



ОМБУДСМАН
НА РЕПУБЛИКА БЪЛГАРИЯ

2023

OMBUDSMAN OF THE
REPUBLIC OF BULGARIA
Annual Report of Activities
SUMMARY

Sofia

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INTRODUCTORY WORDS

Nothing is impossible when the focus is on doing good!



This Introduction to the Ombudsman's Report will be slightly different from previous ones.

I am just days away from the moment when I will leave the office of the national public defender to take up the position of judge at the European Court of Human Rights.

I will not hide the fact that I am leaving the institution I had the honour of leading with some sadness, but also with great satisfaction, because my time as Deputy Ombudsman (2016-2019) and then as Ombudsman (2019-2024) has been among the most meaningful days in my professional life. And in a purely life-like way, because when your days are occupied with helping people who need advice, support and love in their battle with the central government and local administration, monopolies, public service providers, banks, private

enforcement agents, debt collectors and fast credit companies, in defending their right to healthcare, education, decent life and civil rights in general, this cannot be just a profession, but a way of life and a view of the world.

At the beginning of my term of office as Bulgaria's Ombudsman, at the peak of the first COVID-19 pandemic wave, 13,000 citizens turned to the institution and some 49,000 received assistance in protection of their rights. Today, 4 years later, there has been a 30% increase in the number of complaints (almost 15,500 in 2023). These numbers are an absolute record in the 18-year history of the institution. Unfortunately, it is a sad record that clearly shows that people are finding it increasingly difficult to meet their sometimes most basic needs for food, medicines, electricity, water and heating bills. And secondly, that the institution of the Ombudsman has long been recognised by citizens as the defender of their rights, not just a mailbox for signals, and has earned credibility and trust, recognised by citizens as a defender of their rights.

I believe that difficult times call for swift, bold, appropriate and timely action. Otherwise there is simply no point. Opinions and recommendations, which are non-binding in nature, are the main tools of influence that the Ombudsman has at hand to pressure the institutions to do their job. But let's face it – letters demanding an investigation, sounding the alarm about a systemic problem, calling for legislative changes, can end up in someone's folder, on someone's clerk's desk, or in the clerk's office, without any movement at all.

This is the thing I refuse to put up with – the apathy and callousness towards people's problems.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

That is why I took an unconventional method of communication with the responsible institutions – every opinion, every recommendation, every letter that came out of the Ombudsman's institution related to an issue affecting a vulnerable social group was sent not only to the respective addressee of the issue, but was also announced in the media.

I have also convinced myself of something else: that instead of waiting for MPs, who are already too busy to make legislative changes on an issue that I have repeatedly brought to their attention, I simply applied my indirect legislative initiative. Or, to put it another way, I put forward a ready amendment bill that one of the MPs recognised and put forward so that the process can get going.

For this reason, if 2021 and 2022 were the years when the Ombudsman's complaints were upheld by the Constitutional Court, a tool I used to protect hundreds of thousands of citizens from administrative arbitrariness and harassment, then 2022 and 2023 were the years when the Parliament passed a number of important laws, prepared and submitted by my team and adopted by the Parliament almost always unanimously.

In 2023, the changes to the Protection against Domestic Violence Act that I have been pushing for since my first day as Ombudsman came about after a long struggle. Parliament supported my proposal and the requirement for domestic violence to be systematic was removed in order to make it a more serious offence. This amendment ended the humiliating requirement for victims to report at least three offences in order for this inhumane treatment to be adequately punished.

In 2023, another important legislative proposal of mine was tabled, and in March this year it was adopted – to give high school graduates a second chance in the event of an unsatisfactory matriculation exam score, which is used as an entrance to higher education. The purpose of the change is to allow matriculants who have not obtained a satisfactory score to have the opportunity, once and within one year of the first matriculation exam, to sit for the next scheduled exam at the same school.

Among the more important amendments drafted by my team and adopted by Parliament are those to the People with Disabilities Act and the Health Act. According to the adopted provisions, people with disabilities continue to enjoy all rights and support resulting from the expert REMC/NEMC decisions in case of delay by medical expert authorities until the new expert decision is issued, without interruption.

In addition, the statistics in the 2023 Annual Report confirms a lasting trend – traditionally, the highest number of complaints are about violated consumer rights. Around 37% of citizens complain about public service providers and private legal entities: electricity distribution and water supply companies, mobile operators, banks, debt collection companies.

Unfortunately, the year 2023 was yet another year in which the National Assembly had no time to take concrete steps to address three major consumer rights issues. The first issue is the adoption of the Personal Insolvency Act in view of the fact that Bulgaria remains the only country in the EU that does not have legislation specifically related to personal insolvency, and is the country that still ranks first in bad loans in Europe.

The second issue concerns the need to regulate the activities of collectors. As a national Ombudsman, I believe that it is high time a law was adopted to definitively stop all the unscrupulous practices that have been applied so far to pressure and coerce people into paying arrears, without taking into account their personal, family and health situations, with methods of 'persuasion' on the edge of the law and with reference to vague clauses that increase debts many times over.

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The third priority issue with regard to consumer rights in Bulgaria is the need to adopt legislative solutions to unfair clauses in the contracts of fast credit companies.

I also sent a recommendation to the President of the National Assembly on the Bill on representative actions for the protection of the collective interests of consumers, submitted by the Council of Ministers on 13 April 2023. However, this Bill, which is of particular importance for the protection of citizens' rights and interests as consumers, has not been put on the agenda for deliberation and voting for eight months. I also draw attention to the fact that for years, complaints against water supply operators have been at the top of the list of all other complaints in the institution. The number of those relating to the poor quality of water supply services is high. A completely new law on water supply is needed to guarantee the right of consumers to receive a quality service at an economically viable price.

In conclusion, every year I make thousands of recommendations to various public authorities and private bodies, state and municipal institutions, and almost all of them are fully or partially implemented (in 2023 alone, 3,245 recommendations were sent, of which 92% were fully or partially implemented). No complaint has left unanswered and this makes us proud as a team for being able to live up to the trust and huge expectations. At the end of my term of office, I am happy to see that the Ombudsman institution is as close to the citizens as they need it. I hope the future Ombudsman would upgrade on this progress. The important thing is not to give up. Yes, sometimes it will be easier, other times it will seem impossible.

One secret from me – there are no impossible things when the focus of your efforts is on doing good! Only good! Every day!

Thank you for your trust!



**PROF. DIANA KOVACHEVA, PH.D.
OMBUDSMAN OF THE REPUBLIC OF BULGARIA**

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

ACTIONS AND RESULTS

The Ombudsman in Defence of Citizens' Rights in 2023

A total of **78,463 citizens** and representatives of various organisations received assistance from the Ombudsman, of which:

- ✓ Complaints submitted to the Ombudsman were **15 425**;
- ✓ **26,344 persons** were received by the Ombudsman or by the Deputy Ombudsman, their requests being followed up and receiving services at the reception-room;
- ✓ The number of citizens who sought the Ombudsman's assistance and whose requests concerning various issues were subsequently consolidated into petitions was **36,694**.

2020	2021	2022	2023	
13,244	13,536	15,189	15,425	1. Complaints and alerts submitted to the Ombudsman
				<i>Of those with the largest share in 2023:</i>
3,390	3,992	4,240	5,551	<i>Complaints and alerts from consumers and users of public services</i>
3,150	2,894	2,975	2,757	<i>Complaints and alerts regarding violated social rights, education and healthcare</i>
1,429	1,482	1,592	1,434	<i>Complaints and alerts regarding property rights</i>
				2. Number of completed inquiries launched in response to complaints and alerts ending with:
2,534	2,855	3,196	3,245	<i>Recommendation</i>
8,668	9,520	9,837	9,856	<i>Opinion</i>
1,491	1,229	804	819	<i>Advice</i>
566	440	414	612	<i>Mediation</i>
535	683	714	147	<i>Complaints outside the Ombudsman's remit</i>

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In 2023, the trend of a steady increase in both the number of complaints received (by more than 15%) and the number of citizens who petitioned the Ombudsman (by more than 35%) or received assistance at the reception-room or as a result of inquiries (by more than 10%) continues, leading to a 32% increase in the total number of supported citizens in defending their rights in 2023 compared to the 2020 baseline.



Complaints Reception-room and inquiries Petitions Total individuals and inquiries

The trend of actively influencing the regulatory environment continued in 2023.

IMPACT ON REGULATORY ENVIRONMENT





KEY EVENTS AND INITIATIVES IN 2023

OMBUDSMAN'S NATIONAL CAMPAIGN ON THE RIGHTS OF CHILDREN AND PEOPLE WITH DISABILITIES

In 2023, the Ombudsman was consistently and actively working to protect the rights of children and people with disabilities.

The MPs acknowledged and adopted **the legislative proposals drafted and submitted by the Ombudsman regarding the Persons with Disabilities Act and the Health Act** (promulgated in State Gazette No. 8 of 25 January 2023). Under the adopted provisions, **persons with disabilities continue to enjoy all the rights and support resulting from RMEC/NMEC decisions in the event of delay by the medical expertise authorities until the new expert decision is issued, without interruption.**

The Ombudsman was actively working in support of the amendments to the **Methodology for the application of reference points for the assessment of permanently reduced working capacity** (type and degree of disability) in percentages in the Ordinance on the Medical Expertise (amended and supplemented in State Gazette No. 10 of 31 January 2023), which will ensure that **people with actual and concomitant diseases and disabilities will not be deprived of social rights.**

On 29 May 2023, the public consultations on the draft Decree of the Council of Ministers on the amendment and supplementation of the **Regulation on the structure and organisation of the work of medical examination bodies and regional medical expertise registries** ended. In the course of the public consultation, the public defender expressed a strong position in favour of the need for these changes, noting the possible problems, inconsistencies and ambiguities in the proposed texts.

Throughout the year, the Ombudsman reminded in opinions that the adoption of the legislation **had been postponed until the end of 2023, but no alternative solutions to the existing problems had been suggested.**

A partially positive solution was reached on the issue of **not updating the monthly benefits for raising a child with a permanent disability until the age of 18 and until completion of secondary education, but not exceeding the age of 20**, provided for in Article 8e of the Family Allowances for Children Act. The 2024 Republic of Bulgaria's State Budget Act **updates the monthly allowances but does not introduce a mechanism for their automatic updating.**

In October 2023, the Ombudsman again took over the chairmanship of the Monitoring Council for the next two years. This is the monitoring body for the implementation of the UN Convention on the Rights of Persons with Disabilities. The Council held its first meeting on **1 December 2023, at the same time as part of the Ombudsman's National Campaign for the Rights of Children and People with Disabilities**, the Ombudsman organised the photo

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exhibition "Mirrors of Love. About love from the first person" – a photo project by Rositsa Bukova, an active defender of the rights of people from vulnerable groups.

