prohibition of torture is absolute in nature – it may not be derogated or restricted in any way.

The main recommendations of the Committee for the Prevention of Torture to the Republic of Bulgaria issued within the VI Periodic Report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment continued to be valid in 2020:

- A repeated recommendation of the Committee for the Prevention of Torture to the institutions in the Republic of Bulgaria is related to the need to adopt a legal definition of torture in the Criminal Code which will contain all elements envisaged in Article 1 of the Convention and to qualify torture as a separate crime in the Criminal Code. So far, despite the commitment of the State, this recommendation of the Committee has not been implemented.
- The Committee for the Prevention of Torture expresses concerns in relation to the use of force and auxiliary means in prisons and police departments.

In the capacity of NPM, the Ombudsman has repeatedly found that the irregular use of auxiliary means (handcuffs) continues throughout the entire penitentiary system when external positions are opened at medical institutions. In this regard, the Ombudsman has issued recommendations to the Minister of Justice for urgent and effective administrative measures to eliminate torture, cruel, inhuman or degrading treatment or punishment in the event of conveying and movement of persons deprived of liberty from sleeping premises to outdoor stay and when visiting internal and external medical institutions. In the conditions of the emergency epidemic situation in 2020 the NPM inspections did not find a positive change in this regard. Handcuffing and the restriction of movement continue for days with no account taken of the risk or the health situation of the person deprived of liberty.

- According to the Committee for the Prevention of Torture, additional efforts are needed to provide training to police officers and prison staff in relation to the observance of the main principles of use of force and to ensure that all cases of torture and maltreatment are investigated effectively by an independent authority.

- The Committee for the Prevention of Torture pays special attention to the importance for detainees to have access to a lawyer in the beginning of the 24-hour detention at police departments and ensuring in practice all legal guarantees for detainees against torture, not just the statutory ones.

In 2020, the NPM inspected thirteen premises for accommodation of detainees in MoI structures, including structures of the Sofia Directorate of Interior. In view of the mass protests in the country, the NPM received complaints and signals from citizens and non-governmental organisations with information about grave violations on the part of the police of the rights of detainees who were participants in the protests in Sofia on 10 July 2020 and 2 September 2020. Details were submitted that detainees at the Second District Department of the Sofia Directorate of Interior were not granted the fundamental guarantee of protection – ensuring access to a lawyer, including in cases where lawyers hired by relatives of the detainees appeared on site in the police department and asked to see their clients.

- The Committee also notes that persons' injuries are not recorded in the medical documentation, the examinations often take place in the presence of a police officer and the medical records contain scarce information.

The inspections carried out by the NPM in 2020 found that detainees were provided with the opportunity to use medical help. Medical examinations or refusals to undergo such are reflected in a Register of Detainees. Every file is appended with a report from the Emergency Medical Assistance Centre where detainees are usually examined.

- The Committee for the Prevention of Torture emphasises the need for reforms at places for deprivation of liberty – prisons and police departments – to improve the material and living conditions, eliminate over crowdedness, reform medical services, encourage the training of staff at such places, and investigate all cases of death at detention facilities.

The 2020 Report of the Ombudsman as the NPM expressly emphasises the following main recommendations:

Main recommendations:

- Set a specific policy to overcome the problem with over crowdedness, the lack of ventilation and natural light;
- Improve the awareness of detainees of their rights;
- Improve the access of detainees to legal aid;
- Refine the need for medical help in the case of detaining people of unsound mind (temporarily legally incapacitated) within the meaning of Article 21, para 1 of Instruction No. 1821z-78 of 2015 on the procedure for detention, outfitting premises for detainees and the procedure in them in the Ministry of Interior.

- Another important topic in the focus of attention of the Committee for the Prevention of Torture is related to the situation of persons accommodated at social institutions. Recommendations have been made to the State regarding the need to ensure sufficient legal guarantees for these persons, to improve the material conditions at such places and the need for independent monitoring to establish the extent to which their rights are observed.

A repeated finding of the Ombudsman is that the system for institutional social care has not been reformed yet and the quality of the social service has not been

improved yet. One of the main problems is that the homes for adults with mental disabilities, mental disorders and dementia are often located outside cities and have poor road and communication infrastructure which hampers the access of specialists. Few homes and newly built social services are located in cities with possibilities to provide complex social and health services.

The 2020 inspections found a **troubling tendency for accelerated removal of children from homes for medical and social care at the end of the year when the new social services were not ready yet.** Some children are accommodated at family-type accommodation centres for children with disabilities, others have been reintegrated, placed in foster care or adopted while the children with grave disabilities are accommodated in the four homes for medical and social child care functioning until the end of 2021.

Another troubling finding of the Ombudsman as the NPM is that, currently, a very small percentage of the persons accommodated at residential social services use services in the community which is a prerequisite for potential difficulties when they are moved to new social services and an obstacle to their future successful inclusion in society.

