



# MAPPING OF NATIONAL HUMAN RIGHTS STRUCTURES IN BULGARIA



SUPPORTING NATIONAL HUMAN RIGHTS INSTITUTIONS IN  
MONITORING FUNDAMENTAL RIGHTS AND THE FUNDAMENTAL  
RIGHTS ASPECTS OF THE RULE OF LAW

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## Executive Summary

The purpose of this report is to describe the main national institutions guaranteeing the protection of human rights in the Republic of Bulgaria, their powers, sphere of action, as well as their interconnection - within the national legal system, within the EU and in the international mechanisms for protection of human rights.

Three groups of national institutions were analysed:

(1) Governmental or parliamentary bodies, with human rights as a subject of activity. This group includes parliamentary committees, directorates and agencies under seven ministries, advisory councils under the Council of Ministers, committees under the President of the Republic of Bulgaria and the Constitutional Court.

(2) Independent bodies that report to the National Assembly and have powers in the field of fundamental rights - first of all the Ombudsman of the Republic of Bulgaria and the Commission for Protection from Discrimination, three other commissions protecting the fundamental rights of citizens, as well as the Council for Electronic media, the Central Election Commission and the Audit Chamber.

(3) Other institutions involved in the protection of fundamental rights - public mediators at the municipal authorities, ombudsmen at the Bulgarian universities

and non-governmental organizations, which not only have human rights as their main subject of activity, but also participate in the advisory councils of the ministerial council.

The overall topography of fundamental rights protection structures presents a snapshot of the intricately interconnected web of national governmental and non-governmental institutions that has evolved over many years. It reveals the strengths and weaknesses of the system for guaranteeing fundamental rights in Bulgaria, as well as the key role of certain institutions in the implementation of a consistent and effective policy for the promotion and protection of rights.

Two main trends stand out in the Bulgarian system, which predetermine its architecture and direction of development.

*The first is the dominant role of the executive branch.* In Bulgaria, there is a *three-tier system of institutions of the executive power*, through which the government's policy in the field of human rights is implemented:

*First*, the directorates and independent units within seven ministries - justice, foreign affairs, education, health care, labour and social policy, of agriculture and food, through which the main policies in the field of human rights are developed.

*Second*, independent agencies that act as regulators enforce and ensure standards for the protection of a wide range of human rights.

*Thirdly*, the advisory councils at the Council of Ministers, through which not only the government interacts with non-governmental organizations, but also assures the horizontal coordination between individual ministries and sectoral policies.

In practice, this three-tiered system means that the executive branch is the backbone of government human rights policy. This is evident not only in relation to the actions of the committees under the administration of the President of the Republic of Bulgaria, but also in the analysis of the activities of the parliamentary committees. In both cases, the lack of administrative and human resources predetermines the leading, if not the dominant, role of the executive.

The *second trend* is related to the importance and key, even revolutionary role of the *ombudsman institution*. Created relatively late – fifteen years after the adoption of the new constitution, practically at the same time as the signing of the treaty on Bulgaria's accession treaty to the EU, the institution of the Ombudsman is implementing a slow but extremely effective change in the Bulgarian system for the protection of fundamental rights. The role of the ombudsman in compensating for a major deficiency in the protection of human rights in Bulgaria – the lack of the right to an individual complaint before the

constitutional court – is indisputable. After an amendment to the constitution in 2006, all four ombudsmen who have acted so far appealed to the constitutional court, and their initiatives are characterized by high efficiency – the ombudsman is the second complainant after the "group of people's representatives", both in terms of the number of filed cases and in terms of the number of "respected" requests<sup>1</sup>.

Another example of the role of the Ombudsman to compensate for key and systemic deficits in the Bulgarian institutional structure for the protection of fundamental rights is the action of the National Preventive Mechanism and the Monitoring Council under the Law on Persons with Disabilities.

It is not by chance that in 2019 it was accredited with the highest "A" status of the UN in accordance with the Paris Principles as a National Institution for the Protection of Human Rights.

Indicative of the public assessment of the institution's role is the fact that the position of ombudsman was created at the level of the municipal authority and within many universities. In fact, the ombudsman is the institution that most actively works to protect fundamental rights.

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<sup>1</sup> Юридически барометър, брой 21 (януари-юни 2023), с. 46

[https://legalbarometer.bg/images/Legal\\_Barometer\\_br oi\\_21.pdf](https://legalbarometer.bg/images/Legal_Barometer_br oi_21.pdf)

## STATE AUTHORITIES WITH HUMAN RIGHTS REMIT

### 1. THE PARLIAMENT

#### 1.1. Standing Committee on Human Rights, Religions and Citizens' Complaints

The Committee oversees the activities of the two main institutions involved in the protection of civil rights in the Republic of Bulgaria - the Ombudsman and the Commission for Protection from Discrimination. The standing committee also accepts and deliberates on complaints from citizens for violation of their rights.

Each National Assembly adopts Rules of Organization and Procedure, which have the rank of a law and regulate the structure of the parliament, including the number and type of standing and provisional parliamentary committees. Since 1991, a Standing Committee on Human Rights, Religions and Citizens' Complaints has been present in every National Assembly, with the rare exception of the 45th National Assembly (15.04 - 11.05. 2021), which worked for less than a month and established only three standing committees.

The committee considers draft laws, the Annual Program for the participation of the Republic of Bulgaria in the decision-making process of the European Union, draft decisions, declarations, addresses and other proposals distributed to it by the Speaker of the National Assembly. On bills

and other drafted documents of the National Assembly, the committee prepares reports, proposals and opinions.

Every citizen can submit to the committee complaints and reports about illegal or inappropriate actions or inactions of administrative bodies, officials in the relevant administrations, which affect the human rights and interests of citizens. They are filed in a special register and considered at a committee meeting within the standard term for this administrative procedure. Anonymous complaints are not considered. A citizen can appeal to the committee again only if she/he presents new evidence of a violation of his rights. If the committee is referred again with the same problem to which the citizen received a written answer, it is not obliged to respond to the new complaint.

Each member of the committee can table proposals based on generalized complaints and reports on significant problems affecting the state and society, related to the committee's activities.

When the complaint contains information about a crime, the relevant bodies of the judiciary are notified. The standing committee has no right to accept for consideration a complaint that is already being considered by the court.

The committee consists of 17 people's representatives from all parliamentary groups, represented in proportion to the size of their group, and meets at least once a month, and practically every week.

Twice a month, the committee organizes receptions for citizens. The activity of the committee is carried out with the help of full-time and part-time collaborators, the number of which is not publicly available.

## **1.2. Standing Committee on Children, Family, Youth and Sports and**

### **Standing Committee on Labour, Social and Demographic Policy**

The activity of these two committees is mainly related to the activity of their respective ministries and the legislative activity in these two policy areas. The two parliamentary bodies oversee the executive and guarantee the health and social rights of citizens. The Ombudsman of the Republic of Bulgaria also reports annually to these two committees. Each of them is composed of 21 representatives (in proportion to the size of their parliamentary group) and they meet weekly with a busy legislative program.

## **1.3. Standing Committee on Oversight of Security Services, Enforcement and Evaluation of Intelligence and Access to Data under the Electronic Communications Act**

The Committee consists of 11 MPs, It is formed on a parity basis and is chaired on a rotating basis. The Commission carries out parliamentary control over the activity of the security services from the system for the protection of national security, regarding the state of protection of classified information, as well as for the protection of the rights and freedoms of

citizens against the illegal use of special intelligence means and access to data on The Electronic Communications Act.

## **2. THE CONSTITUTIONAL COURT**

The powers of the Constitutional Court, which refer to human rights, are the following: /1/ gives the mandatory interpretation of the Constitution, without having as its subject the resolution of a specific constitutional dispute. /2/ exercises control for the constitutionality of the laws promulgated in the "State Gazette" and other acts of the National Assembly, as well as the acts of the President. This control is in practice the main competence of the court and on this occasion the largest number of cases have been initiated and decided /3/ pronounces on the compliance of laws with the generally accepted norms of international law and international treaties to which Bulgaria is a party. /4/ pronounces on disputes about the constitutionality of political parties, on disputes about the legality of the election for President and Vice president, as well as on disputes about the legality of elections for people's representatives. /5/ rules on the conformity with the Constitution of international treaties concluded by the Republic of Bulgaria before their ratification.

The Constitution does not provide for the right of individual appeal to the Constitutional Court, i.e. citizens cannot refer to the Court. The establishment of the institution of the Ombudsman and the

change in the constitution, which authorizes her/him to appeal to the Constitutional Court, leads to a significant increase in the relative share of these cases - 39 cases or 16%. The empowerment of the High Bar Council to refer to the Court has had the same effect.

The practice of the court refers for the most part to issues related to the division of powers and powers of the main state institutions. During the first five years, 25% of the decisions of the Constitutional Court were related to basic human rights, most of them to the issue of property rights. In the next ten years, the share decreases to 12%. In the following years, the decisions relating to the fundamental rights of citizens guaranteed by the constitution did not exceed 10% of the court's cases.

## **3. THE PRESIDENT**

### **3.1. The Pardons Commission**

(each Bulgarian President has delegated the power to grant pardon to his/her Vice President)

The Pardons Commission: /1/ examines requests for pardons, which it reports to the Vice President with motivated proposals for each of them; /2/ prepares expert opinions, conducts research, collects and analyses jurisprudence of national and international courts and committees, opinions of national and international organizations, scientific publications and other relevant information, conducts own analytical research, attracts national and international expert consultants and etc.; /3/

summarizes and analyses the results of its work and publishes it every three months on the website of the President's Administration in monthly reports and annual reports.

There is no publicly available information about its composition on the Commission's website.

### **3.2. The Commission on Bulgarian Citizenship**

The Commission is a permanent auxiliary body with advisory functions to the Vice-President of the Republic of Bulgaria, to whom the President assigned the authority to grant and restore Bulgarian citizenship, exemption and deprivation thereof. The composition, structure and rules of operation of the Commission on Bulgarian Citizenship are determined by Presidential Decree.

The Commission on Bulgarian Citizenship assists the President, respectively the Vice-President of the Republic, by collecting and analyzing the necessary information to clarify the facts and circumstances in support of the proposals made by the Minister of Justice to issue decrees and refusals to issue decrees for changing citizenship. The commission prepares reports on each proposal received by the Minister of Justice. The report contains the opinions expressed and the decisions taken by the Citizenship Council on each received proposal to change citizenship, the attached materials from various institutions in support of it, as well as the opinion of the Commission. The Vice President of the Republic issues or refuses



to issue decrees on changing citizenship based on the proposal of the Minister of Justice and the report of the Commission.