The initiative was implemented in partnership with the Bulgarian Mothers' Movement Foundation and the Down Syndrome Bulgaria Association, with the idea to show that people with the Down Syndrome can live life with dignity when they are cared for by their supported family and when the community accepts this as something absolutely normal.



At the same time, as part of the Ombudsman's National Campaign “For the Rights of Children and Persons with Disabilities”, on 30 November, Ombudsman Diana Kovacheva, together with the Minister of Education and Science, Prof. PhD Galin Tsokov, organised the discussion “Inclusive Education: Problems and Solutions”.



CAMPAIGN FOR A LEGISLATIVE CHANGE – GIVING A SECOND CHANCE TO HIGH SCHOOL GRADUATES TO SIT FOR THE STATE MATRICULATION EXAM REQUIRED FOR ENTRANCE TO HIGHER EDUCATION

The Ombudsman initiated a legislative change to give high school graduates a second chance to take the matriculation exam for the purpose of applying to higher education when the score of the regular exam does not satisfy them.

The proposal was submitted by the Chairman of the Education Committee Krasimir Valchev (GERB) and a group of MPs – Denitsa Sacheva (GERB), Prof. Kostadin Angelov (GERB), Elisaveta Belogradova (PP-DB), Neli Dimitrova (PP-DB), Hristo Daskalov (PP-DB), Bunyamin Hasan (PP-DB), Ivaylo Mitkovski (PP-DB) and Vanina Vetsina (PP-DB).

The reason for this change, made by the Ombudsman at the 48th National Assembly, were complaints and alerts from parents and high school graduates, according to whom it was unacceptable not to have a second chance to take the compulsory matriculation exams to raise the score and it was "for life", without the possibility of correction.



The Ombudsman proposed to the MPs in the previous parliament a legislative amendment to Article 132 of the Pre-School and School Education Act, as well as a supplement to the provision of Article 68, paragraph 1, item 2 of the Higher Education Act, which were approved at the responsible committee at first reading, but the time was not sufficient for their final adoption. Therefore, in June 2023 Prof. Kovacheva resubmitted her proposal to the 49th National Assembly to the President Rosen Zhelyazkov and to the members of the Education and Science Committee.

The idea of the change is that, for the purpose of applying to higher education institutions, high school graduates will be entitled once within one academic year of passing the first state matriculation examination, to sit for a higher mark in a scheduled subsequent examination, for which they will be issued a certificate with the new more favourable mark.

For this purpose, Article 135a of the Pre-School and School Education Act was created, which regulates the possibility for high school graduates to take this exam.



**CAMPAIGN TO PROTECT THE
RIGHTS OF USERS OF PUBLIC
SERVICES**

In 2023, the quality and prices of public services were invariably in the focus and attention of the public defender. Traditionally, complaints related to violated consumer rights continued to be the most frequent – against public service providers and private entities, i.e. electricity and water supply companies, mobile operators, banks, collection companies. They accounted for nearly 37% of all complaints received by the institution.

Throughout 2023, the Ombudsman took a number of actions to protect the rights and interests of citizens as consumers.

In the electricity supply sector:

Recommendations for the protection of the rights of electricity consumers to Electricity Distribution Networks West EAD (ERM Zapad), Electricity Distribution North EAD (ERP Sever) and Electricity Distribution South EAD (ER Yug):

- inspections and analysis to be carried out on the condition of the electricity distribution networks in the areas concerned, including the condition of the easement areas in accordance with Ordinance No 16 of 9 June 2004 on easements for energy facilities;
- make arrangements for timely information to mayors and deputy mayors in case of network failures;
- determine fair compensation for any residential customer whose premises are without power for a longer than the 24-hour period specified in the General Terms and Conditions.

To the Minister of Energy and to the Chairman of the Energy and Water Regulatory Commission (EWRC) – to control the technical condition and operation of the energy facilities in the country in order to establish their readiness for operation, to ensure continuity and security of electricity supply.

The Ombudsman's experts participate in all public discussions of the EWRC on the prices of electricity and heat as well as on water and sewerage services. In all meetings, the insistence is on economically justified prices linked to the quality of service provision.

In an opinion to the Minister of Energy regarding a proposed bill to amend and supplement the Energy Act, the Ombudsman expressed concern that the bill provided for the first steps for the liberalisation of the electricity market for the population from 1 January 2024, i.e. in the middle of the heating season. She considers the date set to be premature and ill-considered, as it could lead to unforeseeable situations before residential customers enter the free market (1 January 2026). The draft does not sufficiently protect citizens' rights. The Ombudsman urged the State to provide clear information on how full liberalisation of the electricity market was to be implemented in practice.

The Ombudsman appealed to the Chairman of the Financial Supervision Commission (FSC) for a competent inspection of the activities of ZD Euroins AD and Electrohold Sales EAD in order to protect the rights of the customers of the electricity supply company. The reason for this are dozens of signals of citizens that when paying debts to Electrohold Sales

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EAD at EasyPay cash desks, without their knowledge and consent, they were charged an additional amount of BGN 2, representing the first instalment on the insurance "ElectroPROTECTION" (a joint product of ZD Euroins AD and the electricity supply company).

In the water supply sector:

In an opinion to the Minister of Health, the Minister of Environment and Water and the Minister of Regional Development and Public Works, during the public debate on amendments and supplements to Ordinance No 9/2001 on the quality of water intended for drinking purposes, the Ombudsman made proposals related to the implementation of the obligations of water supply operators and mayors of municipalities.

The Ombudsman made a recommendation to the Chairman of the EWRC to amend and supplement the General Terms and Conditions for the provision of water supply and sewerage services to all water supply and sewerage operators, concerning the procedure, terms and methods of delivery of invoices issued by water supply and sewerage operators to domestic consumers and the information provided for in Ordinance No. 9.

The Ombudsman expressed the opinion, during the public consultation on the Guidelines for the formation of prices of water supply and sewerage services through the "price cap" method for the regulatory period 2022-2026, that only reliable statistical data provided by the National Statistical Institute should be used in determining the social affordability of the price of water supply and sewerage services for the relevant year.

The Ombudsman addressed the Ministry of Labour and Social Policy, the Ministry of Finance and the caretaker Prime Minister on the implementation of the "water aid" provided for in the Water Supply and Sewerage Services Regulation Act. The Ombudsman's view is that it is imperative that the State assists socially disadvantaged citizens by ensuring that they have access to water – a basic necessity of life.

The Ombudsman expressed her opinion on the draft of the **new Water Supply and Sewerage Act** that there is no preliminary economic, legal, comparative analysis of: the place, role and results achieved over the years of the establishment and activities of the Water Supply and Sewerage Associations by region since 2009; the implementation of the strategic objectives set out in the Strategy for the Development and Management of the Water Supply and Sewerage Sector in the Republic of Bulgaria 2014-2023; the results achieved since the introduction of the uniform price for water supply and sewerage services in 2015; the implementation of the long-term levels of indicators for the water supply and sewerage sector in Bulgaria. Regarding the bill, the price of water supply and sewerage services is not tied to the performance of quality indicators;

- there is no procedure for applying a lower price for water supply when it does not meet the regulatory quality requirements, including when the Regional Health Inspectorate prohibits the use of water for drinking purposes, or when it is clearly unfit for consumption;
- prices of water supply and sewerage services are not linked to the cost of water supply (gravity, pumped, mixed methods);
- a new financial burden for users was introduced without any justification – an access price to be paid no matter whether the service is used or not, etc.

In the heat supply sector:

The Ombudsman addressed a series of proposals to the Minister of Energy to carry out a thorough analysis of the operation of the Heat Supply Ordinance and to draft amendments in order to effectively protect the rights of household heat supply customers.

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The Ombudsman tabled a proposal to the Chairman of the EWRC to reduce the prices of heat energy from 1 January 2024. The main argument is that during the first six months of the 01.07.2023–30.06.2024 price period, household customers pay inflated estimated prices for the natural gas fuel to the district heating companies, as well as inflated costs for carbon emissions, which provides the district heating companies with unjustified revenues.

The Ombudsman addressed the Minister of Energy with a proposal to design a measure for financial support of household customers in condominiums in relation to the legal requirement for mandatory retrofitting of devices in their homes with appliances for remote metering of heat consumption.

The Ombudsman sent a recommendation to the Minister of Energy and the Minister of Regional Development and Public Works to amend and supplement Ordinance No. E-RD-04-1/12.03.2020 on heat supply and Ordinance No. 4, in relation to the legal requirement that hot water meters with remote metering be supplied by or approved by the heat accountant for use in the specific building.

In the mobile services sector:

In 2023, the Ombudsman took a number of proactive steps related to **mobile price indexation**:

- recommendations to mobile operators not to apply indexation;
- repeatedly asked the Commission for Consumer Protection (CCP) to check for unfair terms and unfair commercial practices;
- addressed the Communications Regulation Commission and the caretaker Deputy Prime Minister of Economic Policies and caretaker Minister of Transport and Communications;
- in a letter to the caretaker Prime Minister and the caretaker Minister of Economy and Industry stressed that mobile service users would be forced to pay the increased prices without the right to renegotiate the terms of their contracts towards lower tariffs, without being able to terminate their contracts without penalty;
- also addressed the Chairman of the CCP to undertake a cartel inquiry of mobile operators.



Participation of the Ombudsman on 25 January in a meeting of the **Committee on Economic Policy and Innovation at the National Assembly** on the indexation of consumer prices by mobile operators. Before the MPs, Prof. Kovacheva raised specific questions to both the Chairman of the CCP and the mobile operators – what necessitates to index prices in the conditions of state support and aid and whether it was an unfair practice to raise the prices.

PROTECTION OF THE RIGHTS OF PEOPLE WITH MENTAL DISORDERS

The Ombudsman was particularly concerned about the protection of the rights of people with mental disorders. In the exercise of her functions as the National Preventive Mechanism (NPM), the Ombudsman carried out annual monitoring of Public Psychiatric Hospitals (PPHs), Mental Health Centres and social facilities for persons with mental disorders. Between 2022 and 2023, the Ombudsman carried out a total of **25 unannounced inspections in psychiatric facilities and residential social services centres**. Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Council of Europe's European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, state-run psychiatric hospitals are places of deprivation of liberty, as some of the patients are placed there by court orders and cannot leave them voluntarily. The Ombudsman, as the NPM, therefore takes particular care to ensure that torture and other forms of inhuman or degrading treatment do not take place there.

In her annual reports from 2019 to 2022, the Ombudsman alerted public authorities to the existence of chronic problems in the PPHs that may be qualified as incompatible with basic standards for protection from torture and other cruel, inhuman or degrading treatment or punishment.