In this regard, the Ombudsman as the NPM reiterates its opinion that the deinstitutionalisation process which started as early as 2010 is too slow. § 34 (1) of the Social Services Act provides that the homes for adults with mental disabilities, mental disorders, physical disabilities, sensory disabilities and dementia are to be closed down by 1 January 2035. In view of the quality of the care and facilities of the homes visited by the Committee for the Prevention of Torture, the NPM is of the opinion that the persons accommodated there need to be removed from there as soon as possible in line with clear criteria and approach to moving persons to residential social services in the community.

- The Committee for the Prevention of Torture is also concerned about the situation of refugees and migrants on the territory of the Republic of Bulgaria.

It should be noted that there is a significant change in the refugee landscape in comparison to 2015 and 2016. There is a significant decline in the number of applicants for international protection. According to the official statistics of the State Agency for Refugees at the Council of Ministers for the period 1 January – 31 December 2019, the total number of persons seeking protection is 2,152, mainly from Afghanistan, Pakistan, Syria and Iraq and there was an improvement of the conditions at centres.

Unfortunately, a constant recommendation of the Ombudsman as the NPM in all annual reports is related to the observance of the prohibition for involuntary placement at centres for temporary accommodation of foreigners at Migration Directorate of minors and underage persons laid down in Article 44, para 9 of the Foreigners in the Republic of Bulgaria Act. In 2020, a serious concern continued to be the systemically unresolved issue with the inclusion of unaccompanied children in orders for adult foreigners without any acquaintance or relations between them. In its annual report as the NPM, the Ombudsman expressly emphasises that it is **inadmissible for children to be kept at special centres for temporary accommodation of foreigners due to the lack of coordination among the competent state authorities.**

RESOURCES

1. Expense report

The Ombudsman of the Republic of Bulgaria is a first-level budget spending unit which manages the funds in keeping with the norms of the Public Finance Act, the State Budget Act, the Ombudsman Act, the Regulations for the Organisation and Work of the Ombudsman and other statutory instruments related to the use of public funds.

The Ombudsman institution has developed and applies Rules for Building Systems of Financial Management and Control. It applies the system of double signature, the rules for access to assets and information, and preliminary control for compliance exercised by a financial controller. The double signature is affixed after a check of the documents before a decision is taken to take on a commitment or incur expenses.

The accounting policy of the Ombudsman institution has been developed on the basis of the Accountancy Act, the National Accounting Standards, the Bill of Accounts of Budget Enterprises, the Individual Bill of Accounts of the institution, other statutory instruments. Since 2017, the fixed assets have been depreciated and this will continue in the future. An annual inventory was carried out.

The annual cash report, the annual trial balance and the accompanying reporting information for 2020 are in line with STD 9/22.12.2020 of the Ministry of Finance.

In the performance of its activities as a supreme constitutional authority of advocacy for the citizens' rights and freedoms, the Ombudsman institution of the Republic of Bulgaria uses funds from the state budget in keeping with the principles of economy and effectiveness. The State Budget Act provides for the amount of BGN 3,363,900 as expenses of the Ombudsman of the Republic of Bulgaria in 2020. A transfer in the amount of BGN 9,889 was received from MLSP, APD (for the purchase of a Braille display and software).

Income reported for 2020 by line items – BGN 3,172.

Expenses reported for 2020 by line items – BGN 3,059,783.

The team of highly qualified professionals is the main resource of the Ombudsman institution of the Republic of Bulgaria. The remuneration and social security for the team are the most essential part of the expense budget of the institution.

The maintenance expenses are related to ensuring resources for the work of the institution with stationery, office equipment and consumables, water, fuel, electricity and heat, telephone and internet services, hardware maintenance and specialised software, translation, pre-print and print processing, ongoing renovation works, security, business trips, insurance, etc. To a large extent, these expenses are related to contractual commitments and obligations with respective regular payments. The largest relative share (49.5%) of Support is the share of lease for the building (private property) where the institution is housed (for the past five years, the lease was re-negotiated and gradually reduced).

The Ombudsman of the Republic of Bulgaria is a member of different international organisations which entail membership fee expenses – European Network of EU Ombudsmen, International Ombudsman Institute, Association of Ombudsmen and Mediators of La Francophonie, European Network of National Human Rights Institutions, European Network of Ombudspersons for Children.

The due state and municipal taxes and fees were paid.