The Commission publishes monthly reports and annual reports.

Two more commissions in the President's administration have human rights in their purview - the **Commission on Asylum** and the **Commission on the Forgiveness of Uncollectible Government Debts**

## 4. INSTITUTIONS WITHIN THE COUNCIL OF MINISTERS

### 4.1. MINISTRY OF FOREIGN AFFAIRS *Human Rights Directorate*

Organizes Bulgaria's activities with regard to: /1/ the major international treaties of the UN in the field of human rights; /2/ the conventions adopted within the framework of the Council of Europe; /3/ the EU's human rights activities internationally and in third countries, as well as within the /4/ human dimension of the OSCE. The activity of the directorate is of fundamental importance for the vertical coordination of the activities of the Human Rights structures in Bulgaria.

### *National Human Rights Coordination Mechanism*

Coordinates between state authorities and independent institutions dealing with various aspects of human rights. Reports the accomplishment of obligations to international human rights monitoring and control mechanisms, discusses the expediency of Bulgaria

signing or acceding to international treaties in the field of human rights and proposes changes in domestic legislation related to human rights, as well as measures for improvement of the human rights situation in the country.

The National Coordination Mechanism meets twice a year under the chairmanship of the Minister of Foreign Affairs and with the participation of representatives of national human rights institutions, executive authorities, as well as non-governmental organizations.

### 4.2. MINISTRY OF JUSTICE

#### *National Bureau of Legal Aid*

The National Bureau of Legal Aid /1/ carries out general and methodical management of the activity of providing legal aid by issuing mandatory instructions on the application of the law and by-laws; /2/ prepares a draft of the legal aid budget and disposes of the funds under the legal aid budget; /3/. organizing the maintenance of the National Register for Legal Aid, also adopting decisions on registration, refusal to register or selecting a lawyer from the National Register for Legal Aid; /4/ carrying out control and payment of legal aid, adopting decisions to refuse payment of legal aid or to refund received remuneration in cases where legal aid has been found to be in bad faith or incompetently informed in the specific case; /5/ prepares draft laws and other normative acts in the field of legal aid, which are submitted to the Council of Ministers by the chairman of the NBPP; /6/ analyzes the information and popularizes

the legal aid system; /7/ your international legal cooperation in the field of legal aid; /8/ provides legal assistance in criminal, civil, administrative and international disputes in civil cases in connection with a reported report or publicly disclosed information under the conditions and in accordance with the Law on the Protection of Persons Submitting Reports or Publicly Disclosing Information on Violations.

The National Bureau of Legal Aid is creating a unified information system for reporting legal aid electronically from all bar councils.

The National Legal Aid Bureau consists of five members - a chairman, a deputy chairman and three members. The Chairman and the Deputy Chairman of the NBPP are appointed and dismissed by order of the Prime Minister based on a decision of the Council of Ministers, on the proposal of the Minister of Justice. The remaining three members of the NBPP are elected by the High Bar Council. Administrative capacity 23 people.

### ***Directorate of International Legal Protection of the Child***

The Directorate for International Legal Protection of Children has powers in two areas:

- **in the field of international adoption**, the directorate: /1/ reviews files of adopters and files of children for entry in the registers of international adoptions; /2/ keeps the registers under Art. 113, para. 1 of the Family Code; /3/ sends the applications of persons with habitual residence in the

Republic of Bulgaria, who wish to adopt a child with habitual residence abroad, to the competent foreign bodies and organizations; /4/ supports expertly and technically the activities of the International Adoption Council; /5/ assists the Minister in implementing the special measures for adoption of children under Art. 112, para. 6 of the Family Code; /6/ reviews the documents and prepares drafts of the Minister's written consents for adoption; /7/ reviews applications for the issuance of a permit to mediate international adoption, examines the capabilities, knowledge and resources of the applicants and prepares reports to the Council on International Adoption; /8/ performs inspections of the activities of the accredited organizations and prepares reports to the International Adoption Council;

- **in the field of international legal child protection**: /1/ performs the activities assigned to the Ministry as the central authority under the Hague Convention on the Civil Aspects of International Child Abduction of 1980, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and cooperation in relation to parental responsibility and child protection measures from 1996 and the European Convention on the Recognition and Enforcement of Decisions on the Exercise of Parental Rights and the Restoration of the Exercise of Parental Rights; /2/ performs the activities assigned to the Ministry as the central authority under Regulation No. 2201/2003 regarding the competence,

recognition and execution of court decisions in matrimonial cases and in cases related to parental responsibility; /3/ performs the activities assigned to the Ministry as the central authority under Regulation No. 4/2009 regarding competence, applicable law, recognition and enforcement of court decisions and cooperation in matters related to maintenance obligations; /4/ liaises with the central authorities of the states for sending and receiving applications for the return of children and for exercising the right to personal relationships in cases of cross-border transfers of children and applications for the recognition and enforcement of court decisions for maintenance; /5/ interacts with the police authorities and with the directorates for social assistance to locate and take measures for the protection of children in cases of cross-border transfers of children and upon inquiries from other countries to establish the social situation of children within the framework of the international exchange of information under Regulation No. 2201/2003; /6/ interacts with the General Directorate "GRAO" of the Ministry of Regional Development and Public Works, the National Revenue Agency and the National Bureau of Legal Aid in processing applications under Regulation No. 4/2009 related to maintenance obligations conveyed from European Union member states.

### ***Directorate on Bulgarian Citizenship***

The Directorate carries out the administrative service of the procedure for

acquiring Bulgarian citizenship by /1/ creating files on the received applications and proposals for changing citizenship and conducting an interview with the candidates upon submission of the provided document; /2/ Checks the applications and proposals for changing the citizenship and attach to them documents for their compliance with the legal requirements; /3/ Organizes the implementation of coordinated procedural measures with the National Security State Agency and the Ministry of Internal Affairs; /4/ Prepares and organizes the meetings of the Citizenship Council, sends drafts of protocols to the chairman and members of the council, as well as to the representative of the President of the Republic of Bulgaria; /5/ Make a final protocol with the opinion of the Citizenship Council on each file and prepare it for the chairman of the Citizenship Council; /6/ Drafts proposals of the Minister to the President of the Republic of Bulgaria for the issuance of a decree or for refusal to issue a decree for the acquisition, restoration, release or deprivation of Bulgarian citizenship, as well as for the cancellation of naturalization; /7/ Provides information through the website of the Ministry of Justice to each applicant regarding the status of his file; /8/ Prepares the certificates provided for in the Law on Bulgarian Citizenship /ZBG/ and pays notifications; /9/ Keep a diary and register on paper and electronic media; /10/ Prepares opinions on draft normative acts related to the issues of Bulgarian citizenship; /11/ Prepares answers and

gives opinions on received applications, complaints and proposals related to Bulgarian citizenship.

*Directorate "Procedural representation of the Republic of Bulgaria before the lower human rights court"*

The Directorate carries out horizontal and vertical coordination in relation to the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights (ECHR) at the Council of Europe

*Directorate General "Execution of punishments"*

The General Directorate "Execution of Punishments" exercises direct management and control over the activities of places of deprivation of liberty and probation services. The Directorate ensures the management of a unified system of execution of punishments, based on effective professional standards, in which detainees and convicts are dealt with humanely, in a functional and transparent manner.

The living conditions in the penitentiary institutions in Bulgaria continue to face criticism from international and national organizations for the protection of human rights. The Directorate carries out projects with the aim of supporting Bulgaria's efforts to continue the implementation of the fundamental principles established in the conventions and recommendations of the Council of

Europe and international standards related to places of detention, which guarantee better living and working conditions. There are no specialized units for control and monitoring of policies and measures in this direction.

*Office for the Protection of Endangered Persons*

Implements the "Protection Program", which is a set of measures taken in relation to persons who have received the status of protected persons. Special protection may also include activities to provide social, medical, psychological, legal and financial assistance, supporting the integration of the person in the new environment. Special protection measures are mandatory for all bodies of state power and local self-government, as well as for all legal entities and individuals. In implementing the special protection, the Protection Bureau may request assistance from all authorities, which cannot be refused.

### 4.3. MINISTRY OF EDUCATION AND SCIENCE

*Inclusive Education Directorate*

The "Inclusive Education" Directorate provides opportunities for the physical, social and personal development of children and students by developing and responsible for the implementation and implementation of the state educational standard for inclusive education by: /1/ supporting the implementation of the state policy for the development of forms of educational integration of children and students with special educational needs

and with chronic diseases in institutions of the preschool and school education system; /2/ carries out activities related to the accommodation, training and upbringing of students with deviant behavior in educational boarding schools and in socio-pedagogical boarding schools; /3/ supports the implementation of the policy in the field of integration of children and students from ethnic minorities by ensuring equal educational opportunities for them; /4/ is responsible for the implementation of European requirements in the field of integration of children and students from migrant families; /5/ is responsible for the drafting, updating and implementation of the normative acts and the individual and general administrative acts related to the competences listed above; /6/ participates in the synchronization of national legislation with the acts of the European Union related to its functional competence.

### *Centre for Educational Integration of Children and Students from Ethnic Minorities*

The Centre for Educational Integration of Children and Students from Ethnic Minorities was established to support the implementation of government policy regarding the educational needs of children and students from ethnic minorities and the development of intercultural education. The activity of the Centre is based on programs approved by the Council of Ministers of the Republic of Bulgaria with a period of 3 years.

The programs set out strategic goals, priorities and measures ensuring equal

access to quality education and development of intercultural education for subjects participating in the educational process. The activity programs of TSOIDUEM identify the development of the educational integration of children and students from ethnic minorities and classify them as general and specific for each ethnic group. The center prepares annual reports, which it publishes on its website.

#### **4.4. MINISTRY OF HEALTH**

##### *Protection of Public Health, Health Control and Patients' Rights Directorate*

Within the Ministry of Health, there are three directorates that are directly related to guaranteeing the health rights of citizens - "Protection of public health, health control and rights of patients" - number of 31 people, To the directorate "Protection of public health, health control and patients' rights" operates a department "Protection of public health and patients' rights" with a total staff of 10 people.

28 regional health inspectorates (RHI) have been established as independent structures under the Minister of Health on the territory of the administrative regions. Each of the 28 RHIs has a different number. Disease control, immunization calendar campaigns, water and air control, smoking control, food control and other inspections are carried out on the spot by the RHIs.