Following the public reports of the Ombudsman of the Republic of Bulgaria and the European Anti-Torture Committee on violations of the rights of mentally ill patients on 23 November 2023, the National Assembly adopted a decision on the establishment of a temporary parliamentary committee. **The task of the Temporary Committee is to study what violations of the rights of the mentally ill patients are found in Bulgaria and to propose legislative changes in order to guarantee the equal rights of Bulgarian citizens, as provided for by the Constitution of the Republic of Bulgaria and the conventions to which the Republic of Bulgaria is a party.** Among the tasks of the Committee are: to take the lead in the National Mental Health Strategy; to ensure respect for patients' rights; to discuss and propose the abolition of the institute of incapacitation; to take the necessary steps together with NGOs and medical experts to ensure deinstitutionalisation of mentally ill patients and respect for their personal choices.



Participation of the Ombudsman Diana Kovacheva on 20 September **in the discussion "The quality of psychiatric care and the rights of people with mental health problems in Bulgaria: challenges and solutions"**, organised by MP Stela Nikolova, at which the

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Ombudsman presented a report from the inspections carried out in psychiatric institutions.

The main focus of the forum was the state of psychiatric care, access to social support for people with mental health problems and effective protection of their rights. Emphasis in the speech of Prof. Kovacheva was the poor quality of the healthcare provided in these places, the chronic lack of financial maintenance resources – shortage of quality food, availability of modern medicines and bed linen, dire sanitary conditions, acute need for repairs, etc.

CONSTANT FOCUS ON PROTECTION AGAINST DOMESTIC VIOLENCE

In 2023, the Ombudsman continued working actively to safeguard the rights of victims of domestic violence.

The amendments to the **Protection against Domestic Violence Act**, on which Prof. Kovacheva had been insisting since her first days as Ombudsman, became a fact this year after a long struggle – the requirement for systematic abuse was removed.

"Every time a woman comes forward with her story of domestic violence, she stands up on behalf of all victims". This is what the Ombudsman said on **15 June** at a round table **"Measures to combat domestic violence in Bulgaria – together against violence"**, organised by the **Animus Association Foundation**. The reason for her statement was the shocking story of Tanya, a victim of domestic violence, who dared to speak to the attendees at the event.



On 1 August, the Ombudsman submitted to Parliament new **legislative amendments to the Criminal Code to criminalise acts that degrade human dignity by causing physical pain or suffering** in order to introduce a new offence including acts that meet the definitions of torture, torment, degrading treatment.

The changes initiated are in connection with the case of an 18-year-old girl who was sadistically slashed with a dummy knife by a man in the summer of 2023 and received 400 stitches as a result of 24 wounds inflicted. This revealed the dire need to improve legislation in this aspect.

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On 3 August, the Ombudsman participated in the extraordinary meeting of the Committee on Legal Affairs in the National Assembly, convened on the occasion of the bills submitted by GERB-SDS and PP-DB and DPS to amend and supplement the Criminal Code and the Protection against Domestic Violence Act.



On 19 October, the Ombudsman sent an opinion to the Prime Minister, in which she expressed her disagreement with a draft published on the website for public consultations on the adoption of the Regulations on the structure, organisation and activities of the National Council for Protection against Domestic Violence. The by-law provides for the establishment of a department for the protection of vulnerable groups and interaction with civil society, which will act as the secretariat of the National Council for Protection against Domestic Violence

In her opinion Prof. Kovacheva insisted on the creation of an **independent structure to be engaged in the administrative and technical, organisational, expert and financial services and support for the implementation of the functions of the National Council for Prevention from and Protection against Domestic Violence.**

EXTENSION OF THE OMBUDSMAN'S POWERS – ESTABLISHMENT OF A DIRECTORATE FOR THE AUDIT OF WHISTLEBLOWING ACTIVITIES AND WHISTLEBLOWER PROTECTION UNDER THE PROTECTION OF WHISTLEBLOWERS OR PERSONS PUBLICLY DISCLOSING INFORMATION ABOUT VIOLATIONS ACT

In 2023, under the Protection of Whistleblowers or Persons Publicly Disclosing Information about Violations Act (published in the State Gazette, No. 11 of 2 February 2023), the powers of the Ombudsman of the Republic of Bulgaria were extended with the assignment to carry out external audits of the whistleblower protection activities.

For this purpose, a new **Audit of Whistleblowing and Protection of Whistleblowers Directorate** was established at the institution, which has been able to build the capacity to work and establish rules for an independent external audit of the activities of the Central Body for External Whistleblowing and Protection of Whistleblowers in the Republic of Bulgaria under Article 19 of the Protection of Whistleblowers or Persons Publicly Disclosing Information about Violations Act. The staff of the new directorate developed a methodology to provide a framework for conducting inspections, including an assessment of the external channel's compliance with applicable law and procedures, as well as parameters for assessing the effectiveness of the Commission's performance in receiving, handling, referring and providing protection to whistleblowers.

**PROJECT “SUPPORTING NATIONAL HUMAN RIGHTS INSTITUTIONS IN
MONITORING FUNDAMENTAL RIGHTS AND THE FUNDAMENTAL RIGHTS
ASPECTS OF THE RULE OF LAW”**



The Ombudsman of the Republic of Bulgaria participates in the project "Supporting National Human Rights Institutions in Monitoring Fundamental Rights and the Fundamental Rights Aspects of the Rule of Law", funded from a grant from the European Economic Area and the Kingdom of Norway. The project is implemented jointly with the European Union Agency for Fundamental Rights, the European Network of National Human Rights Institutions, and involves six other human rights ombudsman institutions from Cyprus, Croatia, Latvia, Poland, Slovakia and Slovenia.

In the context of the project, the institution of the Ombudsman of the Republic of Bulgaria organised and conducted four capacity building trainings on the implementation of the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities as horizontal triggers in the management of EU funds at national level. The target groups of the training seminars are the experts from the Ombudsman institution of the Republic of Bulgaria, representatives from the public administration, public mediators in municipalities (local ombudsmen) and representatives of civil society organisations.

As part of the project, the Ombudsman institution is committed to developing four key materials:

- Assessing and developing the potential to improve the fundamental rights situation through greater use of the EU Charter of Fundamental Rights;
- Mapping national human rights structures in Bulgaria;
- Compendium of promising practices on the use of the Charter by national human rights institutions;
- The role of national human rights bodies in Bulgaria in ensuring respect for fundamental rights when spending EU funds.

As project outcome, an electronic [Fundamental Rights Library](#) was created within the official website of the institution. The library aims at offering access in both national (Bulgarian) and English language to a wide range of in-depth studies, documents and useful publications to help public authorities and experts to streamline public policies with the most recent advancements in the field of fundamental rights.

**INSPECTION AND RECEPTION-ROOM FOR CITIZENS WHO
HAD BEEN AFFECTED BY THE FLOODS IN NORTH
WESTERN BULGARIA**

Ombudsman team consulted citizens after the floods in Berkovitsa, on 21 June.





CHAPTER ONE
THE OMBUDSMAN
IN DEFENCE OF
CITIZENS' RIGHTS

I. THE OMBUDSMAN'S RECEPTION-ROOM

“A reception-room is established in the Ombudsman's administration.” (Article 11, paragraph 1 of the Rules of Procedure of the Ombudsman)

The reception-room is an important part of the Ombudsman's administration, where on average 45 citizens and representatives of organisations are served per day. For this purpose, a flexible workflow organisation has been created through a permanent team and experts in different fields. The environment provided also guarantees the right to effective and uninterrupted access for people with disabilities, the elderly and mothers with children.

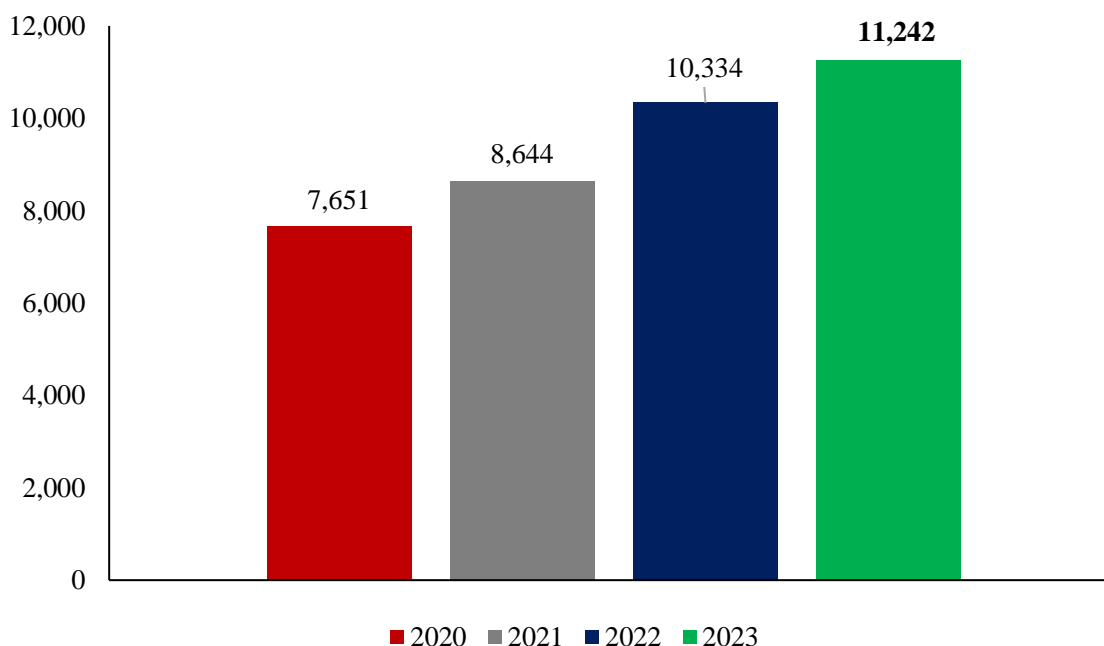
In every case, whether by visit or telephone, citizens are provided with timely, accurate and complete information on the issues and problems they raise. The real-time consultation is linked to the Ombudsman's powers and the possibilities for assistance. In addition, complaints and signals are registered in the reception-room and their progress is followed through.

The means of communication with the reception-room allow citizens a completely free and transparent choice to obtain information:

- in person at the reception-room or through authorised representative;
- by telephone, including calls to the publicly announced telephone numbers of the Ombudsman's team;
- electronically: by e-mail, website, mobile application and Secure Electronic Delivery System.

Last year, the number of citizens who sought assistance from the Ombudsman through the reception-room was 11,242 or 8.79% more than in 2022. The growing trend in this respect is indicative of the high level of trust in the figure of the national public defender.

