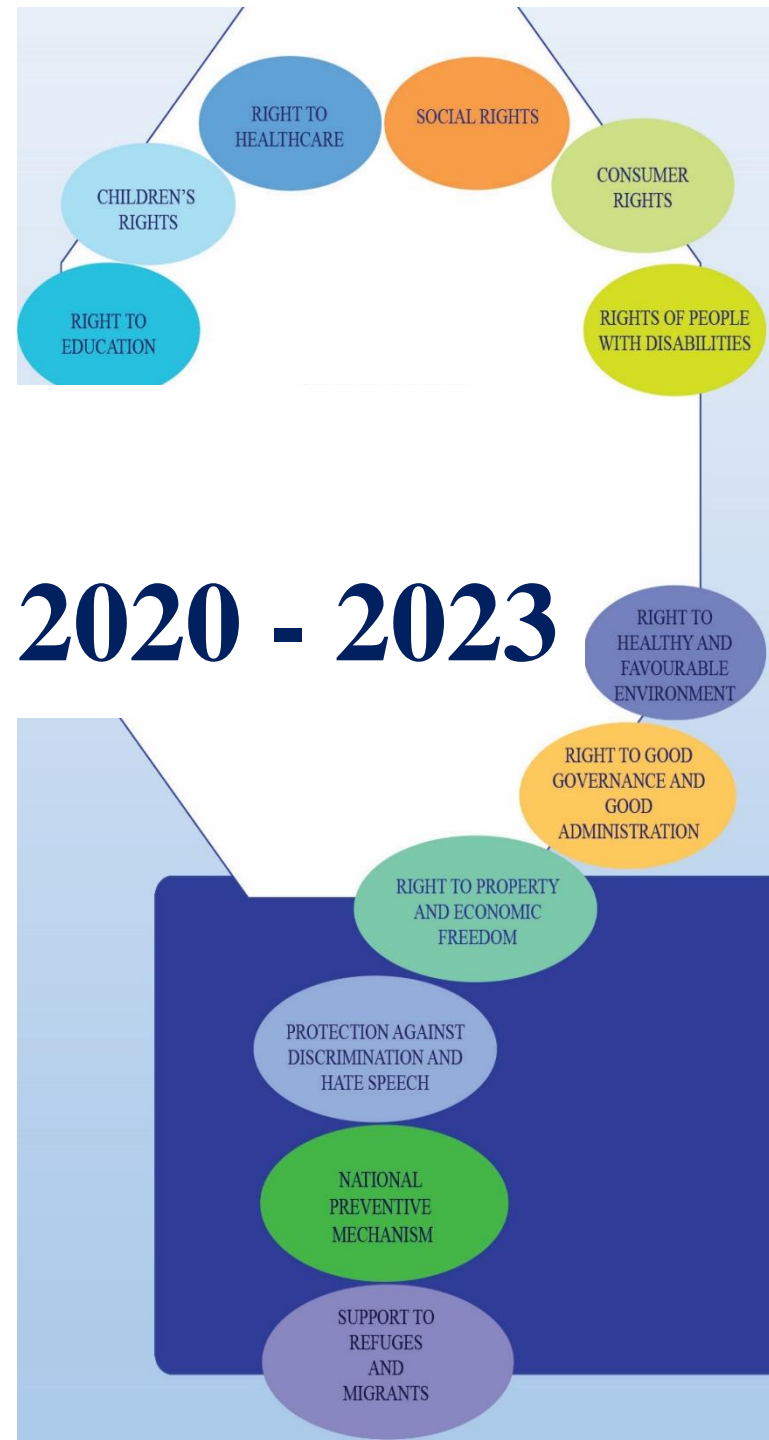


Presentation of the Ombudsman's Activities 2020 - 2023





- > **Constitutional body with broad mandate** to promote and protect human rights and fundamental freedoms
 - > **Accredited with status A** under the Paris Principles (2019)

1

Accepts and considers complaints and signals for violation of rights and freedoms filed by citizens and their organisations;
May act on his/her own initiative

2

Extends proposals and recommendations for restoration of the violated rights and freedoms to the respective authorities and private bodies

3

Provides opinions to the Council of Ministers and the National Assembly on draft laws concerning the human rights protection

4

Monitors and encourages the effective implementation of signed and ratified international human rights instruments

5

Approaches the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms;
Approaches Supreme Courts seeking interpretative rulings

6

Exercises other specific functions:
NPM,
children's rights,
people with disabilities,
whistle-blowers protections, etc.