#### **4.5. MINISTRY OF AGRICULTURE AND FOOD**

##### *Bulgarian Food Safety Agency*

The Agency is a unified body for control of food safety and quality in the Republic of Bulgaria. It carries out official control over: phytosanitary activity, plant protection products and fertilizers; the veterinary medical activity, the health care of animals and their humane treatment; animal by-products not intended for human consumption; the feeds; raw materials and food, with the exception of bottled natural mineral, spring and table waters; the materials and objects intended for contact with food; the compliance of the quality of fresh fruits and vegetables with the standards of the European Union for marketing.

The Bulgarian Food Safety Agency also carries out laboratory-diagnostic and research activities, risk assessment and communication, training and qualification.

The Bulgarian Food Safety Agency provides services to individuals and legal entities and activities other than those under para. 4 according to a price list approved by the executive director, which is published on the website of the BFSA.

Created at the beginning of 2011, by merging the National Veterinary Medical Service, the National Plant Protection Service (with the exception of the Plant Protection Institute), as well as the National Grain and Fodder Service, regional health inspections and district directorates. Agriculture'. BABH implements a consistent policy for cooperation with branch organizations in the country. Together with them, it develops and creates standards that aim to increase the quality of

products such as bread and bakery products, milk, dairy and meat products, as well as other traditionally Bulgarian foods. BABAH is in permanent cooperation with the European Food Safety Authority, with all the structures of the European Union, relevant to the agency's activities and with the food safety authorities in the EU member states and third countries.

#### 4.6. STATE AGENCY FOR CHILD PROTECTION

The State Agency for Child Protection began its activities in 2001. The Agency is the only body of the Council of Ministers for management, coordination and control for the implementation of the state policy on child protection activities in the specialized Republic of Bulgaria. Administrative capacity - 54 people (58 full-time employees)

Its activity is in two main directions:

1. Develops a unified and coordinated state policy for child protection and develops and supervises the implementation of national and regional programs for child protection;
2. Organizes checks for compliance with the rights of the child by all state, municipal and private schools, kindergartens and nurseries, service units, medical facilities, "Social Assistance" directorates of the Social Assistance Agency (ASP) and non-profit legal entities, working in the field of child protection, and in case of violation of rights issues mandatory prescriptions;

The agency participates in the development of by-laws, carries out research and educational activities and gives methodological instructions to the child protection departments in the "Social Assistance" directorates. It supports the activity of non-profit legal entities for child protection.

It publishes an annual report on its activities.

**The National Council for Child Protection** is a body under the State Agency for Child Protection and has advisory and coordination functions. The chairman of the council is the chairman of the State Agency for Child Protection. It consists of at least 23 and not more than 29 members. The composition of the council includes the Deputy Minister of Labor and Social Policy, Deputy Minister of Justice, Deputy Minister of Foreign Affairs, Deputy Minister of Education and Science, Deputy Minister of Health, Deputy Minister of Internal Affairs, Deputy -minister of finance, deputy minister of culture, the chairman of the State Agency for Youth and Sports, the executive director of the Social Assistance Agency, the secretary of the National Commission for Combating Human Trafficking, representative of the National Council on Narcotic Substances, deputy chairman of the National Statistical Institute, the deputy manager of the National Social Security Institute, the manager of the National Social Security Institute, the secretary of the Central Commission for the fight against anti-social behavior of minors and minors and a

responsible representative of the National Association of Municipalities in the Republic of Bulgaria.

The members of the council also include heads of non-profit legal entities whose activities are child protection.

To participate in the meetings of the council, the chairman may invite representatives of the media, persons of high public authority and representatives of non-profit legal entities whose subject of activity is the protection of children and who are not included in the composition of the council, as well as representatives of children's organizations.

#### **4.7. CENTRAL COMMISSION FOR COMBATING ANTISOCIAL BEHAVIOUR OF MINORS AND JUVENILES**

Organizes, directs, coordinates and supervises the activity of preventing and counteracting the anti-social behavior of minors and minors and the crimes of minors, as well as the activity of ensuring the normal development and upbringing of minor perpetrators.

In fulfillment of these powers, the Commission: /1/ directs and supervises the activities of the local commissions to fight against the anti-social behavior of minors; /2/ implements methodical guidance and control over the activity of children's pedagogical rooms, homes for temporary accommodation of minors and minors, educational schools - boarding schools, socio-pedagogical boarding schools, shelters for unattended children; /3/ coordinates the activities of state bodies

and non-governmental organizations. /4/ collect, summarize and analyze data; /5/ studies foreign experience /6/ conducts research and develops forecasts; /7/ develops three-year plan-programs and submits them for approval by the Council of Ministers; /8/ participates in the development of normative acts; /9/ periodically informs the public - publishes its own magazine and maintains a website.

Collective body 1 chairman, 6 deputy chairmen, 14 members. Administrative capacity - 6 people.

#### **4.8. THE NATIONAL COMMISSION FOR COMBATING TRAFFICKING IN HUMAN BEINGS**

The National Commission for Combating Human Trafficking was established on the basis of Art. 4 of the Law on Combating Human Trafficking and aims to define and guide the implementation of the national policy and strategy in the field of combating human trafficking. The National Commission, which is a body under the Council of Ministers, organizes and coordinates the interaction between the individual departments and organizations on the implementation of the law. It works to prevent human trafficking and to protect, restore and reintegrate victims of trafficking. Every year it develops and submits for approval by the Council of Ministers a National Program for the prevention and counteraction of human trafficking and the protection of victims. Creates an organization for research, analysis and statistical reporting of data related to human trafficking and organizes

the implementation of information, explanatory and educational campaigns for persons from the risk groups of human trafficking. Leads and supervises the activities of local commissions to combat human trafficking and centers for the protection and assistance of victims of human trafficking and participates in international cooperation to prevent and counter human trafficking. Administrative capacity 11 people.

Specialized services for victims of trafficking are available in the country. There are 7 services exclusively for this target group, financed by the National Commission and managed by non-governmental organizations, in the cities of Sofia, Varna and Burgas (three shelters for temporary accommodation, three counseling centers and one shelter for subsequent reintegration). The services can accommodate both women and men (minors and adults), victims of human trafficking (formally and informally identified), regardless of their nationality, ethnicity and religion.

#### **5. EXECUTIVE AGENCIES UNDER MINISTRIES**

According to Art. 54 of the Law on Administration "The executive agency is an administration under a certain minister for administrative services for individuals and legal entities, as well as for the implementation of activities and services related to ensuring the activities of the bodies of state power and the administration" . An executive agency is established by law or by a decree of the



Council of Ministers and is led and represented by an executive director.

In carrying out his activities, the executive director can create councils such as expert advisory units to solve problems within his competence, as well as working groups for the implementation of specific tasks. Councils are established after consultation with the minister to whom the agency was established, to whom annual reports on their activities are presented. The councils may include experts as well as representatives of non-governmental organizations relevant to the activities of the relevant executive agency.

The activity, structure, organization of work and composition of the executive agency are determined by organizational regulations adopted by the Council of Ministers. The executive director of the executive agency submits an annual report on the activities of the executive agency to the executive authority that appoints him.

For the purposes of this study, we will consider the following executive agencies:

### **5.1. EXECUTIVE AGENCY FOR SOCIAL ASSISTANCE**

The Social Assistance Agency is established on the basis of the Social Assistance Act with the following functions: implements the state social assistance policy; carries out activities in the provision of social assistance; develops a unified system for evaluation and control of the activities of the "Social Assistance" directorates and carries out specialized

control over them through the inspectorate of the Social Assistance Agency; collects, processes, systematizes, stores and uses information in the field of its functional competence by law in an integrated information system; prepares summarized annual reports and analyses on the activity in the field of social assistance, which it presents to the Minister of Labour and Social Policy; participates in the drafting of normative acts in the field of social assistance; maintains registers of children who can be adopted under the conditions of full adoption, of adopters under the conditions of full adoption and of approved foster families through the regional directorates for social assistance; improves the criteria and indicators for carrying out an individual assessment of the needs of people with disabilities under the Law on People with Disabilities; organizes the activity of carrying out an individual assessment of the needs of people with disabilities in accordance with the Law on People with Disabilities; provides analysis and summary data from individual assessments of the needs of people with disabilities under the Law on People with Disabilities and their results to the Minister of Labor and Social Policy for a certain period, in a certain region or for the country; publishes on its official website information about the guidelines and access for the realization of rights for people with disabilities; participates and necessarily gives opinions in the preparation of drafts of normative acts related to the rights of people with disabilities; performs other

activities defined by law or by an act of the Council of Ministers.

## 5.2. EXECUTIVE AGENCY FOR PEOPLE WITH DISABILITIES

The Agency for Persons with Disabilities is established by the Law on Persons with Disabilities as an executive agency under the Minister of Labor and Social Policy with the following functions:

- participates in the coordination mechanism in the field of policy for the rights of persons with disabilities;
- leads and maintains an information system for people with disabilities;
- prepares 6-monthly and annual reports on the implementation of the policy on the rights of people with disabilities, which they provide to the Minister of Labor and Social Policy;
- keeps and maintains a register of specialized enterprises and cooperatives of disabled people;
- develops programs and finances measures to stimulate business initiative in the interest of people with disabilities;
- develops programs and finances projects for rehabilitation, integration and building an accessible environment for people with disabilities;
- participates in the preparation of drafts of normative acts related to the rights of people with disabilities and gives opinions on them;
- publishes and maintains on its website information about the guidelines and access for realizing the rights of people with disabilities;

- upon establishing a violation of the rights of persons with disabilities, reports to the competent authorities for taking action.

## 5.3. EXECUTIVE AGENCY FOR QUALITY OF SOCIAL SERVICES

The Agency for the Quality of Social Services is a legal entity of budgetary support and is an administration under the Minister of Labor and Social Policy for control and monitoring of the provision of social services and licensing of social service providers.

The agency carries out control and monitoring of the provision of social services, licenses social service providers, makes proposals to the Minister of Labor and Social Policy for the development of normative standards and criteria for the quality and efficiency of social services, provides methodological support for compliance with the legally defined standards and criteria for the quality of social services, develops criteria for the analysis of good practices for high quality and efficiency of social services, selects such practices and proposes their approval at the national level.

The activity, structure, number of personnel and the organization of the work of the agency are determined by the Organizational Regulations, adopted with PMS No. 220 of 18.08.2020, promulgated, SG No. 75 of 25.08.2020, in force from 1.09.2020, amended and supplement, no. 33 of 20.04.2021, in force from 20.04.2021, supplement, no. 93 of 22.11.2022.