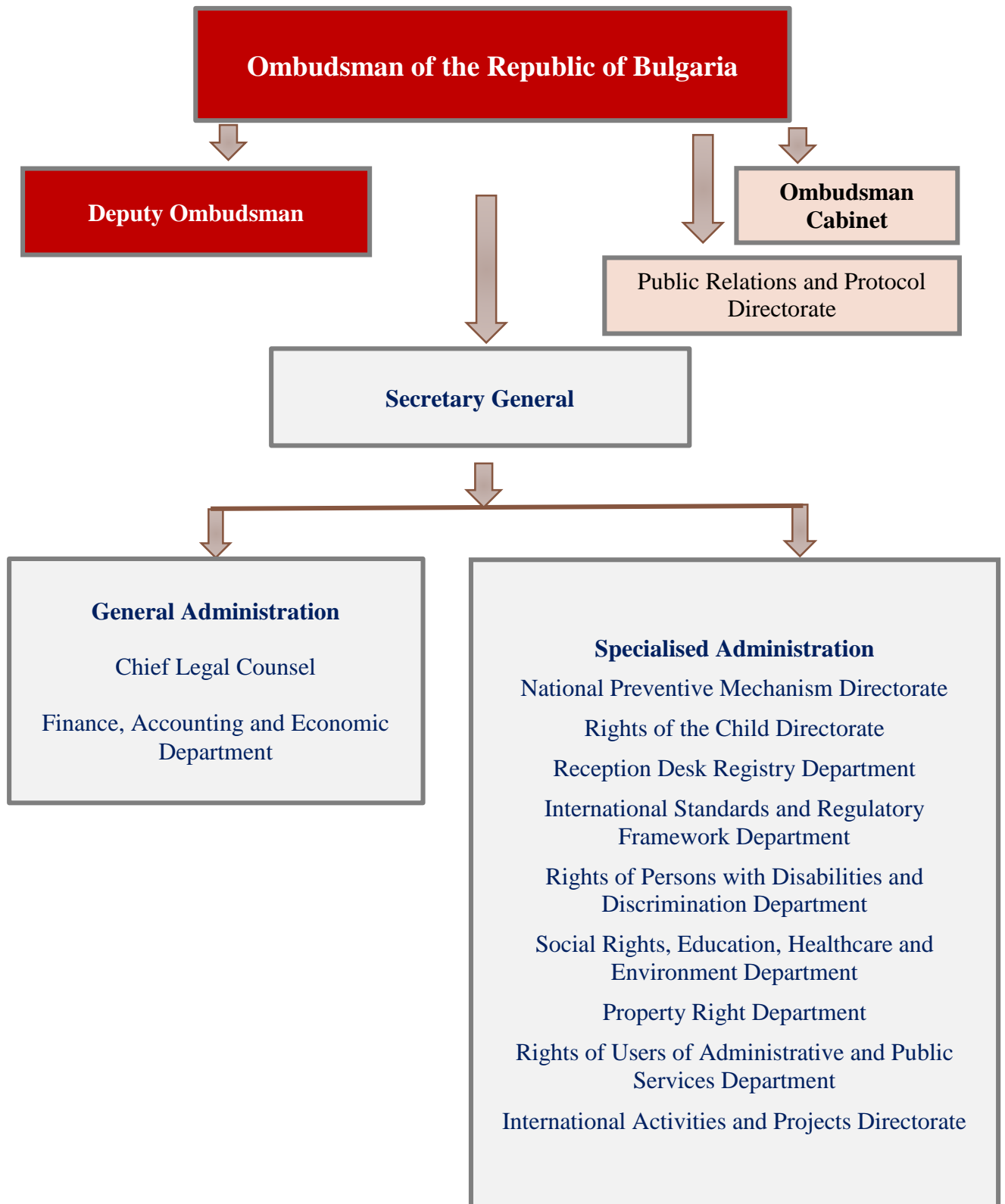
The capital expenses of the institution amount to BGN 38,043. Computers and hardware were acquired for the amount of BGN 16,753 as well as intangible assets – BGN 21,290.

The Ombudsman institution is implementing the project “Electronic work management system for the administration of the Ombudsman” under Priority Axis No. 2 Effective and Professional Management in Partnership with the Civil Society and Businesses” under Operational Programme Good Governance, No. 03-01/18.02.2019 pursuant to Administrative Contract No. BG05SFOP001-2.001-0011-C01 for a financial grant. The deadline of the contract is 31 December 2019. On 20 December 2019, the Managing Authority extended the contract duration until 31 December 2020. In the beginning of 2021, the duration was extended until 31 August 2021.

In performance of the contract, expenses in the amount of BGN 37,210 were reported in 2020. A verification request was submitted to the Managing Authority for the amount of BGN 4,674. The verification was confirmed in full. The next one is expected in the near future.

2. Team

Structure of the institution of the national Ombudsman



2021 priorities

A lead priority for the Ombudsman institution in 2021 is the effective protection of the citizens' rights in the continuing emergency epidemic situation with an emphasis on:

- Right of children to equal access to quality education and overcoming the digital inequality;
- Citizens' rights to access to effective healthcare;
- Rights of consumers in their relations with monopolists;
- Rights of victims of domestic violence;
- Rights of vulnerable groups to access to quality social services.