Chart No. 1. *Number of citizens who sought the assistance of the Ombudsman through the reception-room in the period 2020-2023*



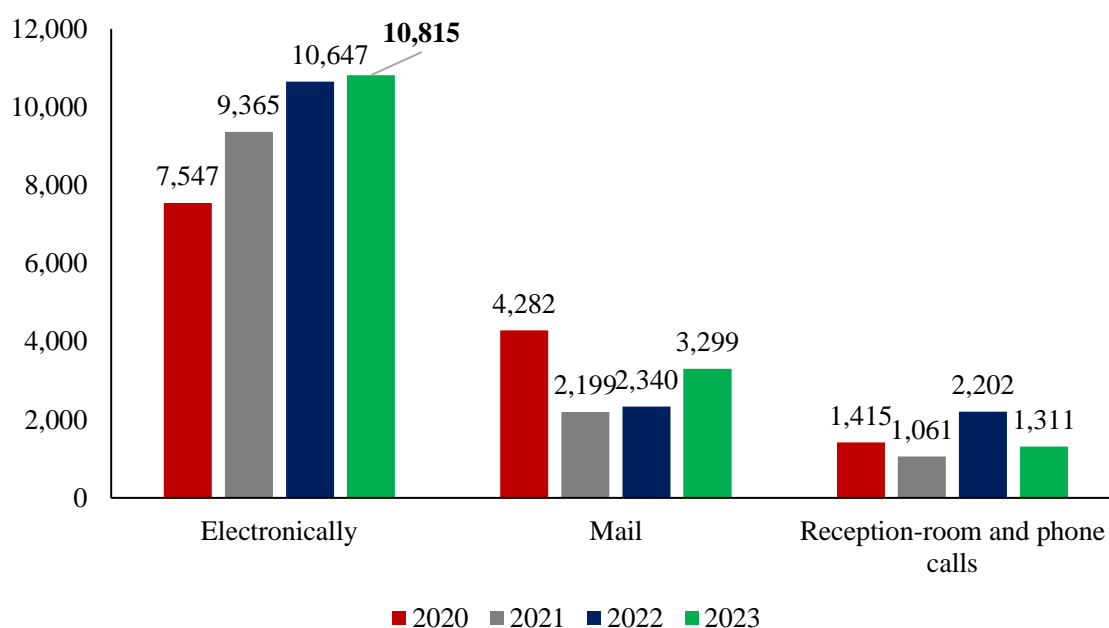
Most of the issues and problems raised related to the powers that different institutions have with regard to the protection of citizens' rights.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

“Written complaints and signals shall be filed in person, by letter, fax or e-mail. Oral complaints and signals shall be submitted in person or by phone.” (Article 16, paragraphs 5 and 6 of the Rules of Procedure of the Ombudsman)

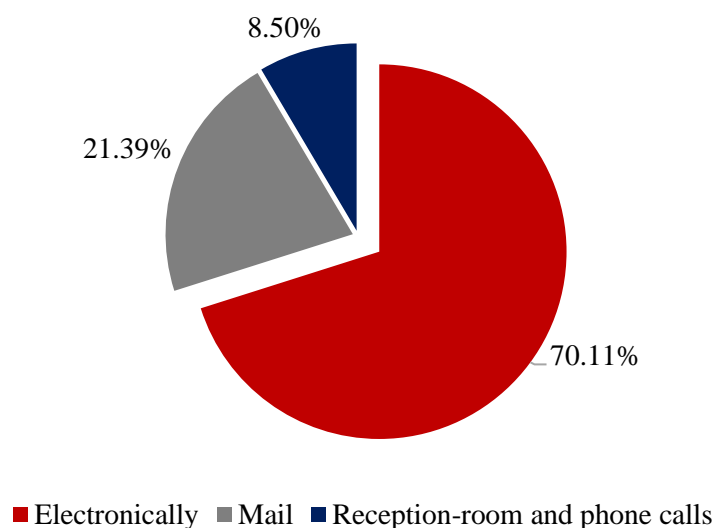
For the past year, the preferred way of referral to the Ombudsman was electronically, with a significant share of complaints and alerts being submitted via the institution's website (35.48%). By consulting the public register on the website, citizens can check at any time how their complaints have been processed.

Chart No. 2. *Number of complaints and alerts by channel of submission in the period 2020-2023*



As can be seen from the chart, there are 10,815 complaints and alerts filed electronically in 2023, followed by those received by mail: 3,299 complaints and alerts, and last are those received at the reception-room: 1,311. In percentage terms, the figures are as follows:

Chart No. 4. *Complaints and alerts by channel of submission in 2023, %*



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

"The Ombudsman shall receive citizens in person at times designated by the Ombudsman." (Article 16, paragraph 2 of the Rules of Procedure of the Ombudsman)

In 2023, the Ombudsman and the Deputy Ombudsman continued to receive citizens in person at appointed times. During the meetings, citizens received timely advice and guidance on the issues and problems they raised in their complaints and signals to the institution.



In addition, last year the Ombudsman organised and held external reception-rooms in 5 regions – Pleven, Dobrich, Yambol, Blagoevgrad and Haskovo. Thus, the citizens were given the opportunity to personally raise their questions and problems with the Secretary General, the Deputy Ombudsman and experts from the team of the institution outside the capital, as well as to receive timely assistance on the ground.



"Complaints and signals shall follow a free text ..." (Article 16, paragraph 3 of the Rules of Procedure of the Ombudsman)

The total number of complaints and alerts for 2023 is 15,425. The Ombudsman's authority and the assistance she provides to citizens in their dealings with the executive authorities, public service providers and various private entities have been the main factors behind the increase in the number of complaints and alerts.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Table No. 1. *Complaints and alerts by category of violation for 2023, 2022 and 2021 in %*

Violation category	2023	2022	2021	2020
	%	%	%	%
Consumer rights	35.99	27.92	29.50	25.25
Social rights, rights to healthcare and education	17.87	19.59	21.40	24.24
Right to property and economic freedom	9.30	12.35	10.94	10.9
NPM and fundamental human rights and freedoms	5.02	10.48	5.95	6.28
Right to good administrative services	5.50	5.64	7.29	7.41
Rights violated by bodies governed by private law – credit and financial institutions, private enforcement agents, etc.	5.80	4.87	5.62	6.13
Children's rights	3.81	3.98	3.88	3.39
Other violations	5.43	4.11	3.87	1.29
Rights of disabled people	6.23	3.38	3.60	3.45
Right to clean environment	2.98	3.69	2.83	4.03
Request for regulatory change	0.73	1.75	1.18	6.03
Absence of specific violation	0.26	1.63	3.22	0.81
Request for referral to the Constitutional Court	0.66	0.45	0.53	0.62
Discrimination	0.36	0.11	0.12	0.08
Request for interpretative decision	0.06	0.05	0.07	0.10
Total:	100	100	100	100

According to the table, for the fifth consecutive year, **the highest number of complaints and alerts related to violated consumer rights: 5,551 or 35.99%**, followed by those concerning social rights, health and education: 2,757 or 17.87%, and the third place is held by problems with property and economic freedom at 9.30%.

The Ombudsman's intervention on issues of great public interest is noticeable in the collective complaints, signals and petitions organised by civil associations. Thus, last year, 36,694 citizens, or 15.03% more than in 2022 (31,900 citizens), sought the assistance of the national public defender. The problems raised are mainly the result of the actions of national and municipal authorities, as well as the activities of persons entrusted with the provision of public services.

Understandably, the largest number of complaints and signals were registered from Sofia (city) region: 19.39%, followed by those from Sliven region: 3.53%, and third ranked those received from Varna region: 2.98%.

In 2023, the number of complaints and alerts from foreign citizens (Germany, Ireland, the Netherlands, Russia and Ukraine) was 5. As the format of the submission is free, most of the persons contacting the Ombudsman remotely do not indicate their nationality.

“The inspection concludes by sending a written response to the applicant.” (Article 24, paragraph 1 of the Rules of Procedure of the Ombudsman)

14,679 complaints and alerts were closed in the past year.

13,101 complaints and alerts were closed with recommendations and opinions addressed to central and territorial (local) executive authorities, including their administrations,

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

companies providing certain public services, as well as various private entities (credit and financial institutions, collection companies, private enforcement agents, etc.). 1,431 complaints resulted in advice and/or mediation.

Table No. 2. *Number and % of closed complaints and alerts in 2023 based on actions taken by the Ombudsman*

Actions taken	Number	%
On complaints and alerts within the Ombudsman's powers (admissible), of which:	14,532	99.00
– recommendations	3 245	22.11
– opinions	9 856	67.14
– advice	819	5.58
– mediations	612	4.17
On complaints and alerts outside the Ombudsman's powers (inadmissible):	147	1.00
Total:	14,679	100

An important trend in 2023 is the significantly increased percentage of admissible complaints, rising by nearly 4% compared to the previous two years. This is due both to the increased understanding of the role and activities of the Ombudsman institution and the direct work of the reception-room experts in advising citizens on the nature of their problems and the framing of the complaint itself.

In 2023, the trend toward an increase in the number of recommendations sustained, but there was also an increase in the number of cases of mediation in the protection of citizens' rights, mainly in relation to private entities.