## 5.4. EXECUTIVE AGENCY GENERAL LABOUR INSPECTORATE

The State Labor Inspectorate was renamed the Main Labor Inspectorate by PMS No. 270 of 12/30/1992, promulgated State Gazette no. 4/1993. The Agency controls compliance with labor legislation, exercises specialized control over compliance with the Health and Safety at Work Act, the Employment Promotion Act, the legislation related to the performance of the civil service, and the rights and obligations of the parties to the employment relationship and other legal acts, when this is mandated by law, provides information and technical advice to employers and workers on the most effective methods of complying with labor legislation and the implementation of the Employment Promotion Act, notifies the competent authorities for established deficiencies and deficiencies in the current labor legislation.

The executive agency is headed by a director who is appointed by the Minister of Labor and Social Policy after consultation with the Prime Minister. It is a secondary manager of budget funds.

## 5.5. EMPLOYMENT AGENCY

Ensuring employment allows full use of the opportunities and abilities of the individual, protects his right to a dignified existence and full participation in society. The Employment Agency is an executive agency under the Minister of Labor and Social Policy for the implementation of the state policy on employment promotion. It was created through the Employment Promotion Act.

The Employment Agency carries out its activities within the framework of relevant legislation - Employment Promotion Act, Regulations for its implementation, Organizational Regulations, Labor Code and other normative acts. The agency performs registration of vacancies and persons actively looking for work, intermediary services for securing employment. Together with municipalities and employers, it participates in the development of general activities at the local and national level, as well as participates in the development and implementation of programs and measures for employment and training aimed at precisely defined groups of unemployed persons who, for various reasons, are more difficult to adapt on the labor market. Organizes activities to protect and preserve employment.

## 5.6. ENVIRONMENT AGENCY

The Environmental Executive Agency (EIA) is an administration under the Minister of Environment and Water for the implementation of management, coordination and information functions in relation to the monitoring and protection of the environment in Bulgaria. It designs and manages the National Environmental Monitoring System and information on the state of environmental components and factors for the territory of the entire country.

The Agency is a National Coordination Center of the European Environment Agency (EEA). The European Environment Agency is the body of the European Union established to provide

timely, targeted, relevant and reliable information on the environment to both policy makers and the public.

The executive agency is also a member of the Environmental Protection Agency Directors Network (EPA Network). The network is an informal organization of directors of environmental protection agencies and similar institutions from across Europe. It is an environment for the exchange of opinions, views and experience on issues of common interest to organizations involved in the daily practical implementation of environmental policies.

The Environmental Executive Agency is led and represented by an Executive Director. In carrying out his powers, he is supported by deputy executive directors and the structural units of the general and specialized administration. The administrative management of the general and specialized administration is carried out by the chief secretary of the agency.

### 5.7. NUCLEAR REGULATORY AGENCY

The main mission of NRA is the protection of every person, society, future generations and the environment from the harmful effects of ionizing radiation.

The Nuclear Regulatory Agency is an administration that assists the President in the exercise of his powers and ensures his technical activities. The chairman of the agency is an independent specialized body of the executive power, which carries out

the state regulation of the safe use of nuclear energy and ionizing radiation and the safe management of radioactive waste and spent fuel within the powers granted to it by law.

The agency has two advisory councils - on nuclear safety and on radiation protection.

A general assessment of the resources, tools and capacity of executive agencies whose sphere of activity concerns the guarantee of fundamental human rights

The structure and number of executive agencies is consistent with their powers, functions and goals. Although the executive agencies are part of the structure of the administration at the central level, when the activity includes the provision of services, territorial divisions are also created. The activity of executive agencies is provided with resources, material and human, through the budget.

All executive agencies are accessible and visible through websites, telephones and e-mail. Their websites provide information about the services they offer, their administrative structure, and their budget.

The agencies have created advisory councils, which include experts and representatives of NGOs. Due to the nature of their work, the agencies are well-recognizable in society and have trust within the expected general trust in government institutions.

## 6. ADVISORY COUNCILS TO THE COUNCIL OF MINISTERS

Attracting additional expert support and strengthening the government's capacity is possible through advisory councils, which is also regulated in the Law on Administration. According to Art. 21 "The Council of Ministers can create councils as permanent advisory bodies of the government, ensuring coordination in the sphere of executive power, as well as cooperation with other state bodies, local self-government bodies and with non-governmental organizations in the determination and implementation of state policy in a given area or on particularly important issues of public importance". A council is created, transformed and closed by a decree of the Council of Ministers. The decree establishing the council defines its tasks and structural composition, as well as the administration providing its expert and technical support. The organization of the activities of the councils is governed by regulations adopted by the Council of Ministers.

The councils are headed by either the Prime Minister or another member of the government. Most often, this is a deputy prime minister appointed by the prime minister. This circumstance becomes a problem when the deputy prime minister is one, because over-commitment does not imply great activities of the councils. In

order to be able to perform coordination and coordination functions, representatives of other state bodies, including local authorities, as well as NGOs are included in the composition of the councils. The councils adopt annual programs for their activities and report to the ministerial council. The financial provision of the work of the council is at the expense of the budget of the administration. The chairman and members are not remunerated for their work on the council.

The councils' work is publicly available for tracking via a public consultation portal. At the time of this survey, the portal was under renovation. It is planned to publish information on the acts of creation of the respective advisory councils, their rules of procedure, their compositions, minutes of past meetings, as well as agendas for upcoming meetings.

### 6.1. NATIONAL COMMITTEE ON INTERNATIONAL HUMANITARIAN LAW<sup>2</sup>

The Committee is a multidisciplinary and interdepartmental body with a consultative nature on issues of international humanitarian law with the following functions: 1. advises and assists the competent departments, bodies and institutions in the application of international humanitarian law; 2. discusses and analyzes current issues with a humanitarian element and assists the

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[https://iisda.government.bg/ras/executive\\_power/council/2673](https://iisda.government.bg/ras/executive_power/council/2673)

competent departments in making decisions on issues in the field of international humanitarian law; 3. prepares opinions and reports on compliance of national legislation with international acts in the field of international humanitarian law; 4. determines and recommends actions to promote compliance with international humanitarian law in accordance with international commitments, national legislation and the "Guidelines for Confirming Compliance with International Humanitarian Law" adopted by the European Union; 5. discusses and analyzes issues related to the observance of international humanitarian law in armed conflict, such as protection of cultural values, protection of the environment, protection of humanitarian and health personnel, provision of medical care in emergency situations, including natural disasters, regulated use of the methods and means of conducting conflict; 6. carries out activities to spread and popularize international humanitarian law and increase the awareness of society and institutions about its role and importance; 7. participates in various forms of international cooperation and exchange of good practices, including global and regional meetings with similar bodies of other countries.

### **6.2. NATIONAL COUNCIL FOR THE PREVENTION AND PROTECTION OF DOMESTIC VIOLENCE**

With PMS No. 276 of 13.12.2023, the Council of Ministers adopts Regulations for the structure, organization and activities of the National Council for the Protection and

Prevention of Domestic Violence . The Council is a specialized permanent collective and advisory body for the implementation of the state policy on prevention and protection from domestic violence through coordination, monitoring and evaluation of policies and measures for prevention and protection from domestic violence. The chairman and deputy chairman of the Council are appointed by law - the chairman is the deputy prime minister, appointed by the ministerial council, and the deputy chairman is the minister of justice. The composition of the National Council includes the Minister of Internal Affairs, the Minister of Labor and Social Policy, the Minister of Health, the Minister of Education and Science, the Minister of Youth and Sports, a representative of the Supreme Court of Cassation, the chairman of the State Agency for Child Protection, the executive director of the Social Assistance Agency, the executive director of the National Association of Municipalities in the Republic of Bulgaria.

The composition of the National Council includes representatives of non-profit legal entities that carry out activities on prevention and protection from domestic violence. At the invitation of the chairman, the ombudsman of the Republic of Bulgaria, representatives of the people, representatives of the judicial authorities, representatives of the academic circles, representatives of legal entities and international organizations with representations in the country, which carry

out prevention and protection from domestic violence, heads of other state bodies, representatives of local self-government bodies and local administration, of professional and civil organizations, other officials and experts.

The functions of the National Council are to determine the priorities in the policies in the field of prevention and protection from domestic violence. The Council has coordinating functions regarding the monitoring and evaluation of the implementation of policies and measures in the field of prevention and protection from domestic violence by developing a special coordination mechanism. Participates in the creation and discussion of projects for normative documents in the field of protection and prevention from domestic violence. Generally has a key role in the development of strategies, programs and plans in his area of competence.

The Chairman of the National Council submits an annual report on his activities to the Council of Ministers.

The administrative capacity of the unit is currently being built, which will ensure the activities of the National Council and it will be possible to build and maintain the National Information System provided for by the Law, as well as facilitate the interaction of the Council with other state bodies and non-governmental organizations.

### 6.3. NATIONAL COUNCIL ON ETHNIC AND INTEGRATION AFFAIRS

The Council was established by PMS No. 351 of 20.12.2006, which also adopted the Regulations for the structure and activities of the Council. It is a coordinating and advisory body that assists the Council of Ministers in the development and implementation of state policy on ethnic and integration issues by discussing drafts of normative and other acts relating to inter-ethnic relations, integration and the protection of the rights of Bulgarian citizens belonging to ethnic groups minorities, and integration issues. The Council coordinates the actions of state bodies and non-governmental organizations/non-profit legal entities in implementation of the policy for the integration of Bulgarian citizens belonging to ethnic minorities, for the development of inter-ethnic relations and the fight against racism and xenophobia. The Council works closely with the Commission for Protection against Discrimination and proposes measures to implement the national policy in the field of protection against ethnic discrimination.

The National Council consists of a chairman, two vice-chairmen and members. The chairman of the council is the deputy prime minister, and the prime minister appoints the deputy chairmen of the council. According to the rules, members of the Council are:

- designated by the relevant minister, deputy ministers of: labor and social policy; innovation and growth; energy; tourism; regional development; the

defense; internal affairs; the finances; foreign affairs; justice; agriculture and food; education and science; healthcare; culture; environment and waters; transport and communications; youth and sports;

- the heads of: the National Statistical Institute; The State Agency for Child Protection; The executive agency for Bulgarians abroad; The State Agency for Refugees; The Employment Agency and the Social Assistance Agency;

- representative of the Central Coordination Unit in the administration of the Council of Ministers;

- representative of the Bulgarian Academy of Sciences;

- representative of the National Association of Municipalities in the Republic of Bulgaria;

- representatives of organizations of Bulgarian citizens belonging to ethnic minorities, registered under the Law on Non-profit Legal Entities, which have statutory objectives and at least three years of active public service activity of national significance, corresponding to the objectives for which the Council was established;

- representatives of other non-profit legal entities, registered for public benefit under the Law on Non-profit Legal Entities, which have statutory objectives and at least three years of active public service activity of national significance, corresponding to the objectives for which the Council was established.