Specific priorities by categories of rights in 2021

- Advocacy for introduction of timely juvenile justice in Bulgaria;
- Access of persons with disabilities to healthcare, including implementation of the reform in providing and financing medical items and auxiliary means for persons with disabilities;
- Protection of the best interest of the child when protection measures are applied and assessment of their effectiveness;
- Overcoming systemic problems related to spatial planning;
- Overcoming the status quo in land relations of inequality between small and medium-sized owners and farmers;
- Guaranteeing the citizens' right to access to healthcare in keeping with the principles of timeliness, sufficiency and quality;
- Effective protection of the pension and social security rights of the Bulgarian citizens;
- Support for the rights of inactive persons to have access to the labour market and to ensure safe return to work after the effects of the pandemic have been overcome;
- Building a regulatory framework for the citizens' overindebtedness.

APPENDICES

1. Statistics 2020

Table 9: Number of complaints and signals submitted in the period 2009-2020

| <i>Year</i> | <i>Number</i> |
|-------------|---------------|
| 2020 | 13 244 |
| 2019 | 12 916 |
| 2018 | 12 890 |
| 2017 | 12 635 |
| 2016 | 10 640 |
| 2015 | 6 202 |
| 2014 | 5 010 |
| 2013 | 7 320 |
| 2012 | 5 331 |
| 2011 | 5 530 |
| 2010 | 3 687 |
| 2009 | 2 686 |

Table 10: Number of complaints and signals submitted in 2020 by regions

| Region | Number |
|----------------|---------------|
| Blagoevgrad | 151 |
| Burgas | 256 |
| Varna | 352 |
| Veliko Tarnovo | 160 |
| Vidin | 59 |
| Vratsa | 136 |
| Gabrovo | 68 |
| Dobrich | 80 |
| Kardzhali | 34 |
| Kyustendil | 86 |
| Lovech | 86 |

| | |
|-------------------------------|---------------|
| Montana | 91 |
| Pazardzhik | 112 |
| Pernik | 175 |
| Pleven | 154 |
| Plovdiv | 401 |
| Razgrad | 526 |
| Ruse | 102 |
| Silistra | 39 |
| Sliven | 89 |
| Smolyan | 42 |
| Sofia-Region | 138 |
| Sofia-capital | 2 528 |
| Stara Zagora | 174 |
| Targovishte | 47 |
| Haskovo | 101 |
| Shumen | 64 |
| Yambol | 73 |
| Location/region not indicated | 6 920 |
| Total: | 13 244 |

Table 11: Number and % of complaints and signals by type and subtype of rights breached in 2020

| Complaints and signals by types of rights breached | Number | % |
|---|---------------|----------|
| Water and sewerage | 1 097 | 8,28 |
| Education | 1 062 | 8,02 |
| Heat supply | 954 | 7,20 |
| Spatial planning | 898 | 6,78 |
| Healthcare | 870 | 6,57 |
| Requests for amendments to the regulatory framework | 799 | 6,03 |
| Adequate and healthy environment in population centres | 588 | 4,44 |
| Right to a clean environment | 535 | 4,04 |
| Other violations | 518 | 3,91 |
| Violations in enforcement proceedings | 466 | 3,52 |
| Rights of persons with disabilities (<i>excluding sub-rights</i>) | 458 | 3,46 |
| Other rights of ownership | 453 | 3,42 |
| Rights of children (<i>excluding sub-rights</i>) | 450 | 3,40 |
| Labour rights and employment (<i>including work remuneration and compensation as well as labour disputes</i>) | 438 | 3,31 |
| Social security and compensation (pensions) | 379 | 2,86 |
| Electronic communications services | 322 | 2,43 |
| Financial services | 302 | 2,28 |
| Electricity supply | 275 | 2,08 |
| Other NPM and TSO | 250 | 1,89 |
| Requirement for legality | 211 | 1,59 |
| NPM | 199 | 1,50 |

| | | |
|---|---------------|----------|
| Other social rights | 188 | 1,42 |
| Transport services | 153 | 1,16 |
| Social assistance and social services | 150 | 1,13 |
| Civil and political rights | 142 | 1,07 |
| Other consumer disputes | 137 | 1,03 |
| Lack of a specific violation | 108 | 0,82 |
| Respect for private and family life | 107 | 0,81 |
| Fair trial | 106 | 0,80 |
| Request for referral to the Constitutional Court | 83 | 0,63 |
| Quality of the administrative service access to information | 71 | 0,54 |
| Help for residence | 63 | 0,48 |
| Issues related to the payment of road charges | 60 | 0,45 |
| Restitution problems | 51 | 0,39 |
| Problems of condominiums | 47 | 0,35 |
| Receivable collection firms | 44 | 0,33 |
| Other administrative services | 33 | 0,25 |
| Waste collection | 37 | 0,28 |
| Gas supply | 31 | 0,23 |
| Insurance companies | 22 | 0,17 |
| Post | 16 | 0,12 |
| Right to freedom and security | 13 | 0,10 |
| Request for an interpretative judgment | 13 | 0,10 |
| Discrimination | 11 | 0,08 |
| Transparency and civil participation in decision making | 10 | 0,07 |
| Right to life | 10 | 0,07 |
| Gaps in ordinances adopted by municipal councils | 9 | 0,07 |
| Prohibition of torture | 5 | 0,04 |
| Total: | 13 244 | - |