Table No. 3. *Closed complaints and alerts based on the method applied for the 2021-2023 period, %*

Closed complaints and alerts	2020	2021	2022	2023
Admissible	96.12	95.36	95.22	99
– Recommendations	19.11	20.32	21.35	22.11
– Opinions	65.37	67.78	69.02	67.14
– Advice	11.25	8.75	5.64	5.58
– Mediation	4.27	3.15	2.99	4.17
Inadmissible	3.88	4.64	4.78	1
Total:	100	100	100	100

The implementation of the Ombudsman's recommendations resulting from the follow-up of individual complaints and alerts is essential for the visibility of the institution among the public, as well as for the perception of its authority. **In 2023, 2,987 complaints were taken into account (fully or partially)** by various institutions and organisations with a view to advocating and protecting citizens' rights. This represents **92% of all recommendations sent by the Ombudsman.**

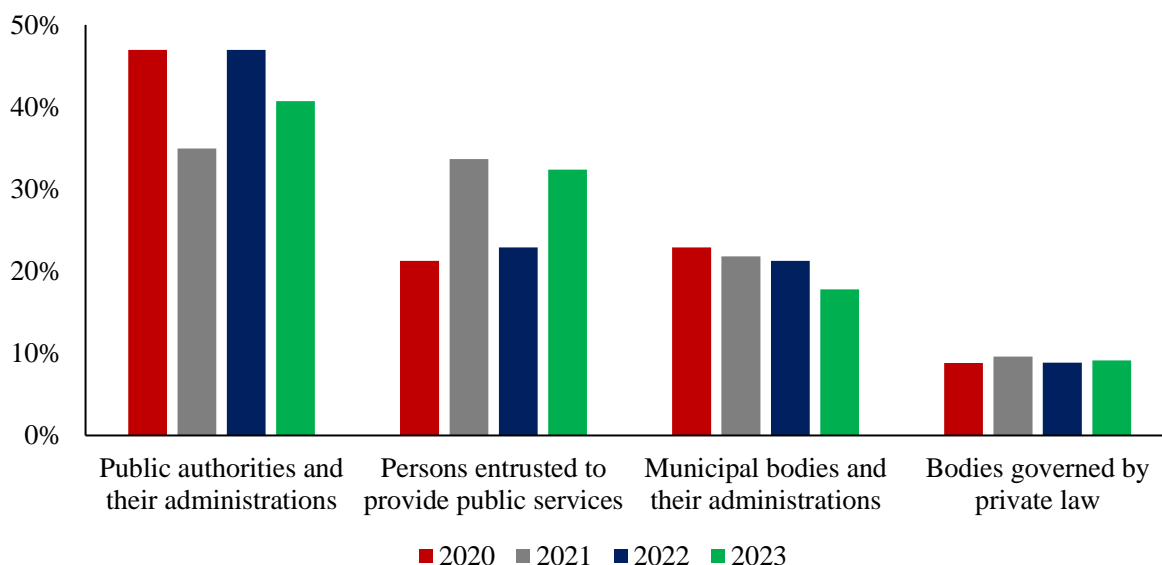
Table No. 4. *Closed complaints and alerts in 2023 based on the offender stated therein, number and %*

Offender	Number	%
Public authorities and their administrations	5,978	40.72
Persons entrusted to provide public services	4,750	32.36
Municipal bodies and their administrations	2,611	17.79
Bodies governed by private law	1,340	9.13
Total:	14,679	100

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

According to the table, a specific public authority, including its administration, is the offender in the largest share of closed complaints and alerts in 2023, and a specific private entity has the smallest share.

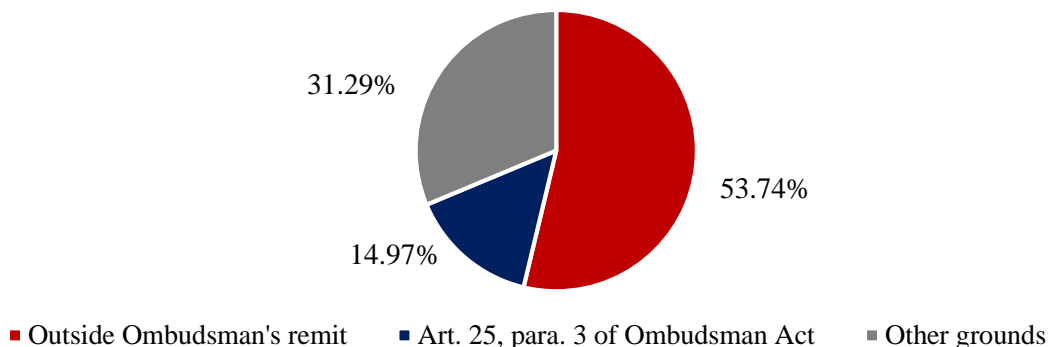
Chart No. 3. *Closed complaints and alerts in the 2020-2023 period, based on offender, %*



In 2023, complaints and alerts closed against the persons entrusted to provide public services (education, health, social, water, sewerage, heat, electricity, postal, telecommunications, etc.) increased by 9.45% compared to those in 2022. The year also saw a significant increase in citizens' complaints against irregularities in the work of municipal authorities and their administrative structures.

The lasting trend that has emerged over the entire four-year period is related to the leading share of complaints of violated rights from public authorities and their administrations (40% on average), followed by organisations entrusted with the provision of public services (30% on average), municipal administrations (20% on average) and private entities (up to 10% on average) of the total volume of requests sent to the Ombudsman by citizens for the protection of their violated rights.

Chart No. 4. *Closed inadmissible complaints and alerts in 2023, %*

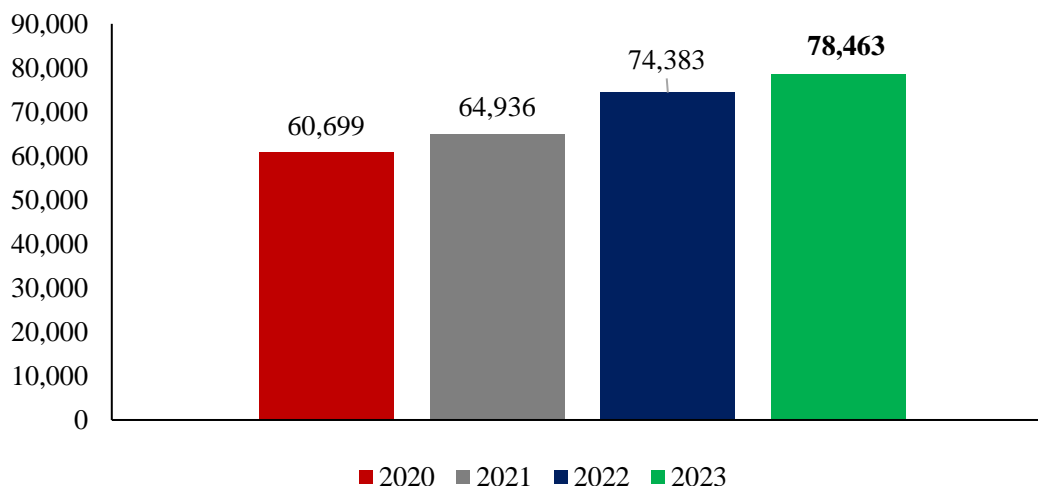


Despite the fact that there is no legal basis for the examination of inadmissible complaints and signals, citizens received detailed explanations of the Ombudsman's powers with a view to a possible protection of their rights and freedoms in the future. In a significant number of cases, advice was also provided.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In 2023, a total of 78,463 citizens received assistance from the Ombudsman. Compared to those in 2022, this is an increase of 5.49% and 20.83% compared to 2021.

Chart No. 5. *Number of citizens receiving assistance from the Ombudsman in the 2020-2023 period*



The high public confidence in the Ombudsman and the authority enjoyed by the institution in the exercise of its powers in recent years are sufficient indicators of the right direction in the promotion and protection of human rights and fundamental freedoms.

II. RIGHTS OF PEOPLE WITH DISABILITIES

The difficulties experienced by citizens with disabilities and their families in the past year resulted in a near doubling of the number of complaints received in this field, as compared to 2022 (87%).

In January 2023, the Ombudsman's legislative proposals on the People with Disabilities Act and the Health Act (promulgated in State Gazette, No. 8 of 25 January 2023) were recognised and adopted by MPs, as a result of which people with disabilities will continue to enjoy their rights arising from their expert decisions in case of delay by the medical examination bodies until the new expert decision is issued.

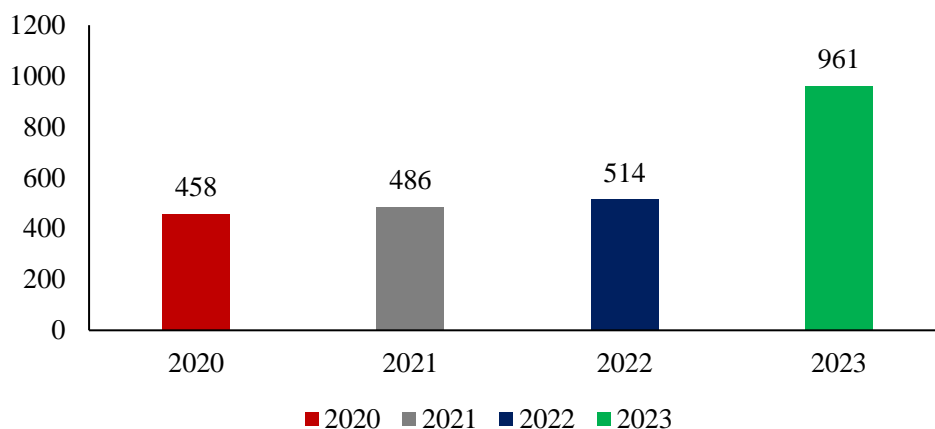
Amendments were adopted to the Methodology for the application of the reference points for the assessment of permanently reduced working capacity (type and degree of disability), which allows people with comorbidities not to be deprived of social rights.

The recommendations concerning the update of the monthly allowances under Article 8e of the Family Allowances for Children Act have been partially implemented. The 2024 State Budget of the Republic of Bulgaria Act updated the monthly allowances but did not introduce a mechanism for their automatic updating.

Last but not least is the fact that in October 2023 the Ombudsman took over the chairmanship of the Monitoring Board, the body monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities, for the next two years.

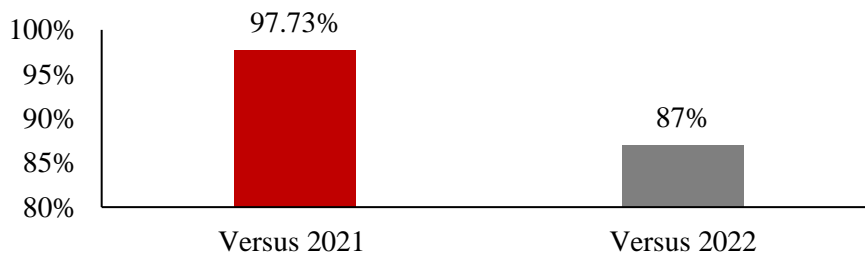
SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Chart No. 6. *Number of complaints received, relating to the rights of people with disabilities in the 2020-2023 period*



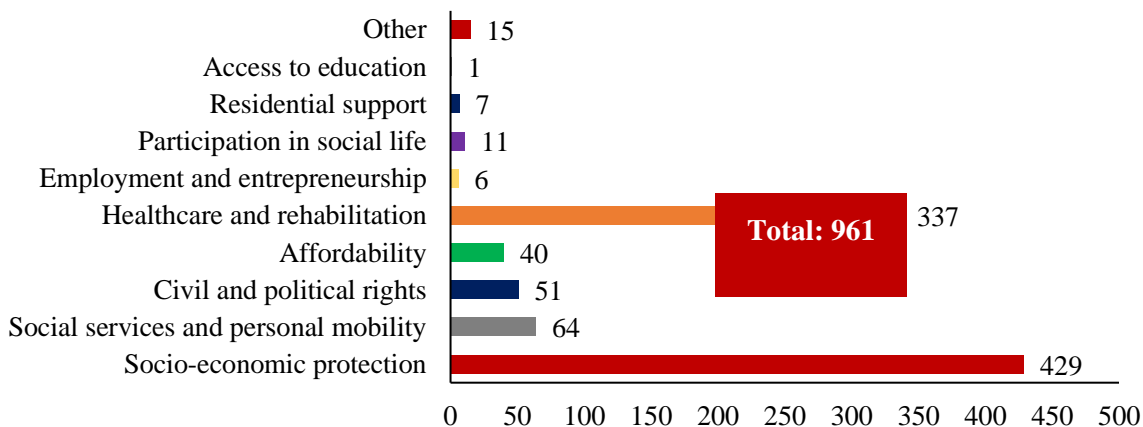
Statistics shows that there was a significant increase in disability rights complaints. Expressed as a percentage, the increase in complaints in 2023 is as follows:

Chart No. 7. *Increase in complaints received, relating to the rights of people with disabilities in 2023, as compared to those in 2021 and 2022, %*



Complaints received in 2023 regarding violation of the rights of persons with disabilities numbered 961.