At the moment, the total number of the National Council is 47 people.

The regulations also establish regional councils, which are under the regional governor, and also regulate the possibility, by decision of the municipal council, if it is considered expedient to establish municipal advisory councils.

#### 6.4. NATIONAL COUNCIL FOR THE DISABLED

The Council was established on the basis of Art. 6 of the Act on the Integration of People with Disabilities in 2010. By law, the chairman of the council is the Minister of Labor and Social Policy, and the composition includes representatives of: the state, determined by the Council of Ministers, the nationally representative organizations of and for people with disabilities, the nationally representative organizations of workers and employees, the nationally representative organizations of employers and the National Association of Municipalities in the Republic of Bulgaria. In 2019, the Council of Ministers with PMS No. 151 of 14.06.2019, promulgated, SG No. 49 of 21.06.2019 adopts the Regulations for the activities and organization of work of the National Council for People with Disabilities, the procedure for recognizing the national representation of organizations of and for people with disabilities and the control of compliance with the criteria for national representation. In this Regulation, contrary to the text of Art. 6 of the Law on Persons with Disabilities, the chairman of the council shall be the deputy prime minister



appointed by the ministerial council, and the deputy chairman of the council shall be the minister of labor and social policy, the minister of health and a representative of the nationally representative organizations of and for the disabled, elected by them for a term of two years.

The functions of the council are to provide support and assistance in the development and implementation of policy on the rights of persons with disabilities in accordance with the requirements of the United Nations Convention on the Rights of Persons with Disabilities, national legislation and with the priorities of relevant strategic documents, including to give opinions on all projects of normative acts, strategies, programs, plans and other acts that affect the rights of people with disabilities. The Council assists in the coordination between state and local bodies, employer and trade union organizations and organizations of and for disabled people to provide the necessary support in the performance of their activities and to create conditions for social inclusion of disabled people. The Council reports annually on its activities to the Council of Ministers. At the moment, the number of the Council is 53 people.

### 6.5. NATIONAL COUNCIL ON SOCIAL INCLUSION

It was created with PMS No. 112 of 13.05.2009 . It is a body for coordination, cooperation and consultation in the development, implementation, monitoring and evaluation of the state policy in the field of social inclusion. The regulations for the

organization and activities of the council were adopted with the same PMS.

The chairman of the council is the minister of labor and social policy, who directs its activities and represents it. The members of the council include: one deputy minister each of: labor and social policy, economy and industry, energy, tourism, regional development and improvement, internal affairs, finance, foreign affairs, justice, education and science, healthcare, culture, transport and communications, youth and sports, agriculture and innovation and growth; the heads of the National Statistical Institute, the National Social Security Institute, the State Agency for Child Protection, the Employment Agency, the Social Assistance Agency, the Agency for People with Disabilities, the Executive Agency "Main Labor Inspectorate"; three representatives of the National Association of Municipalities in the Republic of Bulgaria; one representative of the nationally represented organizations of the social partners; one representative of the organizations that are members of European networks working on issues of social inclusion; managers of non-profit legal entities with proven experience in the field of social inclusion policy at the national level; one representative of the Bulgarian Academy of Sciences.

Representatives of: 1. the ombudsman of the Republic of Bulgaria may participate in the meetings of the council at the invitation of the chairman; 2. The Commission for Protection from Discrimination; 3. consultative bodies at the

national level, which consider individual aspects of social inclusion policy.

The council's functions are: to discuss proposals for strategic priorities in the field of social inclusion and make proposals for the development of draft strategies, programs, action plans and other strategic documents in the field of social inclusion and assist in the coordination of their development and implementation. The total number of the council is currently 45 people.

### **6.6. NATIONAL COUNCIL FOR THE EQUALITY OF MEN AND WOMEN**

It was established as a consultative body to the Council of Ministers by PMS No. 313 of 17.11.2004, promulgated, SG No. 104 of 26.11.2004). Later in 2016, the Law on the Equality of Women and Men designated the National Council for the Equality of Women and Men under the Council of Ministers as a body for consultation, cooperation and coordination between the central and territorial bodies of the executive power, as well as civil society structures community.

The members of the Council are representatives of all ministries, state and executive agencies and other bodies established by law (SADS, DAB, NOI, NSI, KZD, SEM, Ombudsman of the Republic of Bulgaria, NCBTH and BAS); the representative organizations of employers and workers at the national level; The National Association of Municipalities in the Republic of Bulgaria; and legal entities with a non-profit purpose, whose subject of

activity is in accordance with the priorities of the state policy on equality between women and men, determined under the conditions, criteria and according to the order, regulated in the Rules for the structure, organization and activity of the National Council .

The legal guarantees for equality and equal treatment of women and men are contained in the current Bulgarian legislation - Constitution of the Republic of Bulgaria, Labor Code, Social Insurance Code, Law on Protection from Discrimination, Law on Equality of Women and Men, Law on Social Assistance , Employment Promotion Act, Domestic Violence Protection Act, Civil Servant Act and a number of other special and sectoral laws. The policy on equality between women and men is horizontal and unites the actions of the executive power at all levels. It is carried out through the combined application of an integrated (mainstreaming) approach and temporary encouraging (targeted) measures, which requires an effective national institutional mechanism. Part of the institutional mechanism are the coordinators for equality between women and men. At the moment, the central bodies of the executive power and all 28 regional administrations have employees designated as coordinators for the equality of women and men.

### **6.7. NATIONAL TRIPARTITE COUNCIL**

It was created by law - the Labor Code. In 2001, the council issued a regulation on the organization and activity

of the tripartite cooperation councils, which also regulates the activity of the sectoral, branch and municipal councils for tripartite cooperation. The Council discusses and gives opinions on projects of normative acts regulating the issues of: labor and directly related relations; health and safety working conditions; employment, unemployment and professional qualifications; social and health insurance; income and standard of living; issues related to budgetary policy; the social consequences of restructuring and privatization. carries out consultations and cooperation at the national level on issues of labor and directly related relations, insurance relations, as well as on issues of the standard of living; coordinates the work at the national level on programs related to social dialogue issues, with national and international funding, in which all countries represented in the National Council for Trilateral Cooperation participate.

The chairman of the trilateral cooperation council is the deputy prime minister, and the members are the minister of finance, representatives of nationally recognized employers' organizations and trade unions. Standing committees work for the council on the issues of: 1. income and standard of living; 2. insurance relations; 3. labor legislation; 4. the social consequences of restructuring and privatization; 5. the budget policy. The Council meets according to a pre-approved quarterly schedule. Currently, the number of the council is 18 people.

### 6.8. PARTNERSHIP FOR HEALTH COUNCIL

It was established by PMS 151 of June 15, 2015 as an advisory body of the Council of Ministers for coordination and cooperation in the development and implementation of policies in the field of public health and improving access to timely, adequate and effective medical assistance and health services for citizens, as well as to improve the quality of life with a view to increasing the years of life in good health. The decree defines the goals of the partnership to achieve a broad public consensus and cooperation in the implementation, monitoring and evaluation of health policies, as well as in the implementation of reforms in the field of health care, social services and improving the quality of life with a view to increasing the number of years of life in good health. Another important goal is to improve the coordination and interaction between all state bodies, local self-government bodies and non-governmental organizations in the field of health in the development and implementation of strategies and programs of national and international importance, having a direct or indirect relation to health. Strengthening intersectoral relations and interaction between all participants in the processes of implementation of health measures in all policies;. Is a priority of the council's work.

The Chairman of the Partnership is the Minister of Health, and the members are 1. one Deputy Minister each of Health, Finance, Labor and Social Policy, Education and Science, and Youth and Sports, as well

as the Executive Directors of the Executive Agency "Medical Supervision " and the Executive Agency for Medicines, the chairman of the National Council on Prices and Reimbursement of Medicinal Products, the manager of the National Health Insurance Fund, one representative each of the Bulgarian Medical Union, the Bulgarian Dental Union, the Bulgarian Association of Healthcare Professionals and the Bulgarian pharmaceutical union, the chairman of the Bulgarian Red Cross, one representative each of the representative organizations for the protection of patients' rights within the meaning of art. 86b of the Law on Health, one representative of the European Partnership for Improving Patient Access to Health Care, four representatives of non-profit associations in the field of medicinal products and medical devices and five representatives of other non-governmental organizations in the field of health care.

**General assessment of the resources, tools and capacity of the advisory councils to the Council of Ministers.**

According to the first type of assessment - provision of material and human resources, as well as tools for impact, we can summarize that the advisory councils are provided with such resources as the act of creation and the rules for their activity define administrative structures and funds from the budget of the relevant administrative structure. It is not publicly known what the allowance of the respective council is. The head of the council and its members do not receive

remuneration for their participation in the work of the council.

Accessibility to the work of the council is provided through a contact person designated by the administrative structure, whose telephone number and address for communication are indicated on the government portal. The composition of the councils includes representatives of NGOs and civil organizations, through which the relationship with the interested parties and civil society is carried out.

The visibility of the councils is ensured through the government portal. As we have already noted, at the time of this study, this portal is under reconstruction. When discussing issues of public interest, the work of councils is covered by the media.

## **INDEPENDENT BODIES AND ADMINISTRATIVE STRUCTURES WITH A WIDE FUNDAMENTAL RIGHTS REMIT REPORTING TO THE NATIONAL ASSEMBLY**

### **1. OMBUDSMAN**

The ombudsman is an independent body that is elected by the National Assembly for a term of five years. It is independent in its activities and obeys only the Constitution, laws and international

treaties ratified and entered into force for the Republic of Bulgaria.

The ombudsman intervenes when the rights and freedoms of citizens are affected or violated by action or inaction by the state and municipal bodies and their administrations, as well as by the persons entrusted with providing public services.

The Ombudsman does not consider complaints and reports that refer to the work of the National Assembly, the President, the Constitutional Court, the Supreme Judicial Council and the Audit Chamber; the administration of justice by the judiciary - court, prosecutor's office and investigation, when there is an effective court decision, an act of the prosecutor's office or the investigation; or on the merits of pending legal or pre-litigation proceedings; private relationships between citizens – for example, neighborly or family conflicts and disputes; disputes between citizens and private companies, cooperatives, banks, etc.

The ombudsman has the authority to receive and consider complaints and reports of violations of citizens' rights and freedoms by state and municipal bodies and their administrations, by persons entrusted with providing public services, by private legal entities (since 2018) . to make proposals and recommendations for the promotion and protection of the endangered rights and freedoms of citizens by private legal entities. Complaints and reports that refer to violations committed more than two years ago or are anonymous are also not allowed to be considered.