Chart 19: Number of complaints and signals in view of the manner of submission in the period 2018-2020

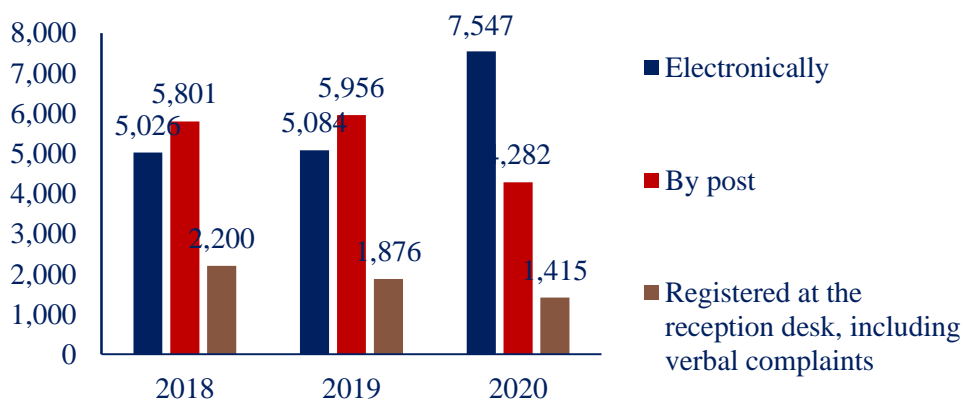


Chart 20: Number of complaints and signals finalised in the period 2018-2020

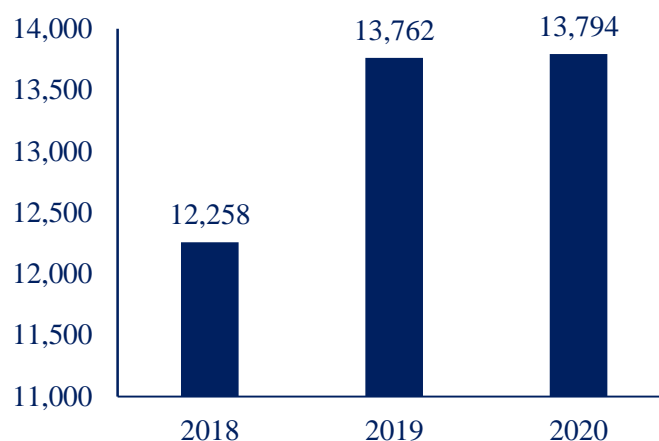


Table 12: Number and % of complaints and signals by regions in the period 2018-2020

| Region | Number 2020 | % | Number 2019 | % | Number 2018 | % |
|----------------|---------------|------------|---------------|------------|---------------|------------|
| Blagoevgrad | 151 | 1,14 | 228 | 1,77 | 290 | 2,25 |
| Burgas | 256 | 1,93 | 319 | 2,47 | 463 | 3,59 |
| Varna | 352 | 2,66 | 384 | 2,97 | 575 | 4,46 |
| Veliko Tarnovo | 160 | 1,21 | 375 | 2,90 | 312 | 2,42 |
| Vidin | 59 | 0,45 | 127 | 0,98 | 167 | 1,30 |
| Vratsa | 136 | 1,03 | 190 | 1,47 | 299 | 2,32 |
| Gabrovo | 68 | 0,51 | 84 | 0,65 | 130 | 1,01 |
| Dobrich | 80 | 0,60 | 118 | 0,91 | 160 | 1,24 |
| Kardzhali | 34 | 0,26 | 46 | 0,36 | 62 | 0,48 |
| Kyustendil | 86 | 0,65 | 143 | 1,11 | 218 | 1,69 |
| Lovech | 86 | 0,65 | 137 | 1,06 | 207 | 1,61 |
| Montana | 91 | 0,69 | 119 | 0,92 | 176 | 1,37 |
| Pazardzhik | 112 | 0,85 | 162 | 1,25 | 237 | 1,84 |
| Pernik | 175 | 1,32 | 173 | 1,34 | 261 | 2,02 |
| Pleven | 154 | 1,16 | 230 | 1,78 | 316 | 2,45 |
| Plovdiv | 401 | 3,03 | 458 | 3,55 | 570 | 4,42 |
| Razgrad | 526 | 3,97 | 48 | 0,37 | 73 | 0,57 |
| Ruse | 102 | 0,77 | 164 | 1,27 | 182 | 1,41 |
| Silistra | 39 | 0,29 | 65 | 0,50 | 113 | 0,88 |
| Sliven | 89 | 0,67 | 85 | 0,66 | 201 | 1,56 |
| Smolyan | 42 | 0,32 | 57 | 0,44 | 112 | 0,87 |
| Sofia-Region | 138 | 1,04 | 205 | 1,59 | 237 | 1,84 |
| Sofia-City | 2 528 | 19,09 | 2 434 | 18,84 | 3 109 | 24,12 |
| Stara Zagora | 174 | 1,31 | 264 | 2,04 | 322 | 2,50 |
| Targovishte | 47 | 0,35 | 56 | 0,43 | 112 | 0,87 |
| Haskovo | 101 | 0,76 | 135 | 1,05 | 253 | 1,96 |
| Shumen | 64 | 0,48 | 101 | 0,78 | 267 | 2,07 |
| Yambol | 73 | 0,55 | 73 | 0,57 | 118 | 0,91 |
| Unknown | 6 920 | 52,26 | 5 936 | 45,97 | 3 348 | 25,97 |
| Total: | 13 244 | 100 | 12 916 | 100 | 12 890 | 100 |