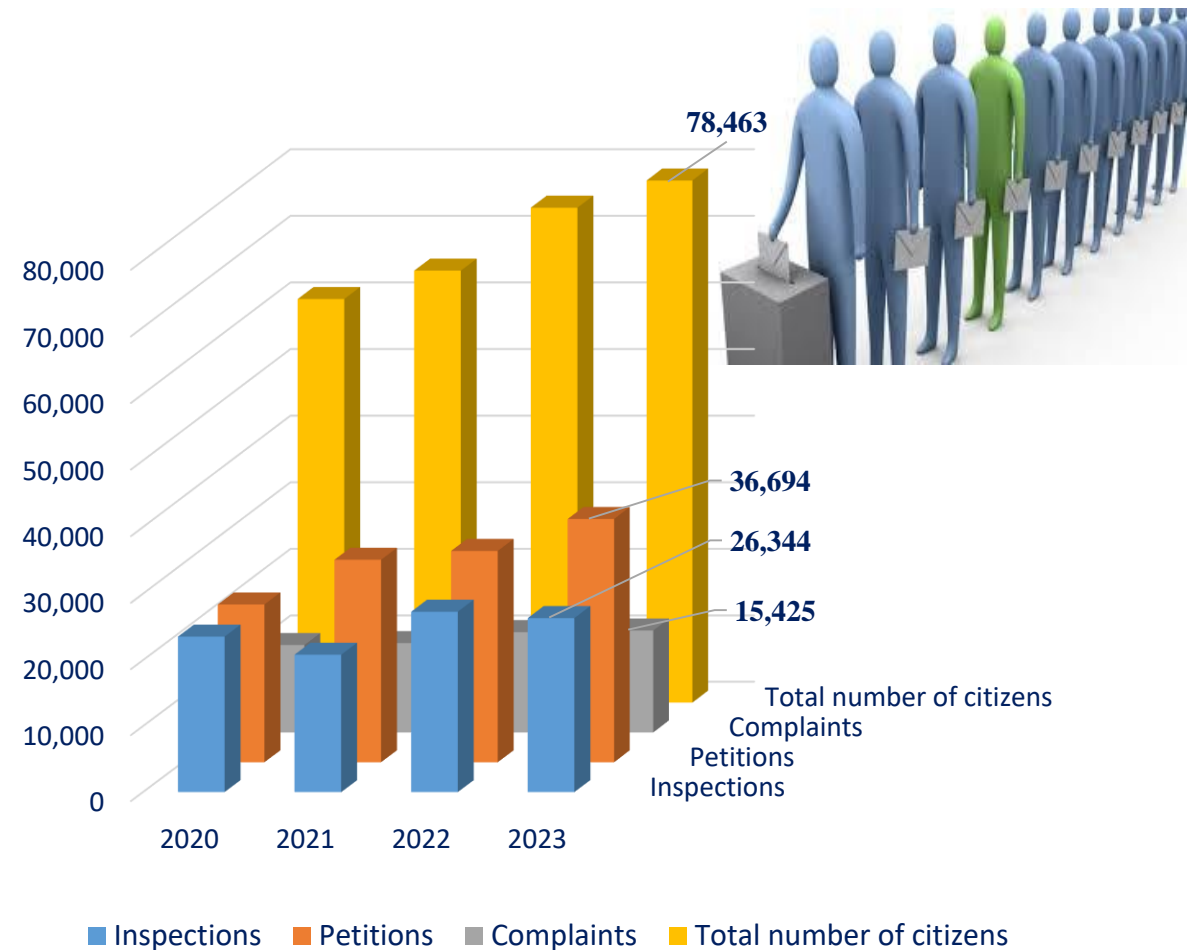
OVERVIEW OF THE INSTITUTION'S ACTIVITY

NUMBER OF CITIZENS HAVING RECEIVED ASSISTANCE

2020 - 2023

In 2023 more than 78,000 citizens and representatives of civil society organisations received assistance from the Ombudsman, which is an **increase by 34%** as compared to 2020

- ✓ **36,694 citizens** sought the Ombudsman's assistance on various problems in petitions
- ✓ **26,344 persons** were heard by the Ombudsman and Deputy Ombudsman in reception-rooms or during inspections in the capital and across the country
- ✓ **15,452 citizens** lodged written complaints to the Ombudsman – **an absolute record in the 18-year history of the institution**



ACTIONS AND RESULTS (2)



2020	2021	2022	2023
13,244	13,536	15,189	15,425
3,390	3,992	4,240	5 551 36%
3,150	2,894	2,975	2,757 18%
1,449	1,482	1,875	1,434 9.3%
458	486	514	961 6.23%

Number of Complaints submitted to the Ombudsman

Of those with the largest share in 2023:

Complaints from consumers and users of public services (Water supply, Electricity, Heating, Gas supply, Communication services, Financial services, Debt Collection companies. etc.)

Complaints regarding violated social rights (labour, pension, healthcare, education)

Complaints and alerts regarding property rights and economic freedom

Violated rights of people with disabilities

ACTIONS AND RESULTS (2)



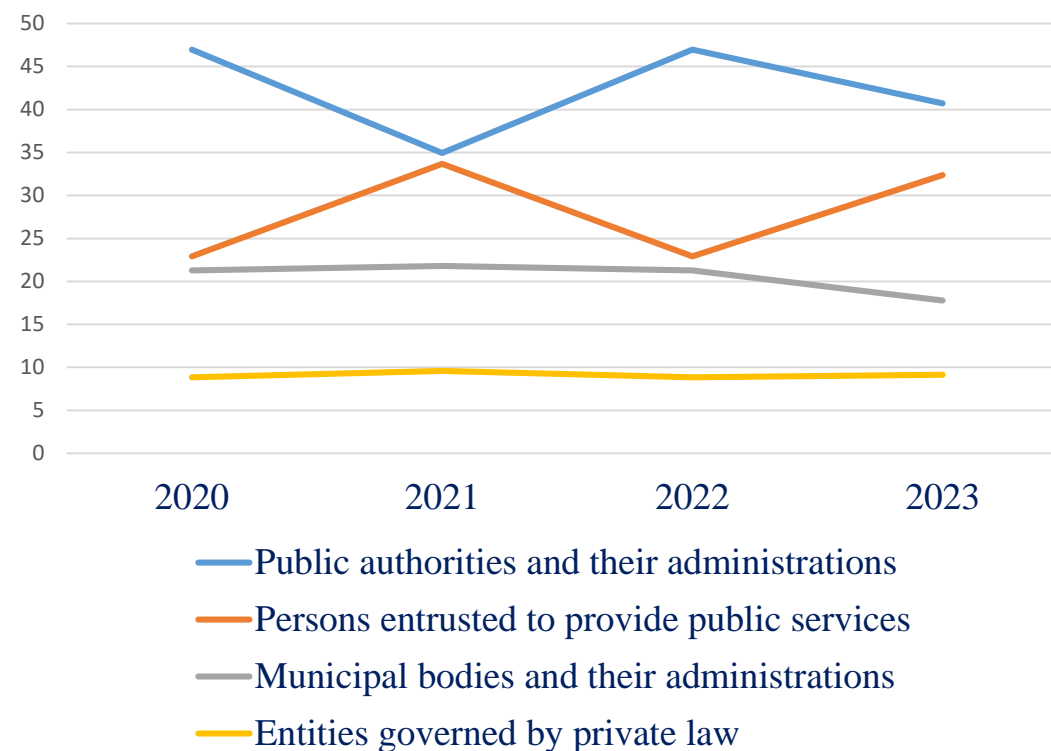
2020	2021	2022	2023	
completed inquiries in response to citizens' complaints				
2,534	2,855	3,196	3,245	<i>Of those closed with:</i>
8,668	9,520	9,837	9,856	<i>Recommendation</i>
1,491	1,229	804	819	<i>Opinion</i>
566	440	414	612	<i>Advice</i>
535	683	714	147	<i>Mediation</i>
				<i>Complaints outside the Ombudsman's remit</i>