The Ombudsman may refer the Constitutional Court with a request to establish the unconstitutionality of a law that violates the rights and freedoms of citizens; submits a request for the adoption of an interpretative decision or an interpretative decree to the Supreme Court of Cassation and/or the Supreme Administrative Court.

Regarding the rule-making process, the ombudsman makes proposals and recommendations to eliminate the causes and conditions that create prerequisites for violations of rights and freedoms, including proposals for changes in the regulatory framework; provides opinions to the Council of Ministers and the National Assembly on draft laws that relate to the protection of human rights.

The Public Defender monitors and promotes the effective implementation of signed and ratified international acts in the field of human rights, including making proposals and recommendations to the National Assembly and the Council of Ministers for the signing and/or ratification of international acts in the field of human rights.

The Ombudsman monitors the implementation in Bulgaria of the following international legal acts: /1/ European Convention for the Protection of Human Rights and Fundamental Freedoms, /2/ EU Charter of Fundamental Rights, /3/ UN Convention on the Rights of Persons with Disabilities; /4/ UN Convention on the Rights of the Child, /5/ UN Convention against Torture and Other Forms of Cruel,

Inhuman or Degrading Treatment or Punishment, /6/ UN Convention on the Elimination of All Forms of Discrimination against Women.

The tendency to criminalize the number of complaints is a result of the high trust in the ombudsman, the assistance received by citizens and organizations and last but not least the consistent policy of actively opening the institution to the public through meetings with non-governmental organizations and professional associations, meetings with citizens united to solve a certain problem, holding round tables on specific topics, more frequent visits to specialized institutions, increasing the time for personal reception in the reception hall and organizing various types of reception days in a number of settlements.

The Ombudsman performs the functions of a National Preventive Mechanism within the meaning of and in accordance with the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002. The powers of the Ombudsman as a National Preventive mechanism refer to places where persons deprived of their liberty are, or where they are detained or accommodated and which places they cannot leave of their own volition. The purpose of the mechanism is to ensure the protection of such persons from torture and other forms of cruel, inhuman or degrading treatment or punishment. The ombudsman

has the right: /1/ to access without notice at any time to all places of detention and to their facilities and facilities and all information relating to persons deprived of liberty, the number of such places and their location; /2/ to choose the places he wishes to visit and the persons he wishes to talk with; /4/ to conduct personal conversations without witnesses with the persons deprived of their liberty, personally or through an interpreter and with any other person who is on the territory of the inspected facility; /5/ to organize medical examinations of persons with their consent; /6/ Employees and officials the persons in the places under para. 1 are obliged to provide assistance and provide the necessary information to the ombudsman.

No authority or officer may order, apply, permit or allow any sanction in respect of any person or organization for having communicated to the Ombudsman as a National Preventive Mechanism information, whether true or not, and no such no person or organization can suffer harm because of it.

Confidential information collected by the ombudsman as a National Preventive Mechanism cannot be disclosed. Personal data may only be published after the person to whom it relates has expressed express consent.

A national preventive mechanism cooperates with the relevant organs and mechanisms of the United Nations, citizens' associations, as well as with international, regional and national organizations, whose subject of activity includes ensuring the

protection of persons from torture and other forms of cruel, inhuman or degrading treatment referral or punished

After each visit, the ombudsman draws up a report, which may contain recommendations and proposals to improve conditions in places of detention, the treatment of persons held there, and to prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. The report is submitted to the relevant competent authority, which is obliged to notify the ombudsman of the actions taken to implement the recommendations within one month. The Ombudsman also publishes annual reports related to his activities.

In 2019, the institution of the ombudsman of the Republic of Bulgaria was accredited with the highest UN STATUS "A" in accordance with the Paris Principles as a National Institution for the Protection of Human Rights.

## 2. ANTI-DISCRIMINATION COMMISSION

The commission is an independent specialized state body for the prevention of discrimination, protection from discrimination and ensuring equality of opportunities.

The Commission /1/ establishes violations of equality in treatment, decrees measures to prevent and stop the violation and restore the original situation; /2/ imposes sanctions and applies measures of administrative coercion; /3/ issues mandatory prescriptions;/4/ appeals

administrative acts, files claims before the court and intervenes as an interested party in cases; /5/ makes proposals and recommendations to the state and municipal bodies for the cessation of discriminatory practices and for the cancellation of their acts issued in violation of this or other laws regulating equality in treatment; /6/ maintains a public register of decisions and mandatory prescriptions issued by it and entered into force; /7/ gives opinions on projects of normative acts, as well as recommendations for adoption, cancellation, amendment and addition of normative acts; /8/ provides independent assistance to victims of discrimination when filing discrimination complaints; /9/ conducts independent studies on discrimination; /10/ publishes independent reports and makes recommendations on all issues related to discrimination; /11/ monitors and takes measures to ensure compliance of Bulgarian anti-discrimination legislation with EU law and international legal acts; /12/ implements and coordinates international cooperation in the field of anti-discrimination policy of the Republic of Bulgaria with international bodies and organizations, as well as with similar foreign institutions;

The commission is a permanent collegial body of nine members, including: chairman and vice-chairman. Administrative capacity - 89 people (114 full-time employees)

The commission provides the National Assembly and the President of the

Republic of Bulgaria annually by March 31 with a report on its activities, which also includes information on the activities of each of the permanent and specialized bodies.

### **DISABILITY ACT MONITORING BOARD**

The Monitoring Council is a monitoring body that supervises the implementation of policies to protect the rights of persons with disabilities and the fullest implementation of the UN Convention on Persons with Disabilities. The Monitoring Board is administered by the Ombudsman and the Anti-Discrimination Commission on a rotating basis. The Council consists of 9 members - two representatives appointed by the Ombudsman of the Republic of Bulgaria, two representatives appointed by the Chairman of the Commission for Protection from Discrimination, four representatives of the organizations of and for people with disabilities appointed by them, and one representative of the academic community, determined by the Bulgarian Academy of Sciences. The mandate of the Council is 4 years.

The Monitoring Council prepares /1/ opinions, recommendations and proposals to the responsible institutions for the prevention and cessation of violations of the rights of people with disabilities; /2/ annual reports on the actions taken to implement the Convention on the Rights of Persons with Disabilities. The Council carries out periodic review and assessment of national legislation, practices and draft regulations for compliance with the

provisions of the Convention on the Rights of Persons with Disabilities, as well as promotion, protection and monitoring activities for the implementation of the United Nations Convention on Persons with Disabilities.

### **3. COMMISSION FOR THE PROTECTION OF PERSONAL DATA**

The Commission is a 5-member collective body that guarantees the protection of the rights of individuals when processing their personal data by directly applying Art. 57 of Regulation (EU) 2016/679. According to the Personal Data Protection Act 2019, the legislative framework is fully harmonized with European legislation.

The commission is as follows: /1/ analyzes and carries out comprehensive supervision and ensures compliance with Regulation (EU) 2016/679, this law and normative acts in the field of personal data protection; /2/ issues bylaws in the field of personal data protection; /3/ ensures the implementation of the decisions of the European Commission in the field of personal data protection and the implementation of the mandatory decisions of the European Committee on Data Protection under Art. 65 of Regulation (EU) 2016/679; /4/ participates in international cooperation with other personal data protection authorities and international organizations on issues in the field of personal data protection; /5/ participates in the negotiations and the conclusion of



bilateral or multilateral agreements on issues within its competence; /6/ organizes, coordinates and conducts training in the field of personal data protection; /7/ issues general and normative administrative acts related to its powers, in the cases provided for by law./8/ refers to the court for violation of Regulation (EU) 2016/679; /9/ gives instructions, issues guidelines, recommendations and best practices in relation to the protection of personal data.

The Commission issues a bulletin in which it publishes information about its activities and the decisions made. The annual report on its activities is also published in the bulletin.

The Commission performs the functions of a central body for external whistleblowing in the sense of the Act on the Protection of Persons Submitting Whistleblowers or Publicly Disclosing Information on Violations.

The Commission participates in the coordination mechanism under Art. 63 of Regulation (EU) 2016/679 and cooperates with the leading or affected supervisory authorities of the Member States of the European Union, including by exchanging information, providing or requesting mutual assistance or participating in joint operations under Regulation (EU) 2016/679.

The Commission's administration is organized in 5 directorates and has a total number of 117 full-time employees

(including 5 elected positions - chairman and members).

### 4. CONSUMER PROTECTION COMMISSION

The Commission for Consumer Protection (CCP) is a specialized state body implementing consumer protection legislation in Bulgaria and exercising administrative control over the entire domestic market. KZP has competences under 11 laws - Consumer Protection Law and 10 sectoral economic laws.

The main activities of the Commission for Consumer Protection are the supervision of the market for dangerous goods, control over unfair trade practices, removal of unfair clauses in the general terms and conditions of consumer contracts and distance sales.

CCP accepts signals, proposals and complaints, carries out inspections, prepares recommendations, assists in resolving disputes between consumers and traders in connection with warranty liability, the right to claim for goods and services, etc. and imposes sanctions in case of established violations.

CCP is the coordinator and contact point for three systems for the exchange of information on the safety of goods in the EU.

Three-member conciliation commissions operate at the regional directorates of the Consumer Protection Commission for the voluntary settlement of disputes between consumers and traders by

concluding an agreement. Each conciliation commission includes one representative of the Consumer Protection Commission, of a non-governmental organization, of traders and manufacturers, and a representative of a consumer association.

The European Consumer Center (ECC) in Bulgaria protects the interests of consumers in cases of cross-border purchases and is available for advice, information and assistance in handling complaints and grievances.

The administrative capacity of the Consumer Protection Commission is 161 people.

### 5. COMMISSION FOR THE PROTECTION OF COMPETITION

The Commission is an independent specialized five-member collegial state body that is authorized to establish violations of free competition according to the provisions of Bulgarian and European law - prohibited agreements, decisions and concerted practices, abuse of a monopoly or dominant position, unfair competition and prohibited commercial practices.

The CPC is the national competition authority that cooperates with the European Commission and the national competition authorities of the member states of the European Union in accordance with Regulation (EC) No. 1/2003 and Regulation (EC) No. 139/2004. The Commission also exercises control over concentrations between enterprises, and can authorize, including under conditions, or prohibit the implementation of a given

transaction. The commission prepares sectoral analyses, advocates for competition and makes proposals to central and local authorities to repeal or amend regulations that lead to a violation of competition rules.

The Commission examines and decides on complaints of illegality in public procurement or concession awarding procedures.

The administrative capacity of the commission is 117 people (134 full-time employees).