Chart 21: Citizens and representatives of organisations who received assistance from the Ombudsman in the period 2018-2020

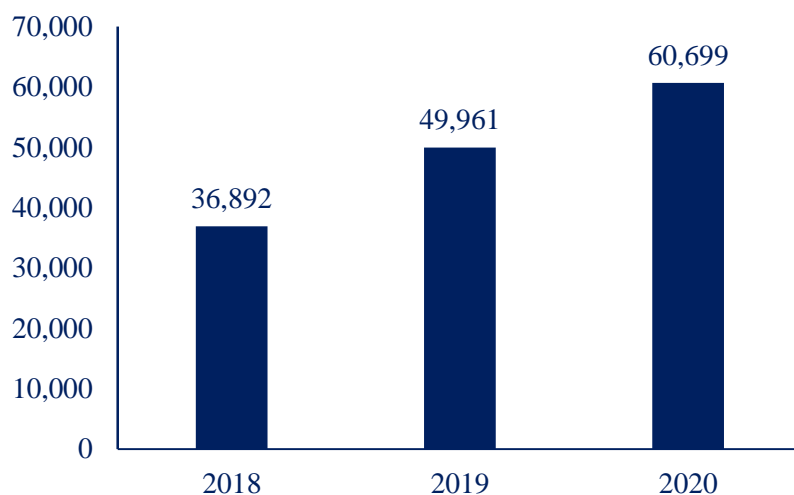


Table 13: Complaints and signals from foreign nationals in 2020

| State | Number | Submitted in English | Submitted in Bulgarian | Submitted in another language |
|---|-----------|----------------------|------------------------|-------------------------------|
| England | 7 | 6 | 1 | |
| Turkey | 3 | 1 | 2 | |
| Romania | 1 | 1 | | |
| Russia | 6 | 1 | 5 | |
| Israel | 1 | 1 | | |
| Cameroon | 1 | | 1 | |
| Vietnam | 1 | | 1 | |
| Spain | 1 | | 1 | |
| Azerbaijan | 1 | | 1 | |
| Ukraine | 2 | | 2 | |
| Austria | 1 | | | 1 |
| Serbia | 2 | 2 | | |
| Greece | 1 | 1 | | |
| Switzerland | 1 | | 1 | |
| Albania | 1 | 1 | | |
| Morocco | 1 | | 1 | |
| Iran | 1 | 1 | | |
| Hungary | 1 | | | 1 |
| Pakistan | 1 | | | 1 |
| Complaints submitted by international organisations | 3 | 1 | 2 | |
| Other – unknown | 23 | 11 | 6 | 6 |
| Total: | 60 | 27 | 24 | 9 |

Chart 22: *Number of complaints and signals from foreign national by type of violation in 2020*

| | Number |
|--|---------------|
| Fundamental rights and freedoms, <i>of them:</i> | 27 |
| ✓ <i>Civil and political rights</i> | 12 |
| ✓ <i>Other</i> | 11 |
| ✓ <i>Fair trial</i> | 3 |
| ✓ <i>Violations in enforcement proceedings</i> | 1 |
| Consumer rights | 10 |
| NPM, <i>of them:</i> | 6 |
| ✓ <i>By administration of the penitentiary system, as well as with another type of violation</i> | 3 |
| ✓ <i>Violations by centres for the accommodation of foreigners</i> | 2 |
| ✓ <i>Violation during police detention</i> | 1 |
| Right to good administrative service | 5 |
| Another type of violation | 5 |
| Rights of the child | 3 |
| Lack of a specific violation | 1 |
| Right to possession | 1 |
| Right to healthcare | 1 |
| Social rights | 1 |