ACTIONS AND RESULTS (3)

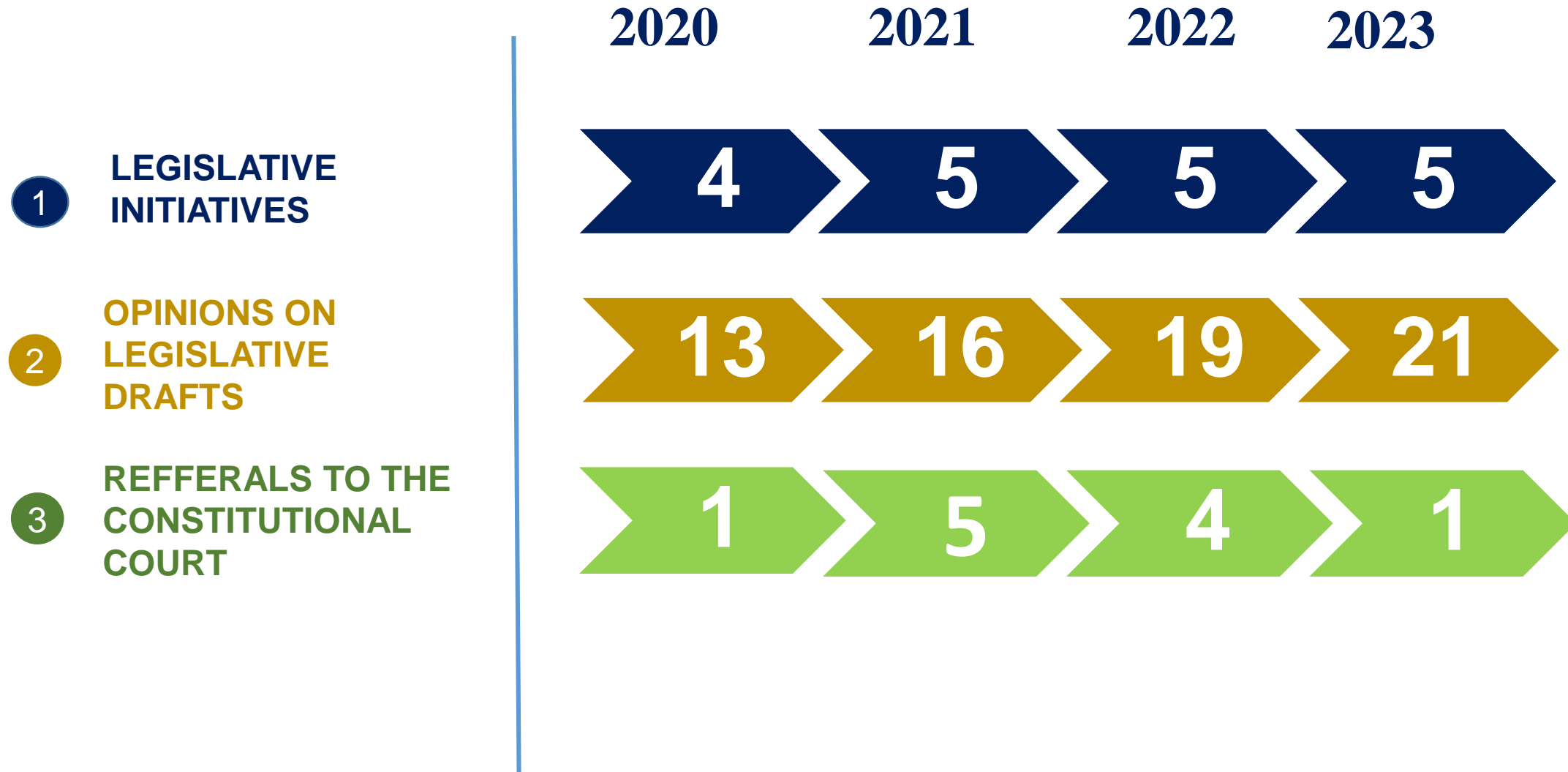
Table. Closed complaints and alerts in 2023 based on the offender stated therein, number and %

Offender	Number	%
Public authorities and their administrations	5,978	40.72
Providers of public services – electricity distribution companies, water supply companies, district heating companies	4 750	32,36
Municipal bodies and their administrations	2,611	17.79
Bodies governed by private law	1,340	9.13

Chart Closed complaints and alerts based on the offender stated therein, in the period 2020-2023, %



IMPACT ON THE REGULATORY FRAMEWORK



SUCCESSFUL LEGISLATIVE INITIATIVES

✓ **Rights of victims of domestic violence**

In the summer of 2023, upon a proposal of the Ombudsman, the Members of Parliament introduced amendments to the Protection against Domestic Violence Act (PDVA) in order to provide victims with more effective protection and eliminate the condition of persistence. The Parliament backed up the Ombudsman's proposal and **dropped the requirement for the systematic nature of domestic violence to allow that such offense is qualified as a graver punishable crime**. This amendment will put an end to the humiliating requirement for victims to report at least three offences in order for this unhuman treatment to be punished adequately. The act introduced as well a number of preventive tools and better coordination instruments for which the Ombudsman was advocating before the CEDAW back in 2020.