### 6. ELECTRONIC MEDIA COUNCIL

The Council for Electronic Media (CEM) is an independent specialized body that regulates radio and television activity in the Republic of Bulgaria by registering or issuing licenses for the implementation of such activity and exercising supervision over the activities of radio and television operators broadcasting programs on the territory of the country. The Council was established at the end of 2001 and some of its mandates relate directly to human rights. The Electronic Media Council controls and supervises the activities of media service providers. The Council /1/ makes decisions on issuing, amending, revoking, transferring and terminating an individual license for radio and television activity of radio and television operators for national/regional programs, as well as for creating programs intended for distribution through available and/ or new electronic communications networks for terrestrial analogue broadcasting; /2/ may issue mandatory instructions to media service

providers; gives an opinion when drafting normative acts and when concluding interstate agreements in the field of media services; /3/ notifies the competent authorities for violations of the normative acts in the implementation of media services; /4/ adopts decisions regarding broadcasts that were created and made available for distribution in violation of the requirements for the non-distribution of broadcasts that are unfavorable or create a risk of damage to the physical, mental, moral and/or social development of children, setting a deadline for the removal of found violations no longer than three days; /5/ together with other bodies, represents the Republic of Bulgaria in interstate and intergovernmental organizations on issues related to electronic media, and carries out coordinating functions between state departments and non-governmental organizations with a view to formulating a common policy regarding electronic media; /6/ Provides the Central Electoral Commission with specialized monitoring of the activity of media service providers when producing an election campaign; /7/ initiates and promotes the initiation of measures and activities aimed at developing media literacy in society; /8/ collects data from the media service providers regarding their actions in relation to the continuous and gradual increase in the accessibility of the services provided for people with disabilities and submits a report to the European Commission every 3 years; /9/ The Council provides the European Commission and the independent

regulatory bodies of the member states of the European Union, in the field of media services, with information necessary for the implementation of Directive 2010/13/EU, amended by Directive (EU) 2018/1808.

The Council for Electronic Media together with media service providers, including BNT and BNR, draw up a Code of Conduct containing measures to assess, flag and restrict access to broadcasts that are unfavorable or create a risk of harm to the physical, mental, moral and/or or the social development of children

The Electronic Media Council consists of five members, three of whom are elected by the National Assembly and two are appointed by the President of the Republic. Administrative capacity 66 people (78 full-time employees)

Currently, CEM operates under the conditions of full harmonization of the Law on Radio and Television with the European legal framework, including the positions of the Directive on Audio-Visual Media Services. CEM has also built the integrated monitoring system, incl. 6 regional centers in Plovdiv, Blagoevgrad, Varna, Vidin, Burgas, Veliko Tarnovo.

### 7. NATIONAL AUDIT OFFICE

The main task of the Audit Chamber is to control the reliability and credibility of the financial statements of budget organizations, the lawful, effective, efficient and economical management of public funds and activities, as well as to provide the National Assembly with reliable information about this. The Audit Chamber

is an independent body with an independent budget, composed of 5 members and elected by the National Assembly. Through its activities, the Audit Chamber partially guarantees the people's right to good governance.

## 8. CENTRAL ELECTORAL COMMISSION

Citizens' political rights are also guaranteed by the Central Election Commission, which is an independent body responsible alongside the government and local authorities for the organization, conduct and reporting of election results. The composition of the body, its functions and powers are regulated by the Election Code. The commission has 15 members who are proposed by the parliamentary parties and coalitions, and non-governmental organizations can make proposals for members of the CEC to the parliamentary parties, they are appointed by presidential decree after consultations. The commission has an independent budget. The commission also rules on disputes about violations of the electoral process. Decisions of the CEC can be appealed to an administrative court.

## OTHER HUMAN RIGHTS STRUCTURES

### 1. INSTITUTIONS PROTECTING HUMAN RIGHTS AT THE LOCAL LEVEL

The Law on Local Self-Government and Local Administration regulates the possibility for municipal councils to elect a public mediator who plays the role of ombudsman within the municipality. The institution of a local ombudsman was introduced in 2003<sup>3</sup>. With regard to the practical implementation of the protection of the rights of citizens, users of administrative services, the role of local public mediators should be great, as long as the relevant municipal council has chosen one. At the time of conducting this study, only 6 out of a total of 265 Bulgarian municipalities have a public mediator - Stolichna Municipality, Plovdiv Municipality, Burgas Municipality, Stara Zagora Municipality, Ruse Municipality and Pazardzhik Municipality. Until the end of 2023, a public mediator was operating in Kazanlak municipality, whose mandate has expired.

There are several reasons for the lack of local public mediators in the vast majority of municipalities. First of all, we

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<sup>3</sup> Art. 21a. (New - SG No. 69 of 2003, in force from 27.10.2003) (1) The municipal council may elect a public mediator.

(2) The public mediator assists in observing the rights and legitimate interests of citizens before the bodies of local self-government and local administration.

(3) The organization and activities of the public mediator are governed by regulations adopted by the municipal council.

(4) The public mediator is elected and dismissed by a majority of 2/3 of the total number of municipal councilors.

can point to the lack of sufficient funds to ensure payment for their work. It can be seen that large municipalities can afford these costs, while small municipalities are likely to struggle. The number of small municipalities in Bulgaria is significant - with a population of up to 20,000 people, they are more than half of the total number of municipalities. In 2016, a group of deputies from the Reform Bloc, BSP Left Bulgaria, DPS and the Patriotic Front proposed that larger municipalities with a population of over 20,000 people must appoint a public mediator. Such a legal change was not reached. Second is the impossibility of finding suitable candidates. Thirdly, but not least, we must note procedural obstacles created by the requirement that the public mediator be elected by a two-thirds majority of the total number of councilors and a secret ballot. It is very difficult to achieve such a majority and it is puzzling why the legislator provides for the national ombudsman to be elected by a majority of more than half of the number of deputies, while at the local level a two-thirds majority is required. In 2018, the national ombudsman and the association of local public mediators initiated a public discussion and a bill was introduced to reduce this majority, but this bill was not supported by the National Association of Municipalities in the Republic of Bulgaria<sup>4</sup>. The arguments of

NSORB against dropping the two-thirds majority are that such a majority guarantees the political and party independence of the public mediator.

The sphere of local self-government is described in Art. 17 of the Law on Local Self-Government and Local Administration. Local self-government refers to all matters of local importance in the field of: municipal property, municipal enterprises, municipal finances, taxes and fees, municipal administration; the structure and development of the territory of the municipality and its settlements; education; healthcare; culture; improvement and communal activities; social services; environmental protection and rational use of natural resources; the maintenance and protection of cultural, historical and architectural monuments; the development of sports, recreation and tourism; disaster protection. Through the municipal administration, the activities of local government bodies are ensured, including in the spheres directly related to guaranteeing basic human rights. Mechanisms for cooperation with other institutions competent in the relevant field and with non-governmental organizations are also foreseen.

For example, the municipal policy in the field of social services is determined by the municipal council in accordance with the needs of the municipality, and the

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<https://www.parliament.bg/pub/cW/20160915102821Stanovishte%20NSO.pdf>

mayor of the municipality implements this policy. Within the structure of municipal administrations, units for social protection and social services are created. The Law on Social Services provides for cooperation at the municipal level with the local self-government bodies of the other municipalities in the district; the regional administration; territorial structures of the Ministry of Labor and Social Policy, the Ministry of Health, the Ministry of Education and Science, the Ministry of Internal Affairs and other state bodies; private providers of social services on the territory of the municipality and the district; legal entities with a non-profit purpose for public service activity; persons using social services; higher schools training social workers on the territory of the municipality and the district. A Council on social services issues is also being established, the composition of which includes representatives of the above-mentioned institutions, as well as NGOs. The functions of these councils are defined by the law and the decision of the municipal authorities on their creation, and in general these are activities to support the analysis of the needs of social services at the municipal level and the analysis of the state and effectiveness of the social services that are provided on the territory of the municipality; development of proposals for improving the quality and efficiency of

social services that are provided on the territory of the municipality and other functions determined by the municipal council. The composition of the council is determined by the municipal council on the proposal of the mayor of the municipality.

### **General assessment of institutions at the local level**

According to the zoning regulations of the municipal administrations, it is possible to determine the compliance of functions provided for by the ZMSMA and the laws and provision of human resources for their implementation. The size of the municipal administration is determined by a decision of the municipal council on the proposal of the mayor of the municipality. The structure, the number of municipal administrations, as well as the zoning regulations are available on the websites of the respective municipalities. All municipal administrations with brief information on their structure and numbers are also available through the government portal<sup>5</sup>.

The capacity of public mediators at the local level is low.

## **2. PROTECTION OF RIGHTS IN UNIVERSITY EDUCATION**

In 2004, at the Sofia University "St. Kliment Ohridski" takes office as the first academic ombudsman in Bulgaria. This is possible thanks to the invaluable help of the "Social Dialogue" foundation, which in

cooperation with the Democratic Commission at the US Embassy in Sofia implemented the project "Transparency and openness through an academic ombudsman". Subsequently, this practice spread to other academic structures.

The Academic Ombudsman is an institution that, as an impartial arbiter, is called upon to resolve conflicts and provide confidential and informal support to students and faculty. As a mediator, the ombudsman advocates for the fair resolution of disputes and upholds the rights of members of the academic community. As a counselor, he informs and seeks to answer individual inquiries when the interested or affected person does not know how to act in a certain situation. In this sense, the academic ombudsman can also be seen as a catalyst for change, because by resolving internal conflicts, he helps the administration work better<sup>6</sup>.

Academic ombudsmen are available via e-mail, the internal departmental filing system, as well as through university websites, and some have their own websites.

There is no definitive data on whether academic ombudsmen are remunerated for their work. The Ombudsman of Sofia University works voluntarily, although he reports annually to the general assembly of the University and

maintains regular relations with the Rector and the Academic Council.

### 3. HUMAN RIGHTS NGOs

Among the most popular organizations in the field of human rights protection are Amnesty International Bulgaria, a branch of the international organization, Foundation Program Access to Information, Bulgarian Huntington Association, Association "Demetra", Union of the Disabled in Bulgaria, Union of the Blind in Bulgaria, National network for children, Association of European Journalists-Bulgaria, Bulgarian Helsinki Committee, Bulgarian Human Rights Lawyers, Bulgarian Institute for Legal Initiatives, Center for the Study of Democracy, numerous organizations for the protection of consumer and patient rights and others.