2. List of Acronyms and Abbreviations

| | |
|---------|--|
| APD | Agency for People with Disabilities |
| ASA/SAA | Agency for Social Assistance / Social Assistance Agency |
| BFSA | Bulgarian Food Safety Agency |
| BNC | Bulgarian Helsinki Committee |
| BPD | Border Police Department |
| BPD/BID | Bulgarian personal documents / Bulgarian identity documents |
| CA | Commerce Act |
| CAF | Cooperative Agricultural Farms |
| CAP | Code of Administrative Procedure |
| CBS | Correctional Boarding School (a.k.a. juvenile correctional facility, youth detention centre, youth custody centre, borstal school) |
| CC | Constitutional Court |
| CC | Criminal Code |
| CCP | Code of Civil Procedure |
| CCP | Commission for Consumer Protection |
| CCP | Code of Criminal Procedure / Criminal Procedure Code / Penal Procedure Code |
| CDCC | Children with Disabilities Care Centre |
| CEID | Chamber of Engineers in the Investment Design |
| CEMC | Centre for Emergency Medical Care / Emergency Medical Care Centre / Centres for Emergency Medical Services (CEMS) |
| CFTC | Centre “Fund for Treatment of Children” |
| CJDA | Combating Juvenile Delinquency Act |
| CoM | Council of Ministers |
| CPA | Child Protection Act |
| CPD | Commission for Protection Against Discrimination |
| CPD | Child Protection Department |
| CPF | Concrete panel formwork |
| CPT | Committee for the Prevention of Torture of the Council of Europe |
| CRA | Civil Registration Act |
| CRAS | Civil Registration and Administrative Services |
| CRB | Constitution of the Republic of Bulgaria |
| CRC | UN Convention on the Rights of the Child |
| CRC | Communications Regulation Commission |
| CRPD | UN Convention on the Rights of Persons with Disabilities |
| CSA | Civil Servants Act |
| CSDHE | Company for share distribution of heat energy |
| dB | decibel |
| DC | District Court |
| DHWS | Domestic Hot Water Supply |
| DIRRE | disinfection, insect removal and rat extermination (disinfection and pest control) |
| DLUP | Detailed Land-Use Plan (Zoning Plan) |
| DWTP | Drinking Water Treatment Plant |

| | |
|-----------|---|
| EA | Environmental assessment |
| EA | Energy Act |
| EAAA | Executive Agency “Automobile Administration” |
| EAT | Executive Agency for Transplantation |
| EC | European Commission |
| ECA | Electronic Communications Act |
| ECHR | European Convention for the Protection of Human Rights and Fundamental Freedoms |
| ECLSG | European Charter of Local Self-Government |
| ECtHR | European Court of Human Rights |
| ED | Expert decision |
| EIA | Environmental Impact Assessment |
| ENOC | European Network of Ombudspersons for Children |
| EPRCA | Execution of Punishments and Remand in Custody Act |
| EPRCAIR | Execution of Punishments and Remand in Custody Act Implementing Regulations |
| EU | European Union |
| EWRC | Energy and Water Regulatory Commission |
| FACA | Family Allowances for Children Act |
| FTPC | Family-Type Placement Centre |
| FTPCCYD | Family-Type Placement Centre for Children and Youth with Disabilities (a group home) |
| GDBP | General Directorate Border Police |
| GDES | General Directorate Execution of Sentences |
| GDS | General Directorate Security |
| GLUP | General Land Use Plan (Zoning Plan) |
| GMI | Guaranteed minimum income |
| HA | Health Act |
| HC | Healthcare Centre |
| HCEA | Health Care Establishments Act |
| HE | Healthcare establishment |
| HEPD | Home for Elderly People with Dementia |
| HEPID | Home for Elderly People with Intellectual Disabilities |
| HEPMD | Home for Elderly People with Mental Disorders |
| HMSCC | Home for Medical and Social Child Care |
| ICDPC | Institution for Children Deprived of Parental Care |
| IPDA | Integration of Persons with Disabilities Act |
| IPDAIR | Integration of Persons with Disabilities Act Implementing Regulations |
| JA | Judiciary Act |
| JDC | Juvenile Delinquency Commission |
| LNA/NAA | Normative Acts Act / Law on Normative Acts |
| LTFA | Local Taxes and Fees Act |
| MAC | Medical Advisory Committee |
| MAFF | Ministry of Agriculture, Food, and Forestry |
| MC TDNSSI | Medical Committees with the Territorial Divisions of the National Social Security Institute |
| MDI | Metropolitan Directorate of the Interior / Sofia Directorate of the Interior Ministry |
| MDI | Metropolitan Directorate of the Interior / Sofia Directorate of the Interior Ministry |
| ME | Ministry of Energy |