✓ **Right to education** – The Ombudsman has initiated amendments to the law to **abolish fees for nurseries and kindergartens** paid by parents, in force from 1 April 2022. The funds are to be paid from the state budget.

✓ **Right to education** - a second chance to high school graduates.

In 2023, another legislative proposal was again submitted to provide a second chance to high school graduates in the event of a grade that does not satisfy them at the matriculation exam, which is used as entrance to higher education institutions. Amendments to the Law on Preschool and School Education are proposed because of the problems associated with passing the mandatory state matriculation exam at the end of grade XII. The purpose of the amendments is to improve the results of matriculation and expand their access to the higher education system. Thus, matriculation students who did not receive a satisfactory grade will be given the opportunity once and within one year of passing the first matriculation exam to take the next exam scheduled at the same school.



SUCCESSFUL LEGISLATIVE INITIATIVES



- ✓ **Rights of disabled people** - 2 legislative changes to address the problem of outdated Experts medical decisions adopted by absolute unanimity by the deputies of the 47th and 48th National Assembly - almost 700,000 disabled people were left on the brink of survival:
 1. **Extension of the term of validity of medical expert decisions after cancellation of the emergency anti-epidemic situation** – new provisions retroactively extended the validity of expert decisions that expired from 13 March 2020 to 30 June 2022. **Based on law amendments, citizens got the opportunity to receive the support to which they are entitled as people with disabilities for the entire emergency period;**
 2. **Extending the term of validity of medical expert decisions in case of delayed medical examination** - Changes in the **People with Disabilities Act** and the **Health Act** addressed the most serious problems of people with disabilities related to their **delayed re-certification by medical expert examination bodies**, and impossibility to exercise their rights though no fault of theirs + **proposal to remove the discrimination against pensions of military invalids**
- ✓ **Children's rights** – 2 legislative proposals to address:
 1. **Children's right to welfare** - legislative change of the Personal Income Tax Act, aimed at **introducing the non-sequestration of the amounts that employers reimburse to employees who have used tax benefits for children or for children with disabilities;**
 2. **Children's right to safe environment** - Amending the **Child Protection Act banning the supply, sale, including online, and use by children of laughing gas** – Article 5b, new paragraph 5
- ✓ **Drivers' Rights** - Proposal for changes in the **Roads Act** and the **Road Traffic Act** in order to **put an end to the compensatory fee and the fine for drivers who have made an error when purchasing e-vignette** and **notification of accumulated fines by Road Infrastructure Agency within 3 working days**

SUCCESSFUL LEGISLATIVE INITIATIVES

✓ **Rights of people in COVID-19 pandemic – Immunity from Seizure Enjoyed by Funds Provided as Financial Compensation in the Emergency Epidemic Situation**

In the beginning of 2021, upon a proposal of the Ombudsman, the Members of Parliament agreed to include in the Bill to Amend the Measures during the Extraordinary Situation Act express provisions **that funds provided by the State as social benefits may not be seized.**

✓ **Rights of property and economic freedom** – The Ombudsman has initiated amendments to the law on to specific cases:

✓ **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 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.



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

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 connection with the numerous letters, petitions, objections and opinions on the model of judicial card optimisation reform, the Ombudsman sent a recommendation to the Supreme Judicial Council with a position on the proposed closure of courts, which restricts the right of access to justice.

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.

Upon the recommendation of the Ombudsman in 2022 actions were taken to update the lists of medical devices, aids, equipment and their limit amounts.

Right to association

An opinion was sent on a bill to support the introduction of the possibility for remote participation of the members of the general meeting of non-profit legal entities



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

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.



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

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.