#### 3.1. The Bulgarian Helsinki Committee (BHC)-

<https://www.bghelsinki.org/>

Independent, non-governmental organization for the protection of human rights: political, civil, cultural, social. It was founded in 1992. Emphasis in the work of the organization is the defense of the rights of the most vulnerable groups: children, women, people in a disadvantaged position, unpopular minorities and those deprived of freedom. The objectives of BHC are to promote respect and defense of

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<sup>6</sup> See the page of the ombudsman of Plovdiv University "Paisiy Hilendarski" <https://ombudsman.uni-plovdiv.bg/bg/home/>

human rights, to lobby for legislative changes to bring Bulgarian legislation in line with international standards, to encourage public debate on human rights issues and to promote the idea of human rights among the general public. The work of the BHC is based on systematic monitoring of the human rights situation in Bulgaria. In its work, the committee pays special attention to the rights of the child, the rights of women, ethnic, sexual and religious minorities, the rights of people with mental, intellectual and emotional difficulties, the situation in places of detention, freedom from discrimination, protection from torture and ill-treatment, the rights of refugees and migrants, freedom of expression and access to information, the problems of the criminal justice system.

### **3.2. Access to Information Program** - <https://www.aip-bg.org/>

A non-governmental organization established in 1996 with the aim of supporting the right to free access to information. He works with a team of 7 people at the national level and coordinators on the territory of each of the 28 administrative districts.

The provision of legal assistance at every stage of the search for access to public information is one of the main directions in the activity of the Access to Information Program. The FOIA team consulted on nearly 6,000 cases and supported nearly 500 cases under the Access to Public Information Act. The organization makes a

significant contribution to obtaining access to public information for citizens, journalists, NGOs and businesses. Thanks to their efforts, the transparency in the work of state institutions is increased.

### **3.3. Bulgarian lawyers for human rights-** <https://www.blhr.org/>

Bulgarian Lawyers for Human Rights is a non-profit organization that seeks to promote the establishment and effective implementation of Bulgaria to international standards of legal protection of human rights. Established in 1993 by five lawyers practicing in different branches of law, the Bulgarian Lawyers for Human Rights is the first organization of its kind in Bulgaria and in Central and Eastern Europe. Currently BLHR Foundation works with over 25 authoritative, practitioners and thus covers issues concerning protection of human rights in virtually all major sectors of the Bulgarian legislation.

The organization to achieve this goal is pursued in two main directions:

/1/ Legal assistance and strategic litigation related to specific, repeated violations of human rights as Bulgarian and international courts and revealing inconsistency of the Bulgarian legislation and case law with international standards.

/2/ Publications and other informational and educational activities targeting the legal community on international instruments and standards and their application in the field of legal protection of human rights.



### **3.4. Bulgarian Institute for Legal Initiatives** - <http://www.bilibg.org/>

Founded in 2006 as a public benefit foundation. The Institute is an independent and impartial organization that develops policy and offers expert solutions, monitoring and analysis with a focus on reforming the judiciary and establishing more transparent, accountable and predictable governance. An important part of their activity is the creation of an active network of non-governmental organizations that combine efforts and resources in the field of justice, affect the general public and are relevant to the development of democratic processes in the country. The organization is the initiator of numerous positions, declarations and opinions related to key topics in public life.

### **3.5. Centre for the Study of Democracy** - <https://csd.bg/bg/>

Founded in late 1989, it promotes the reform process in Europe by influencing politics and civil society. Ensuring the link between science and civil society, the Centre's experts work on a wide range of topics, including issues of migrants, refugees and asylum seekers, protection of human rights, social inclusion of vulnerable groups and others.

### **3.6. National Children's Network** - <https://nmd.bg/>

Established in 2003 as a loose alliance of non-governmental organizations. In 2006, it acquired the status of a non-

governmental organization for public benefit. It is an association of civic organizations and like-minded people working with and for children and families across the country. The promotion, protection and respect of children's rights are part of the key principles that unite the participants of the network. The organization is guided by the UN Convention on the Rights of the Child as the guiding document that defines the philosophy, values and way of working of the Children's Network.

In Bulgaria, there are many organizations for the protection of the rights of patients, which are specialized in types of diseases, as well as organizations for the protection of the rights of consumers.

### **3.7. Centre for Inter-Ethnic Dialogue and Tolerance "AMALIPE"** - <https://amalipe.bg/>

The most famous among organizations for the protection of the rights of minority groups. It is also the largest Roma organization that works for better education, community development and the equal integration of Roma into Bulgarian society. The organization is headquartered in Veliko Tarnovo. The "Amalipe" Centre works for the equal integration of the Roma into society, based on the preservation of the Roma identity and mutual recognition and solidarity between Bulgarians and Roma. The aim is to stimulate the modernization and empowerment of the Roma community in

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Bulgaria for its active participation and equal access to resources and development processes, with a priority focus on access to quality education, quality healthcare and social services.

### Status of NGOs with the object of activity protection of human rights

A reference from the Information Portal of Non-Governmental Organizations in Bulgaria<sup>7</sup> shows 360 registered NGOs whose subject of activity includes, but is not limited to the protection of human rights.

They are distributed by districts as follows:

Administrative district	NGO - Nr.
Blagoevgrad	9
Burgas	23
Varna	22
Veliko Tarnovo	4
Seen	4
Vratsa	5
Gabrovo	8
Dobrich	3
Kurdzhali	4
Kyustendil	3
Lovech	2
Montana	3
Pazardzhik	3
Pernik	9
Pleven	9
Plovdiv	24
Razgrad	0

Ruse	11
Silistra	1
Sliven	4
Smolyan	3
Sofia	111
Stara Zagora	8
Targovishte	1
Haskovo	13
Shumen	3
Yambol	3

It is noticed that NGOs with the object of activity protection of human rights are not evenly distributed on the territory of the country, and in only one area there is not a single such organization registered. In addition, usually the subject matter of the organizations is focused on a certain area of human rights, for example, children's rights, or women's rights, or disabled people's rights, or social assistance, etc.

Another challenge is to assess the real activity of NGOs. A check from the same portal for updating information for the past one year shows that 54 organizations have done so. However, this is not a sufficient indicator of NGO activity.

Another possible indicator for evaluation is the involvement of NGOs in national and local advisory bodies/councils. The regulations for the work of the respective councils determine the procedure for filling the composition of

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<https://www.ngobg.info/bg/organizations.html?OrgName=&Region=0&ScopeOfActivity=4>

the council by representatives of NGOs, who apply themselves and, if they meet the requirements, are included in the composition. The review of the NGOs included in the national advisory bodies shows that there are representatives of both organizations working at the national level and those of the country.

### CONCLUSION

One of the major indicators for the effectiveness of any human rights protection system is the adequate and timely response to the obligations under the respective international regimes to which the country is a party.

Bulgaria is among the Council of Europe member states with the highest number of ECtHR decisions in implementation stage, while a **significant number of judgments remain under the Council of Europe's Committee of Ministers' enhanced supervision for more than a decade**. There is also a steady tendency that ECtHR convictions unfortunately concern a large number of ECHR texts, which requires a large number of complex measures to be taken both at legislative and administrative level.<sup>8</sup>

The overall national landscape of fundamental rights structures presents a system of dispersed competencies for protection of human rights, which does not

provide for effective results and proliferation of good practices in promoting human rights.

Advancement in some of the human rights protection policy fields is even and usually depends on favorable political context instead on an overall strategy. While some allocation of policy areas between the governmental bodies is constantly introduced, this specialization does not bring in general terms for the adoption of measures oriented towards long-term impact.

A national-level coordination platform will be most suitable for the effective protection of fundamental rights in Bulgaria. This may include a pro-active role of the Human Rights Parliamentary Committee; adoption of a long-term National Human Rights strategy; development of a public awareness campaign on the use of the Charter of Fundamental Rights of the EU.

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<sup>8</sup> Annual Report 2022, Ombudsman of the Republic of Bulgaria, p. 125, [www.ombudsman.bg](http://www.ombudsman.bg)

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## LIST OF ABBREVIATIONS

APC	Administrative Procedure Code
APD	Agency for People with Disabilities
BFSA	Bulgarian Food Safety Agency
BHC	Bulgarian Helsinki Committee
BID	Bulgarian Identity Documents
BPD	Border Police Department
CCt	Constitutional Court
CC	Criminal Code
CCD	Centre for Work with Children with Disabilities
CPC	Consumer Protection Commission
CEC	Central Election Commission
CERP	Conditional Early Release (Parole)
CM	Council of Ministers
CMD	Council of Ministers Decision
CPA	Child Protection Act
CPC	Criminal Procedure Code
CPD	Commission for Protection against Discrimination
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
CPT	Committee for the Prevention of Torture
CRA	Civil Registration Act
CRB	Constitution of the Republic of Bulgaria
CRC	UN Convention on the Rights of the Child
CRCm	Communications Regulation Commission
CRPD	UN Convention on the Rights of Persons with Disabilities
DL	Deprived from liberty
EC	European Commission
ENOC	European Network of Ombudspersons for Children
EIA	Environmental Impact Assessment
EU	European Union
ECtHR	European Court of Human Rights
EWRC	Energy and Warter Regulatory Commission
EXLSG	European Charter of Local Self-Government
HA	Health Act
IPDA	Integration of People with Disabilities Act
IRALOUA	Implementing Regulation on the Agricultural Land Ownership and Use Act
IREPDCA	Implementing Regulation on the Execution of Punishments and Detention in Custody Act
IRIPDA	Implementing Regulation on the Integration of People with Disabilities Act
JA	Judiciary Act
MES	Ministry of Education and Science



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MEW	Ministry of Environment and Water
MH	Ministry of Health
MHC	Mental Health Centre
MI	Ministry of Interior
MIA	Ministry of Interior Act
MJ	Ministry of Justice
MLSP	Ministry of Labour and Social Policy
MRDPW	Ministry of Regional Development and Public Works
MTC	Ministry of Transport and Communications
NA	National Assembly
NAMRB	National Association of Municipalities in the Republic of Bulgaria
NCIPD	National Council for Integration of Persons with Disabilities
NEMC	National Expert Medical Commission
NHIF	National Health Insurance Fund
NPAPD	National programme “Assistants for Persons with Disabilities”
NPM	National Preventive Mechanism
NSSI	National Social Security Institute
OA	Ombudsman Act
OPCT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organisation for Security and Co-operation in Europe
PCA	Protection of Consumers Act
CPD	Child Protection Department
RDNCS	Regional Directorate for National Construction Supervision
RIE	Regional Inspectorate on Education
RIEW	Regional Inspectorate for Environment and Water
SAA	Social Assistance Agency
SAA	Social Assistance Act
SAC	Supreme Administrative Court
SACP	State Agency for Child Protection
SAD	Social Assistance Directorate
SAR	State Agency for Refugees
SCC	Supreme Court of Cassation
SG	State Gazette



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