| | |
|---------|---|
| MECTD | Municipal Expert Council on Territorial Development |
| MES | Ministry of Education and Science |
| MEW | Ministry of Environment and Water |
| MFRB | Multi-family residential building |
| MH | Ministry of Health |
| MHC | Mental Health Centre |
| MJ | Ministry of Justice |
| MLSP | Ministry of Labour and Social Policy |
| MoI | Ministry of Interior |
| MoIA | Ministry of Interior Act |
| MRD | Ministry of Regional Development and Public Works |
| MRO | Map of restored ownership |
| MTITC | Ministry of Transport, Information Technology and Communications |
| MV | motor vehicle / motorised vehicle / automotive vehicle / vehicle |
| NA | National Assembly |
| NAMRB | National Association of the Municipalities in the Republic of Bulgaria |
| NCIPD | National Council for Integration of Persons with Disabilities |
| NDBCB | National Directorate of the Building Control Board |
| NEMC | National Expert Medical Commission |
| NHIF | National Health Insurance Fund |
| NPAPD | National Programme “Assistants to People with Disabilities” |
| NPC | National Palace of Culture |
| NPM | National Preventive Mechanism |
| NRA | National Revenue Agency |
| NSSI | National Social Security Institute |
| OA | Ombudsman Act |
| OA | Ownership Act |
| OCA | Obligations and Contracts Act |
| OPCAT | Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| OSCE | Organisation for Security and Cooperation in Europe |
| OUALA | Ownership and Use of Agricultural Land Act |
| OUALAIR | Ownership and Use of Agricultural Land Act Implementing Regulations |
| PAA | Protected Areas Act |
| PBS | Social and Pedagogical Boarding School |
| PDTL | Persons deprived of their liberty |
| PEAA | Private Enforcement Agents Act |
| PH | Prison hostel |
| PITA | Personal Income Taxes Act |
| PPPs | Plant Protection Products |
| PS | Primary school |
| PSDA | Planned Settlement Development Act |
| PSPSA | Payment Services and Payment Systems Act |
| PSSEA | Pre-school and School Education Act |
| RC | Registration Centre |

| | |
|---------|---|
| RDBC | Regional Directorate of the Building Control Board |
| RDMoI | Regional Directorate of the Ministry of Interior |
| RHI | Regional Health Inspectorate |
| RHIF | Regional Health Insurance Fund |
| RIE | Regional Inspectorate of Education |
| RIEW | Regional Inspectorate of Environment and Water |
| ROFLFFA | Restoration of Ownership of Forests and Lands in the Forest Fund Act |
| RPD | Regional Police Department |
| RRC | Registration and Reception Centre |
| RTA | Road Traffic Act |
| RTA | Radio and Television Act |
| RWSSSA | Regulation of Water Supply and Sewerage Services Act |
| SAA | Social Assistance Act |
| SAC | Supreme Administrative Court |
| SACP | State Agency for Child Protection |
| SAD | Social Assistance Directorate |
| SANS | State Agency for National Security |
| SAR | State Agency for Refugees |
| SCC | Supreme Court of Cassation |
| SCTAF | Specialised Centre for Temporary Accommodation of Foreigners |
| SDA | Spatial Development Act |
| SEN | Special Educational Needs |
| SEPP | State-owned Enterprise “Prisons Production” |
| SFA | State Fund Agriculture |
| SG | State Gazette |
| SHP | Specialised Hospital for Prisoners (in the City of Lovech) |
| SIC | Social Insurance Code |
| SM | Sofia Municipality |
| SMC | Sofia Municipal Council |
| SOLLC | Single Person Joint-Stock Company / Sole Owner Limited Liability Company (Sole Trader Company, Limited Liability Company, Sole Proprietorship Limited Liability Company, Joint-Stock Company, Sole Proprietorship Joint-Stock Company) |
| SPA | State Property Act |
| SPH | State-owned Psychiatric Hospital |
| SPOC | Supreme Prosecutor's Office of Cassation |
| SWCA | Social work and correctional activities (prisons) |
| TAIF | Temporary Accommodation and Isolation Facilities |
| TC | Transit Centre |
| TCPA | Town and Country Planning Act / a.k.a. Spatial Planning Act |
| TDNSSI | Territorial Division of the National Social Security Institute |
| TEMC | Regional Expert Medical Committee |
| TFP | Transitional and Final Provisions |
| TREMC | Transportation Regional Expert Medical Commission |
| TSES | Technology School Electronic Systems |
| TSIPC | Tax and Social Insurance Procedure Code |
| TU | Technical University of Sofia |

| | |
|--------|---|
| UISMEB | Unified Information System of Medical Expertise in Bulgaria |
| UMC | Urban Mobility Centre |
| USS | upper secondary school / secondary school |
| VCR | Verbal Complaint Record / Record of a Verbal Complaint |