Political Rights and Freedoms, Electoral Rights

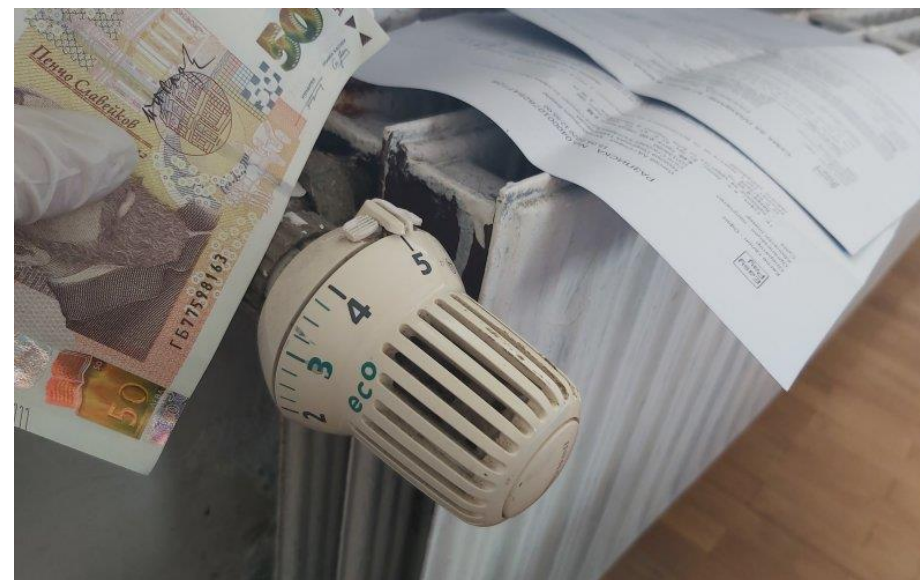
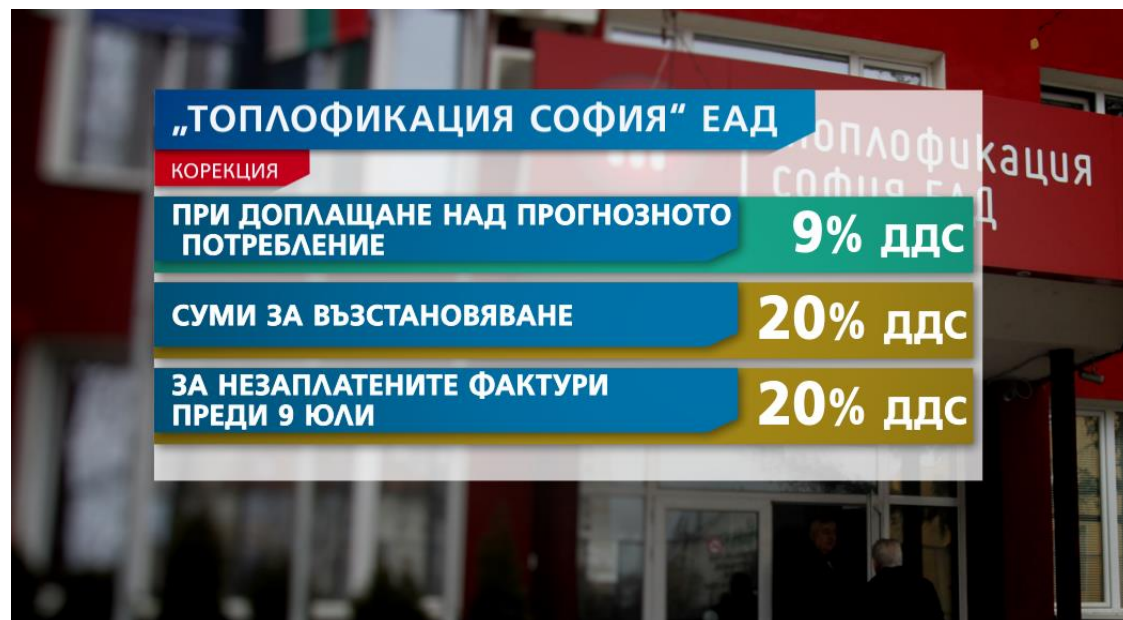
In the context of a number of elections held in 2021 - 2023, the Ombudsman has pointed out the numerous citizen complaints received by the institution related both to restrictions of their voting rights and to the degrading treatment of the members of the section electoral commissions (precinct election 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.



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

- Upon a recommendation of the Ombudsman “**Toplofikatsia Sofia**” EAD refunded to 201,222 households the total amount of BGN 3.025 million for incorrectly charged VAT



SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



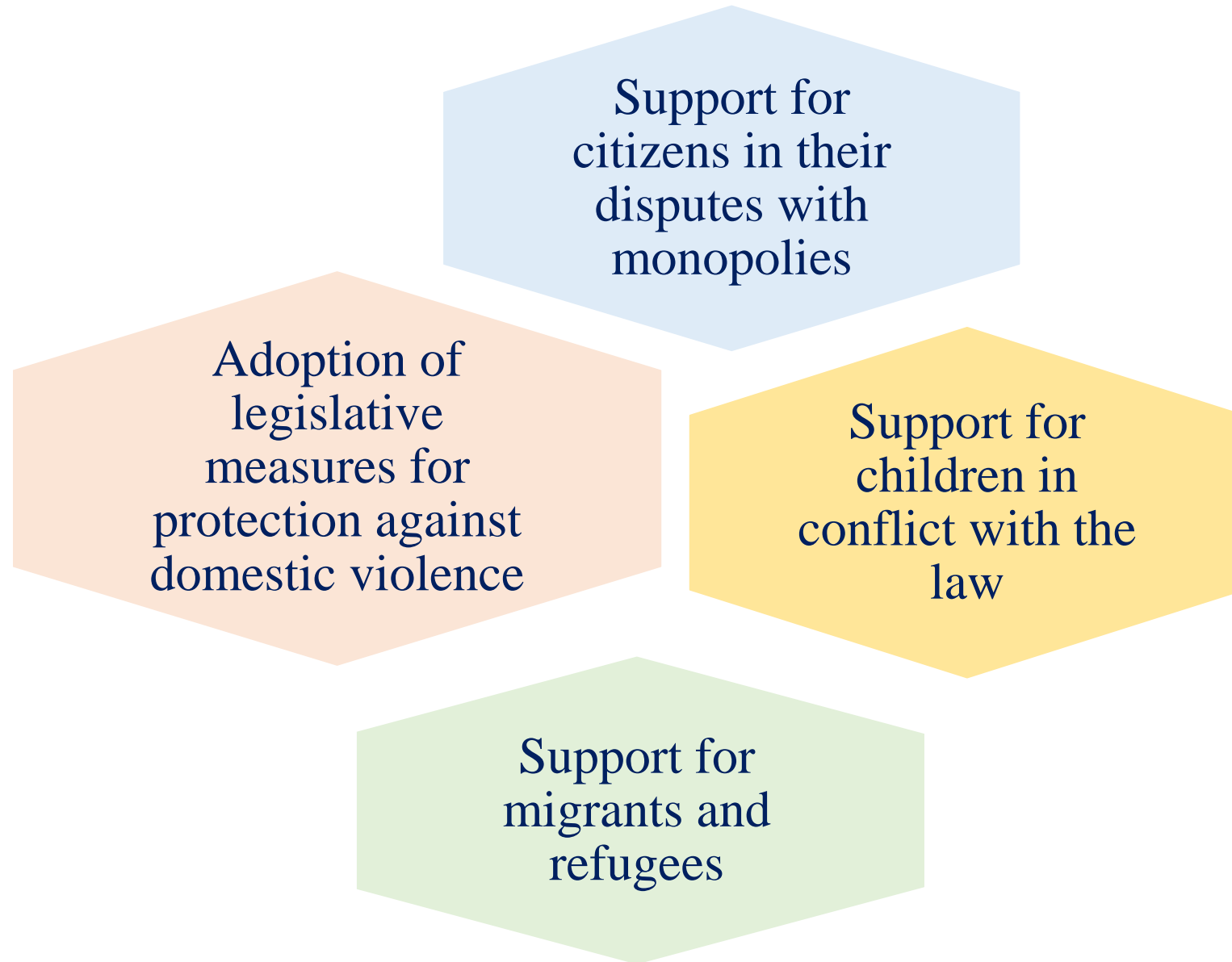
- **Limitations in the freedom of movement** - The Constitutional Court held unanimously that suspending a driver's licence for unpaid traffic fines, removing number plates, and seizing vehicles at border crossings for unpaid fines constituted a violation of citizens' fundamental constitutional rights. The case was based on 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)
- **Limitations to the right of property** - Request for establishing the unconstitutionality of Article 143, paragraph 1, sentence 2 of the Road Traffic Act. The provision of the RTA challenged by the Ombudsman stipulates that certain categories of motor vehicles may be registered only by a legal entity, a sole trader or a farmer. The Constitutional Court found that the provisions challenged by the Ombudsman are in conflict with Article 4, paragraph 1 and Article 17, paragraphs 1 and 3 of the Constitution and declared unconstitutional the challenged provisions.
- **Limitations to the right of property** - The Ombudsman challenged provisions of the Criminal Code which provide for the confiscation of certain types of vehicles in favour of the state. The Constitutional Court accepts that the partially disputed provisions of the Criminal Code constitute constitutionally intolerable interference of the state in the right to private property of the persons and determine the existence of the contradiction alleged by the petitioner with Article 17, paragraphs 1 and 3 and with Articles 56 and 122 of the Constitution.
- **Limitations to the right of property** - The provision of Article 148, paragraph 16 of the Spatial Development Act, disputed by the Ombudsman, introduces as a requirement for issuing a construction permit in a regulated land property the application of a detailed zoning plan regarding the regulation, including street regulation, connecting the site with the street or road network and providing access to the land property. According to the Ombudsman, these texts of the Spatial Development Act interfere excessively with the right to property and violate the constitutional guarantees for its protection and inviolability of private property. By Decision No.17 of 4 November 2021 the Constitutional Court found unconstitutional the challenged provisions.

SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



- **Access to justice and right of defense** - The Constitutional Court declared unconstitutional the provision of Article 158, paragraph 5, third sentence of the Health Act (promulgated in SG No.70 of 2004, last amended and supplemented No.62 of 2022), which was contested by the Ombudsman. In the grounds for issuing the decision, the CC accepted the Ombudsman’s arguments that the inability to be physically present in the courtroom prevents the person whose compulsory treatment is sought from fully enjoying all the opportunities of participation afforded to him/her by law as a party to the proceedings, relating to access to and acquaintance with evidence, the possibility of making requests for evidence, expressing an opinion on the subject-matter of the case, direct contact with his/her counsel, etc. His/her vulnerable mental and physical state constitutes an additional obstacle to full participation in this way via video conference, insofar as it may hinder his/her ability to perceive the facts of the objective reality related to the trial.
- **The right of persons with mental disorders to be heard in person before the court** - Article 158, paragraph 5, third sentence of the Health Act – *the CC found unconstitutional the provisions of Article 158, paragraph 5, third sentence of the Health Act (SG No. 70 of 2004, last amended and supplemented SG No. 62 of 2022)*
- **The requirement that vignette and toll fees are paid prior to the regular periodic technical inspection of a road vehicle** - Article 10, paragraph 16 of the Roads Act – *the CC admitted for examination on the merit the request of the Ombudsman to establish the unconstitutionality of Article 10, paragraph 16 of the Roads Act (SG No. 26 of 29.03.2000, last amended and supplemented SG No. 23 of 19.03.2021)*
- **The prohibition of the state providing scholarships to students in private higher education institutions** - Article 8, item 3 in the part “state” of the Higher Education Act – *the CC admitted for examination on the merit the request of the Ombudsman to establish the unconstitutionality of the provision of Article 8, item 3 of the Higher Education Act (SG No. 112 of 27.12.1995, last amended and supplemented SG No. 102 of 23.12.2022) in the part regarding “State”.*

CAMPAIGNS IN SUPPORT OF THE RIGHTS OF VULNERABLE GROUPS OF CITIZENS



CITIZENS' AGENDA – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2023

CAMPAIGNS FOR ADOPTION OF “PERSONAL BANKRUPTCY” ACT AND FOR PROTECTION AGAINST COLLECTION AGENCIES AND PRIVATE ENFORCEMENT AGENTS

- A **recommendation** to the Chairman of the 47th National Assembly and the MPs from the parliamentary committees on labour and social policy and on budget and finance for an explicit norm by which the **COVID supplements, paid as an anti-crisis measure to pensions, to become non-seizable in the event of imposed garnishments** – adopted provision prohibiting enforcement in respect of the above-mentioned funds
- Support of the bill submitted to the National Assembly on **Bankruptcy of Individuals Act or so-called “Individual bankruptcy Act”**



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.

In 2021, the Ombudsman continued to send **recommendations to the Association of Collection Agencies in Bulgaria** calling on them not to allow misleading practices on the part of the firms for collection of receivables which are members of their Association. **In discussion meetings, the Ombudsman heard citizens on the problems with execution and enforcement proceedings.**

The Ombudsman drew the attention of the Members of the 45th NA and the 47th NA to the need to adopt an Insolvency of Individuals Act, the so called “Personal Bankruptcy Act”, in order to resolve the issue with the “eternal debtor”.

Due to the intensifying **problems the citizens have with the firms for collection of receivables** (collectors) and payday loan firms, the Ombudsman insisted before the Members of the 45th NA and the 47th NA to resolve, at the legislative level, the matter with the introduction of rules for the work of collectors, including strengthening the control over these companies.