Chart No. 8. *Number of registered complaints and alerts by type of violation concerning the rights of persons with disabilities in 2023*



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

On the complaints where violations were found – 626, 312 recommendations were made and 291 opinions were expressed. **Over 200 of the recommendations were fully or partially implemented.** Successful mediation was carried out in 8 cases and advice was given in 20.

In the complaints where no infringements were found, 17 recommendations were made and implemented. Mediation was successful in 6 cases. An opinion was expressed in 130 of the complaints and advice was given in 93 of them.

- **Most common problems in the complaints of citizens with disabilities and their families**

Complaints from citizens with disabilities and their families about difficulties in accessing socio-economic protection ranked first in terms of number of complaints in the past year. The vast majority of cases relate to delayed medical examinations and the cumbersome procedure for the resumption and payment of disability pensions due after the issuance of expert decisions by REMCs/NEMC.

Next in number in 2023 are complaints about problems with the organisation of the work of the medical expert examination bodies.

Citizens' complaints about difficulties in using social services and exercising their right to personal mobility ranked third last year.

- **Problem areas of violated rights of people with disabilities**

Complaints about violations of the rights of persons with disabilities can be divided into the following main areas of concern:

Socio-economic protection

Views were expressed and recommendations made on the following issues:

Procedure for the resumption and payment of invalidity pensions due following the expert decisions of REMCs/NEMC

The numerous complaints received by the Ombudsman's institution from citizens with disabilities show serious deficiencies in the regulations and rules for the resumption and payment of pensions due.

In order to resolve the problems, recommendations were made to the Minister of Health over the past year to speed up the time limits for sending expert decisions from the regional health inspectorates to the territorial units of the National Social Security Institute (NSSI).

On the other hand, special attention was paid to the management of the National Social Security Institute on the importance and need of the resumption of pensions of disabled citizens in case of re-certification to be examined by the territorial divisions with priority and in the shortest possible time.

The continuing difficulties faced by the citizens concerned gave rise to new opinions being sent to the Minister of Labour and Social Policy and to the Governor of the National Social Security Institute in early 2024. The opinions focus on

1. Suspension of disability pensions in cases where the NEMC revokes and returns the expert decision to REMC for a new decision

Complaints received and checks carried out in specific cases show that if the decision to determine 50 or more than 50 per cent type and degree of disability/degree of permanently reduced capacity for work is revoked and the file is returned to the territorial divisions of the

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

National Social Security Institute (NSSI) for re-examination, a practice of suspension of disability pensions was introduced.

Due to the practice in place, a significant number of people with disabilities were left without their entitlements for a long period of time, while others directly refused to seek protection of their rights by appealing against clearly incorrect decisions of REMC, given the real danger of being wrongfully deprived of their income.

2. On appeal, the invalidity pension is granted, reinstated and restored, but only up to the amount of the social old-age pension

It is also noted in the opinion that on the basis of Article 7, eligible citizens are granted, reinstated and reimbursed a disability pension in the amount of the old-age social pension only, and not the actual pension to which they are entitled if they meet the requirements of Articles 72 and 74 of the Social Insurance Code (SIC).

The persons concerned are not to blame for the defects in the act issued by the competent administrative authority, which was subsequently revoked and the file returned for a fresh examination, and that the needs and expenses of the persons did not diminish during the appeal procedure against the expert decisions. By the provision of Article 98, paragraph 7, however, the support is unfairly reduced and often places citizens in a crisis situation.

3. Time limit within which payments are resumed by the NSSI in case of re-certification of the persons

The Ombudsman also raised another serious issue related to the pensions of people with disabilities, which required additional attention, related to the timeframe within which the National Social Security Institute resumed payments when people were re-certified.

It is the position of the institution that once the expert decision of the REMC or NEMC had been issued, the support due should be paid adequately and without delay.

4. Choosing a pension that is not the most favourable in amount

The public defender also insists on providing an opportunity in the SIC to opt out of the more favourable pension and switch to another type of pension, to which the person concerned is entitled, but which is lower in amount.

It should be noted that the right to a pension is a subjective right and it should depend on the will of the person entitled. In cases where the person prefers another type of pension to which he/she is entitled, for personal reasons or for other reasons, he/she should be given the opportunity to choose which pension to be granted.

5. Restrictions on the granting of invalidity pension due to general illness in the provisions of Article 74 of SIC

The Ombudsman again has raised the issue with the current provision of Article 74 of the SIC, which requires that disabled persons with 50 and more than 50 per cent determined type and degree of disability/degree of permanently reduced working capacity must have acquired contributory service up to the determined date of disability in order to be able to receive a pension for disability arising from general illness.

On the one hand, disabled citizens face difficulties in acquiring the required length of contributory service. On the other hand, the provision of Article 74 of the SIC requires that the contributory period must have been completed up to the date of invalidity.

In many cases, the disability occurs before the requisite length of contributory service for a general invalidity pension is reached, and the person continues to work afterwards.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

However, notwithstanding their work and the additional – in some cases substantial – contributions made, it appears that the provision of Article 74 of the SIC deprives those in need of an invalidity pension arising from general illness.

Amount of tax relief under Article 18 of the Personal Income Tax Act

For yet another year, the amount of tax benefits under Article 18 of the Personal Income Tax Act (PITA) was not included in the Draft State Budget of the Republic of Bulgaria for 2024 Act.

The amount determined at BGN 7,920, by which the amount of the annual tax bases under Article 17 of the Personal Income Tax Act for persons with 50 and more than 50 per cent reduced working capacity is reduced, has not been updated since 2008.

Leaving the guaranteed minimum income as the basis for determining the amount of the targeted aid under Article 18 of the Military Invalids and War Victims Act

Citizens raised the problem that the amendments to the Social Assistance Act (State Gazette No. 102 of 2022, in force from 1 June 2023) to link the amount of social benefits under the legal act to the poverty line for the country did not take into account the need to amend the wording of Article 18 of the Military Invalids and War Victims Act.

In a position to the President of the 49th National Assembly and to the Chairpersons of the Labour, Social and Demographic Policy Committee and the Defence Committee, the Ombudsman noted that although outdated and unfair as a philosophy and abolished as a definition in §1, item 10 of the Supplementary Provisions of the Social Assistance Act (SG No. 102 of 2022), the guaranteed minimum income was left to determine the amount of important aid under Article 18 of the Military Invalids and War Victims Act.

Amount of monthly allowances for children under Article 8e of the Family Allowances for Children Act for children with permanent disabilities

The Ombudsman sent an opinion to the Minister of Labour and Social Policy and to the Minister of Finance, in which she stressed that the monthly allowances for raising a child with a permanent disability up to the age of 18 and until the completion of secondary education, but not later than the age of 20, provided for in Article 8e of the Family Allowances for Children Act (FACA) had not been updated since the end of 2016, and still there was no mechanism for their automatic updating over the years.

The recommendation was implemented and the amount of the aid was updated, but without a mechanism in place to update it automatically.

The reasons can be found in the Child Rights section of the Annual Report.

Requirements for exemption from payment of vignette fee

In 2023, the Ombudsman used the legal mechanisms to seek a solution to the restrictive criteria for exempting people with disabilities and their families from paying vignette fees (Article 10 of the Roads Act).

The main problem remains the technical parameters to be met by cars. The legislation does not cover cases where lease contracts are in force for the vehicles, as well as electric cars and plug-in hybrids, whose engines are not even characterised by engine capacity. Also not included are vehicles without rear seats which have been purchased for the needs of wheelchair users and their mobility.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The need to amend and extend the scope of support has also been acknowledged by the Ministers of Labour and Social Policy and of Transport and Communications in their responses to the recommendations sent, but so far no real action has been taken to address the problems.

Different criteria for issuing a preferential parking card for people with disabilities under Article 99a of the Road Traffic Act

The Ombudsman again brings to the attention of the Minister of Transport and Communications and the Minister of Regional Development and Public Works the long-standing problem related to Article 99a of the Road Traffic Act.

The provision specifies that cards issued in accordance with the requirements of the standardised Community model in the Annex to Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with permanent disabilities are valid throughout the country and are also recognised in other EU Member States.

In view of the established wide scope of the right, the introduction of different ones by the municipal councils prevents citizens with address registration on the territory of the respective municipality from using preferential parking cards not only in their locality but also in other municipalities in the country and in other Member States.

The Ombudsman recommends that measures be discussed and taken to align the requirements under Article 99a of the Road Traffic Act. The recommendation was not implemented.

Healthcare and rehabilitation

Medical expert examination

A major part of the complaints in the field of healthcare and rehabilitation related to the organisation of medical expert examinations. During the year, opinions were sent and recommendations and proposals for action were made to resolve the problems and ensure the rights of citizens with disabilities.

An important step in this regard is the recognition by the MPs of the Ombudsman's proposals at the end of 2022 for amendments to the People with Disabilities Act and the Health Act, which aimed to address the most serious problems of people with disabilities related to delays in their re-certification.

The Ombudsman continued her active work in defending the rights of the citizens concerned in the field of medical expert examination with regard to:

1. The incorrect interpretation and application of the new texts in §5 and §6 of the Transitional and Final Provisions of the Health Act

Regardless of the amendments made, citizens continued to encounter difficulties in exercising their rights due to the incorrect interpretation and application of the new texts in §5 and §6 of the Transitional and Final Provisions of the Health Act.

The Ombudsman sent an opinion to the Minister of Health and to the Director of the National Health Insurance Fund, emphasizing the dire state in which the affected persons and their families were placed, through no fault of theirs.