CITIZENS' AGENDA – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2023

Protection of rights of pensioners

Provisions of the Social Security Code (SSC) effective as of 1 September 2021 changed the mechanism to determine the reduction in insurance income used to **calculate the individual coefficient in setting the amount of labour pensions for people born after 31 December 1959 and ensured in a universal pension fund**. The problem emerges because close to 70,000 citizens affected by the change need to submit applications for recalculations of their pensions. After the timely involvement of the Ombudsman, the case was analysed and the legislator adopted a provision for an *ex officio* recalculation of the pensions as of 1 September 2021.

In 2021, pensioners sought assistance to resolve an issue related to the amendment of the provision of Article 102, paragraph SSC in force as of 1 January 2021 pursuant to which the pension is subject to *ex officio* **recalculation when the pensioner acquired insurance length of service during the previous calendar year and did not submit an application by the date of *ex officio* recalculation**. The problem is that the *ex officio* recalculation of the pensions from 1 April loses amounts for four months from the increased pension which is for insurance length of service and insurance income for the period 1 January – 31 December of the previous year.

In 2021, more than 20,000 elderly people turned to the Ombudsman in collections of signatures to change the model of recalculating and updating pensions. In this context, in order to resolve the issue with low pensions, the Ombudsman suggests the possibility for the next recalculation of pensions to use the average monthly insurance income in the country for the year preceding the update.

Another problem faced by the elderly which was brought to the attention of the Ombudsman is the amount of the **minimum pension which is below the poverty line and the maximum amount of one or more pensions received**.

In 2021, people who retired as of 1 September sought the assistance of the institution due to the **insufficient information about the terms and procedure to exercise the right to retirement and the amount of the second pension from the Second Pillar of the state social security**. The first citizens to be affected are the women born before 1960.



After numerous complaints concerning the **COVID pension benefits**, the Ombudsman proposed the adoption of express legislative provisions for the benefits to be paid out as a crisis measure and to become **non sizable in the event of distress**.

CITIZENS' AGENDA – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2023

Ongoing campaign:

1. Adopt a **Law on juvenile justice**;
2. Adopt a **national policy and strategy for juvenile justice 2030**;
3. **Harmonize national legislation with EU Directive 2016/800 on procedural safeguards for children** who are suspected or accused in criminal proceedings in the Criminal Procedure Code.

Disturbing practice of violating the rights of children during police custody

In 2022, the Ombudsman acting as NPM, found a disturbing practice of violating the rights of children during police custody involving the completion of a declaration of waiver of the right to protection by a minor in violation of all international standards of the Council of Europe and the European Union.

The Ombudsman clearly emphasizes that the first and most important condition to be taken into account is that the detention of a minor is permissible only as an exception.

Where children are concerned, depriving them of basic human rights while in police custody is absolutely unacceptable.

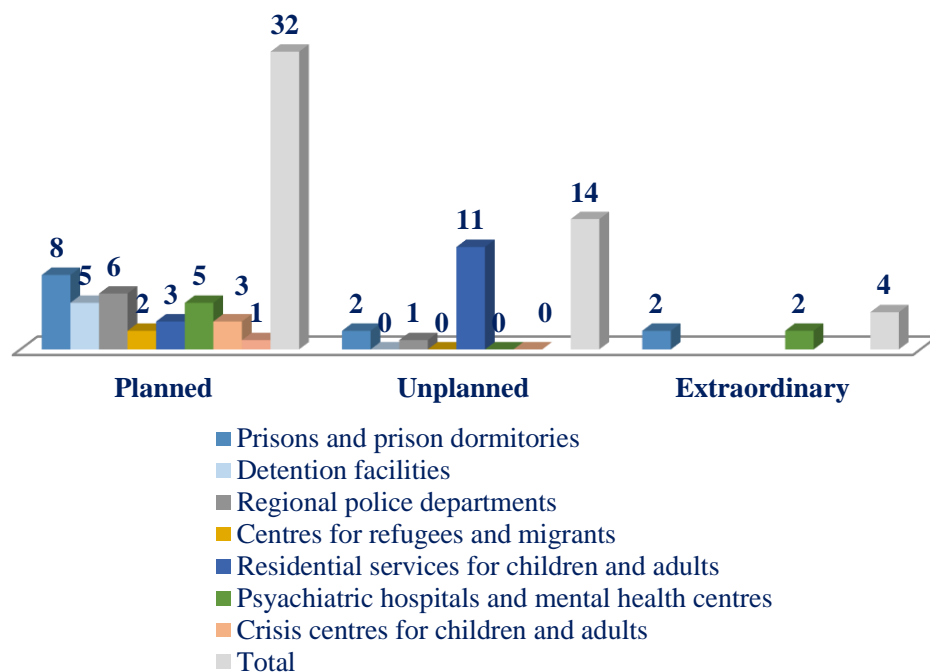
The Ombudsman institution has consistently maintained that the competent authorities must take timely action to bring legislation in line with the existing international standards in order to ensure effective access to justice for children and treatment that is appropriate to their age, development and needs.



NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (1)

- **50 inspections were carried out in 2023** – e.g. places for serving sentences to the Ministry of Justice – prisons (13), prison dormitories of detention facilities (5)

Chart. Number of NPM inspections conducted by category of inspected body in 2023



- **Main problems:**

- Systemic deficits in the medical care of prisoners
- Continuing deficits with depreciated, obsolete and hygienically unreliable bedding inventory
- Unsolved problems with the presence of cockroaches and bed bugs in places of deprivation of liberty, etc.
- In detention facilities – absence of service premises, lack of access to ventilation and natural light, and outdated material facilities



- ✓ **A total of 129 recommendations were** sent to various authorities and institutions
- ✓ The implementation of specific measures to improve the conditions in the places of accommodation, detention or imprisonment was monitored

NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (2)

- **Increased number of inspections in refugee and migrant accommodation centres** – 11,761 foreign nationals without any status in the Republic of Bulgaria were covered by the checked accommodation institutions within the system of the Ministry of Interior and the State Agency for Refugees
 - **Main problems:**
 - Unresolved problems with the setting up of a safe zone for unaccompanied minors outside the capital (at Registration and Reception Centre-Harmanli)
 - Unresolved problems with the control of hygienic and sanitary conditions in the centers for accommodation of foreigners
 - Problems with access to dental and specialised health care, etc.
- **Outstanding violations of the rights of persons with mental illnesses**
 - **Main problems:**
 - non-started implementation of the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021-2030
 - persistently low values of the “food day” and “medication day” indicators
 - unsatisfactory healthcare for patients in inpatient psychiatric care
- The rights of children and adults accommodated in residential services – the critical findings remain valid regarding the persistent worrying trend of poor-quality care for elderly people and children with disabilities in family-type centres
- Residential social institutions of the old type (homes) – do not meet the criteria for providing quality social services for people with disabilities. The accommodated people are not properly treated and their stay there is not only bad and humiliating, but their basic human rights are violated



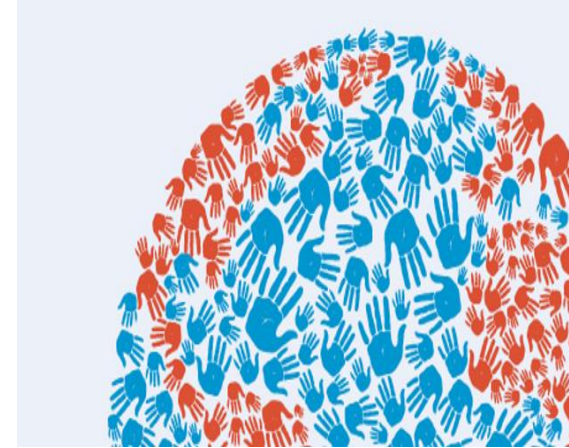
NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (3)

Rights of children in conflict with the law

In 2023, Ombudsman institutional teams from the NPM Directorate and the Rights of the Child Directorate carried out three joint inspections at correctional boarding schools (CBS) and social-pedagogical boarding schools (SPBS) to assess the absence or presence of progress in terms of the Third Thematic Report on the Rights of Children Placed in CBS or SPBS.

As a result of the systemic pressure on the part of the Ombudsman, four boarding schools were closed down such as the one in Dragodanovo Village, Sliven Municipality. The number of the children placed in the other three dropped down to 88. Most children are the victims of the circumstances of their lives – poverty, absence of normal living conditions, separated parents and/or parents who are economic emigrants abroad. The state of the facilities is poor, regardless of the partial renovation works. The investment of resources (financial, technical and human) in the system of CBS and CPBS is inappropriate. The state bodies should focus their efforts entirely on the swift closing down of these institutions and the creation of a protective social system which includes a network of services (integrated services and educational, psycho-social and protective measures and support mechanisms) with respect to the children in conflict with the law.

The Ombudsman recalls that the Third Thematic Report on the Rights of Children Placed in CBS or SPBS finds a number of chronic deficiencies such as the fact that CBS and SPBS do not comply with the international standards because they have the so-called “barrack-type buildings” with common rooms for sleeping, bathrooms, toilets. The children placed there do not only lack access to quality education and medical care but are also unable to have their relatives visit them due to the remoteness of the institutions and the lack of money. Furthermore, the correctional measures exhibit the characteristics of criminal repression, i.e. their correctional effect lies in imposing a sanction or a restriction. It is also established that there is no follow-up periodic judicial control or legal aid for the children placed there in relation to the correctional measures imposed on them.



MONITORING THE IMPLEMENTATION OF INTERNATIONAL ACTS IN THE AREA OF HUMAN RIGHTS



- **OMBUDSMAN'S FINDINGS 2020 - 2023**

- **Bulgaria is lagging behind in the process of acceding to international legal acts**, which allow citizens to lodge complaints with supranational (convention) bodies in case of their violated rights;
- **Bulgaria did not take steps to accede to the Optional Protocol to the Convention on the Rights of Persons with Disabilities** and to the **Third Optional Protocol to the Convention on the Rights of the Child**;
- **Bulgaria has not yet ratified Protocol 16 to the ECHR**, which provides for a mechanism for cooperation between the national court and the ECtHR, similar to preliminary rulings before the EU Court – a mechanism that will significantly facilitate the harmonisation of the case law of the Bulgarian courts with that of the ECtHR and will contribute to fewer convictions;

EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (2)

Main recommendations:

1. Strengthening the mechanisms of coordination between various institutions that are responsible for the execution of the judgments of the ECtHR against Bulgaria. The lack of progress in this regard in 2022 once again proves the need for general prevention measures to be taken by the State;
2. Measures should be taken to strengthen the role of the Ministry of Justice and the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate in coordinating the process of bringing the national legislation and the practice of the institutions in line with the judgments of the ECtHR;
3. Establish an interdepartmental coordination council, including representatives (experts) of all national institutions, which should be directly involved in the process of coordinating and monitoring the implementation of measures to execute ECtHR convictions - Such an inter-departmental coordination mechanism should include mostly representatives of the executive, but it will most effective, however, only if representatives of the judicial and legislative authorities are also present at its meetings;
4. This body could significantly raise the awareness of the practice of the ECtHR and the standards of respect of fundamental human rights. This will actually lead to a reduction in convictions that have been under enhanced supervision by the Committee of Ministers for many years;
5. Alignment of national legislation and practice with the ECHR and the case-law of the ECtHR will also ensure a more effective safeguard of the fundamental rights and freedoms of Bulgarian citizens;
6. The Ombudsman should also be a part of this coordination process in her role as public defender who promotes the implementation of the conventions for the protection of fundamental rights and freedoms of individuals, as well as independent experts and representatives of non-governmental organisations.



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