As a result of the recommendations, some progress has been made in the ex officio resumption of support in the event of delay by the medical expert examination bodies.

2. Organisational problems in the work of the medical examination bodies

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In separate opinions, the Ombudsman also raised other equally important issues relating to the organisation of the work of medical examination bodies (REMCs/NEMC), for the resolution of which urgent and adequate measures were needed:

- Delay in examinations by the National Expert Medical Commission (NEMC) and the possibility of successive cancellation and return to the REMC expert decisions of the same person within one procedure;
- Inability of people with mobility difficulties to undergo examinations and consultations required by the medical examination bodies;

Inaccessible environment in the buildings housing the REMCs, as well as rude and disrespectful treatment of people with disabilities, children and their relatives.

3. Determination of the type and degree of disability/degree of permanently reduced working capacity in case of more than one disability

For years, the Ombudsman has insisted on the introduction of a mechanism for the fair determination of the type and degree of disability/degree of permanent impairment, preventing people with actual and concomitant illnesses and disabilities from being deprived of social rights.

In connection with the draft amendment and supplement to the Medical Expertise Ordinance (MEO), published for public consultation on 21 November 2022, an opinion was sent that the draft largely complies with the recommendations of the Ombudsman and the expectations of citizens for changes in Annex 2 to Article 63, paragraph 3 of the Medical Expertise Ordinance.

The draft amendment and supplement to the Medical Expertise Ordinance was adopted at the end of January 2023.

4. The proposals for amendments to the Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers which are expected to address issues of importance to the rights of persons with disabilities

On 29 May 2023, the public consultations on the draft Decree of the Council of Ministers on amendment and supplement to the Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers ended.

In the course of the public consultation, the Ombudsman expressed her opinion in favour of the need for changes, while noting possible problems, inconsistencies and ambiguities in the proposed texts. The need to thoroughly examine the other proposals received during the public consultation was stressed.

The adoption of the draft Regulations is significantly delayed, which prevents important issues for people with disabilities from being addressed.

Certification/re-certification by the Transport Regional Expert Medical Commissions (TREMCS)

In 2023, a significant number of complaints were again received regarding the limited opportunities for citizens with disabilities to appear for certification/re-certification before the Transport Regional Medical Expert Commissions (TREMCS) in the country and obtaining medical certificates for issuing/re-issuing driving licences.

The complaints continued to express disagreement with the requirements of Article 8, paragraph 4 of Ordinance No 31 of 26 July 1999 on the requirements, conditions and procedures

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

for acquiring a licence to drive a motor vehicle and Article 10, paragraph 2 of Ordinance No 3 of 11 May 2011 on the physical fitness requirements for drivers of motor vehicles and the conditions and procedures for carrying out medical examinations to establish the physical fitness of drivers of the various categories.

The Ombudsman made recommendations to the Minister of Transport and Communications and the Minister of Health to address and resolve the issues raised.

Social services and personal mobility

Challenges for citizens with disabilities to use assisted living were also on the institution's radar in 2023.

In view of the complaints received and the unresolved issues, the Ombudsman sent opinions focusing on the need to address the following issues:

1. The possibilities for people with permanent disabilities, who have a defined type and degree of disability/degree of permanent reduced working capacity, but no defined right to assistance, to access assistance support

Persons with permanent disabilities who have a defined type and degree of disability/degree of permanent impairment, but without a defined right to someone else's assistance, continued to be deprived of the assistance they needed in 2023, as their cases were not covered by either the Personal Assistance Act (PAA) or the Social Services Act.

A significant number of complaints related to the limitations in the number of hours for the use of personal assistance and assistant support, as well as the inability to receive assistant care on weekends. The institution's principle position is that leaving the limit of no more than 8 hours of support per day, and only on working days, deprives people in particularly difficult circumstances of the care they need.

An additional obstacle is the requirement that eligible persons waive the external aid supplement under Article 103 of the SIC and part of the monthly benefits under Article 8e of the Social Assistance Act.

2. Procedure for submission of reports by personal assistants under the personal assistance mechanism

Complaints in the institution indicate that the procedure introduced for personal submission of monthly reports under Article 32, paragraph 2 of the Personal Assistance Act (PAA) by personal assistants in the first three working days of the month following the reporting month creates serious difficulties for those involved. On the one hand, personal assistants are forced to leave the users they are supposed to care for to visit the municipal administrations during their working hours and submit the reports. In some cases, this takes a considerable amount of time due to the need to travel to the municipality concerned and wait in queues with other personal assistants who also have to submit their reports.

3. The possibilities for the use of annual leave by personal assistants appointed under the personal assistance mechanism

The complaints also raise another issue related to the limited possibilities for personal assistants under the "personal assistance" mechanism to take their annual leave entitlement as employees.

Checks found that personal assistants were not free to take paid annual leave.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

4. Leaving disabled citizens without their care allowance for personal assistance under Article 103 of SIC in the month during which the contract with the assistant is terminated

Complaints received indicate that there is a problem with the resumption of payment of care allowance when users terminate the personal assistants' contract within the current month.

In a number of cases, citizens do not receive the care they need from the assigned personal assistant, and they are not satisfied with the quality of the care, and apply to terminate the assistant's employment contract, but after the new month has begun. The assistant's contract is subsequently terminated, but the care allowance is only paid to the recipient from the first day of the month following the month of termination.

5. Difficulties faced by a significant number of personal assistance users to get a substitute assistant in the absence of their assistant

The opportunities provided for the appointment of a substitute assistant are crucial to the continuity of support in cases where the personal assistant is prevented from carrying out their duties.

Complaints in the institution in the past year also show that the regulation of substitute assistants is not sufficiently clear and detailed, as it is currently laid down only in Ordinance No. RD-07-7 of 28 June 2019.

6. The requirement that the performance of the duties under the assistant's contract of employment shall commence on the first day of the month following the month in which the contract is concluded.

Complaints continued to be received expressing disagreement with the restriction placed on the performance of the assistant's duties under the contract of employment to commence on the first day of the month following the month in which the contract is concluded.

Disabled people in urgent need of support are thus unjustifiably left without care for a certain period of time.

7. The control exercised over the activities of personal assistants

Last but not least in importance are complaints relating to dissatisfaction with the quality of support provided, which directly affects the opportunities of people in need to lead a dignified and independent life and to participate in society.

Therefore, it is important to put in place measures to adequately monitor the quality of the personal assistance and support provided.

Assistive devices and medical devices

In view of the unresolved problems with the quality, the limit values and the service life of the assistive aids and medical devices, the Ombudsman sent an opinion to the Minister of Health in connection with the draft ordinance on amendment and supplement to Ordinance No. 7 of 2021 on the conditions and procedure for drawing up a list of medical devices under Article 30a of the Medical Devices Act and for determining the value up to which they are covered.

It is important to ensure direct participation of representatives of the affected citizens and their organisations in the discussion and decision-making process in the field. It should be ensured that, even if there are no companies providing a particular product, people are not left without governmental support.

The Ombudsman also reminds the unresolved for years problems related to the lack of state funding for oxygen therapy at home, energy and technical maintenance of cochlear implant

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

systems, cataract treatment, as well as total dentures, implants and osteosynthesis devices, additional payment for artificial joints, and other expensive medical devices. The opinion was not taken into account.

Accessible environment

Accessibility of the architectural environment

In 2023, complaints were again received regarding the failure to provide accessible environment for people with reduced mobility, including people with disabilities. The measures taken by the competent authorities show an increasing awareness of the requirements of the effective national and international legislation.

Requirements of the National Programme for Affordable Housing and Personal Mobility

In view of the unresolved problems and the complaints received at the institution regarding the rules and criteria of the National Programme for Affordable Housing and Personal Mobility in 2023, a new opinion was sent to the Minister of Labour and Social Policy. The Ombudsman insisted on action in relation to the restrictions that had been introduced for the residents of multi-family apartment buildings, in a condominium regime, to apply through an association under the Condominium Management Act. Difficulties are noted for those in need to cover the costs related to the collection of the necessary documents and the preparation of the investment projects.

Ensuring access to elections for people with disabilities

The Ombudsman sent opinions to the Prime Minister and to the Chairperson of the Central Election Commission regarding the organisation of the elections for MPs on 2 April 2023, as well as for the elections for municipal councillors and mayors on 29 October 2023. From the information received, it was found that the municipal election commissions in general in the country had serious difficulties to provide audio player and Braille template to the candidates and parties due to lack of funds. A positive solution has been found in the municipality of Burgas based on the idea of a blind municipal employee together with IT specialists.

Administrative services

In connection with complaints of citizens with disabilities that the Center for Urban Mobility in Sofia does not inform citizens with disabilities when forced relocation of cars where their vehicles are located, a statement was sent to the Executive Director of the company. In the opinion it is noted that every citizen has the right to have matters affecting him dealt with by the responsible authorities impartially, fairly and within a reasonable time.

Failure to inform the Social Assistance Directorates of the expiration date of the needs assessments issued under the PDA

Complaints continued regarding the refusal of the social services in the country to inform those concerned about the expiry of their needs assessments and the suspension of their monthly financial support under Article 70 of the PDA. A recommendation was made to the Minister of Labour and Social Policy, and the response was a commitment to address the issue. So far without any result.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Main recommendations – Rights of People with Disabilities:

1. People with disabilities or their representatives should be included and participate at all levels of management where decisions are made or policies are formed that affect their rights;
2. To resolve personal assistance issues under the Personal Assistance Act and to provide opportunities for all those in need to access the assistance support they need;
3. To introduce integrated electronic services in state institutions for people with disabilities;
4. Measures to be taken to introduce uniform criteria for issuing preferential parking cards;
5. To take action to ensure equal opportunities for all people in need to be beneficiaries of the National Programme for Affordable Housing and Personal Mobility;
6. Actions to be taken to inform citizens in a timely manner about the expiration of the needs assessments under the PDA;
7. Adequate reform of the medical and disability expert examination with the active participation of people with disabilities and their representatives;
8. Legislative changes to be undertaken to address the problems with disability pensions, including their timely resumption and payment.

III. CONSUMER RIGHTS

In 2023, 5,694 complaints were received from users of public services, representing 36.92% of the institution's total complaints during the year.

Chart No. 9. Number of complaints and alerts received from consumers in the 2020-2023 period

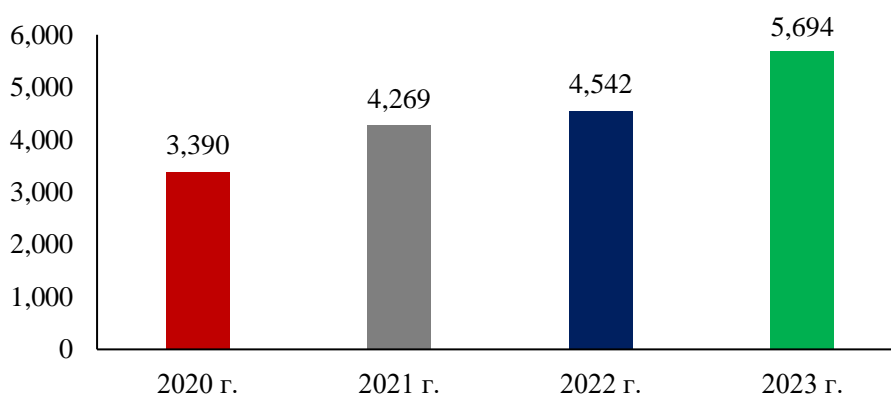


Table No. 6. Complaints and alerts filed by consumers by industry in the 2020-2023 period

Industry	2020	2021	2022	2023
Water supply and sewerage (WSS)	275	1,503	1,259	1,702
Electricity supply	1,097	1,060	1,344	1,481
District heating	964	583	411	728

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

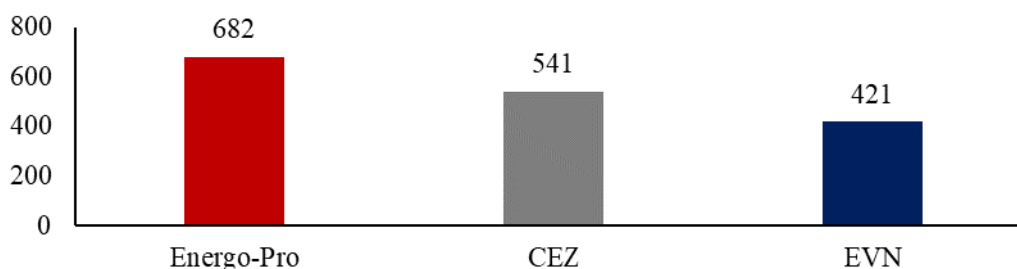
Electronic communication services	322	313	370	621
Financial services	302	234	228	334
Transport services	153	49	225	290
Waste collection companies	37	278	338	81
Debt collection companies	44	44	49	63
Insurance services	22	16	25	45
Gas supply	31	67	108	35
Postal services	16	33	31	19
Other consumer disputes	137	90	154	295

In 2023, inquiries in 5,181 cases were closed, of which 1,905 with a finding of infringement, 3,108 without a finding of infringement and 168 were inadmissible.

1. ELECTRICITY SUPPLY

In 2023, 1,702 complaints were received about electricity supply problems.

Chart No. 10. *Number of complaints and alerts against electricity companies in 2023*



Inquiries in 1,234 case-files were closed.

Right to a quality service

Reports of frequent interruptions and low voltage of the supplied electricity were received from the residents of the villages of Golets, Lozen, Drenovo, Petarch, Novoseltsi, Sadovets, Sanadinovo, Hrabarsko, Osoitsa, etc.

Mayors of settlements on the territory of Tundzha municipality referred to the Ombudsman because of frequent shut-offs, power surges and power outages, leading to burnt electrical appliances.

In the period after 25-26 November 2023, the institution received numerous signals from citizens who were left without electricity for days as a result of bad weather conditions. Many areas of the country, including those close to the capital, were affected by the lack of electricity supply for long periods of time, causing the absence of drinking water and heating in places. Citizens were also demanding compensation from the respective electricity distribution companies for the period during which their properties were without electricity, as well as for the property damage caused.

Assistance from the public defender was also sought by the mayors of various settlements regarding the lack of adequate information from the electricity distribution companies about the causes that led to the failures in the energy facilities, and especially the deadline for the removal of failures. Some of them set up organisation themselves to remove fallen trees and broken branches from power lines, as their signals were not acted upon for days.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Main recommendations:

The Ombudsman immediately addressed the Electricity Distribution Networks West EAD (ERM Zapad), Electricity Distribution North AD (ERP North) and Electricity Distribution South EAD (ER Yug), making the following recommendations:

1. Objective checks and analysis to be carried out to what extent the described problems that citizens are forced to endure are due to the state of the electricity distribution networks in the respective areas, including the state of the easement areas according to Ordinance No. 16 of 9 June 2004 on the easements of energy facilities;
2. Set up organisation for timely provision of information to mayors and mayoral deputies in cases of network failures;
3. Determine as soon as possible a fair compensation for any domestic customer whose premises were left without electricity for more than the 24-hour period provided for in the General Terms and Conditions, when this is due to the fault of the distribution company.

In response, the electricity distribution companies expressed the view that the networks were operated and maintained in good condition. In accordance with the established standards, preventive maintenance, surveillance and inspections of the power lines are carried out, repairs, upgrades and reconstructions necessary for the functioning of the network are done in a timely manner, etc.

The public defender also addressed the Minister of Energy and the Chairman of the Energy and Water Regulatory Commission (EWRC) in their respective areas of competence to monitor the technical condition and operation of the country's energy facilities in order to establish their fitness for operation, to ensure the continuity and safety of electricity supply.

Right to pay an economically justified price for a service actually used

At the public discussion of the draft EWRC decision for the approval of the prices in the electricity sector as of 1 July 2023, the Ombudsman appealed for its revision, taking into account the reduction of the electricity price on the energy exchange market and the payment of compensation by the state to the EDCs and the Electricity System Operator for the electricity for technological costs.

The Ombudsman drew attention to the lack of arguments in the draft on:

- the planned substantial increase in the night energy prices of the three electricity supply companies;
- reduced quantities of electricity at a lower price included in the mix for household consumers and the increased quantities of electricity at a higher price produced by TPP Maritsa East 1 and TPP Maritsa East 3;
- setting the component for the activity "supply of electricity from a final supplier" at a maximum level of 7%.

The Ombudsman insisted that full information be provided on the performance of the quality indicators for each EDC according to the Methodology adopted by the EWRC in 2010 and that the pricing approach be revised.

In an opinion to the Minister of Energy on a proposed bill for the Energy Act, the Ombudsman expressed concern that the bill envisaged first steps for the liberalisation of the

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

electricity market for households from 1 January 2024, i.e. in the middle of the heating season. She considers the date set to be premature and ill-considered, as it could lead to unforeseeable situations before household customers enter the free market (1 January 2026).

She strongly objected to the fixing in the bill of a minimum contract term of "at least one year" with the chosen electricity supplier and noted that this term was solely for the benefit of electricity traders, as it is an obstacle to switching suppliers and to competition on the market.

She pointed out other shortcomings of the bill, including:

- defining the criteria, conditions and procedure for determination of the status of a household in a situation of energy poverty and/or of a vulnerable customer for electricity supply purposes in an Ordinance adopted by the Council of Ministers, for which no deadline was set;
- defining the term "household(s)", which does not comply with the provisions of the Civil Registration Act;
- the charging of a "termination fee" and a "switching fee" to household customers.

The opinion of the public defender is that the bill does not sufficiently protect the rights of citizens and that there are controversial texts that should be reviewed. She insists that clear information be provided on how full liberalisation of the electricity market will be achieved in practice.

Some of the Ombudsman's proposals were adopted by the Energy Committee of the National Assembly.

The institution continued to receive complaints regarding:

- joint and several liability of property owners for the debts of their tenants.

In 2023, new General Terms and Conditions of Electrohold Sales EAD were adopted, in which the obligation for property owners to assume joint and several liability with tenants upon re-registration of an electricity account was abolished. However, similar clauses still exist in the General Terms and Conditions of EVN Bulgaria Electricity Supply EAD and Energo-Pro Sales AD, although they are contrary to the Obligations and Contracts Act.

- charging electricity at non-household rates to premises used for residential purposes.

The Ombudsman's opinion is that the distinction between electricity consumers should be according to the needs of the customer – household or non-household – not according to the type of property.

Right to access to the service

Citizens reported delayed execution of contracts for connection of facilities to the electricity distribution networks.

On a specific complaint, ER Yug informed that they received a significant number of applications for connection of RES. Despite the redeployment of staff to the departments that coordinate procedures for the connection of generating facilities, the process was delayed due to the large volume of documents to be examined.

Right to information

Customers of Electrohold Sales EAD sought assistance from the Ombudsman as they were not receiving paper invoices for the electricity consumed.

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Provisions of the electricity supply company's new General Terms and Conditions stipulate that customers have the option to continue receiving a paper invoice, but to do so they need to make an explicit request to the electricity supply company by September 2023.

In order to protect the right of choice of electricity consumers, the Ombudsman addressed Electrohold Sales EAD with a recommendation that the procedure for requesting paper invoices be simplified.

Citizens alerted the Ombudsman that when paying debts to Electrohold Sales EAD at the EasyPay cashier offices, without their knowledge and consent, they were charged an additional amount of BGN 2, representing the first instalment of the "Electroprotection" insurance (a joint product of ZD Euroins AD and the electricity supply company). This was ascertained after they received a document for the payment.

The Ombudsman immediately addressed the Chairman of the Financial Supervision Commission for a competent inspection of the activities of ZD Euroins AD and Electrohold Sales EAD in order to protect the rights of electricity customers.

In response, the Financial Supervision Commission informed that they had given binding instructions to ZD Euroins AD regarding the change in the method of distribution of this insurance product, as well as the possibility of collecting the insurance premium contributions through the EasyPay and FastPay cash offices, so as to ensure the principle of voluntariness in the sale of the Electroprotection insurance product and the interest of the insured persons.

Main recommendations:

1. The electricity distribution companies to undertake in a timely manner the necessary preventive maintenance, repair of electricity distribution networks and cleaning of easement areas around the facilities in order to minimise the number and duration of failures and power outages;
2. The EWRC to exercise regular control over the compliance of licensed activities of electricity distribution companies with the conditions of their licenses regarding the requirements for security of electricity supply, and the Ministry of Energy regarding the technical condition of the electricity facilities;
3. The EWRC to change the Methodology by applying a new fair approach for reporting on the performance of the electricity quality indicators;
4. The EWRC to cancel the clauses providing for joint and several liability of consumers in cases beyond those regulated by law in the General Terms and Conditions of EVN Bulgaria Electricity Supply EAD and Energo-Pro Sales AD;
5. The electricity distribution companies to provide adequate notice to customers of the date and time of upcoming inspections/replacement of electric metering devices.

2. WSS SERVICES

In 2023, the Ombudsman institution received 1,481 complaints, which is 10.19% more than in 2022.

Inspections of 1,474 case-files were closed, of which 1,199 were found to have infringements, 232 without infringements and 43 were inadmissible.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Chart No. 11. Number of complaints and alerts related to WSS sector problems in the 2021-2023 period

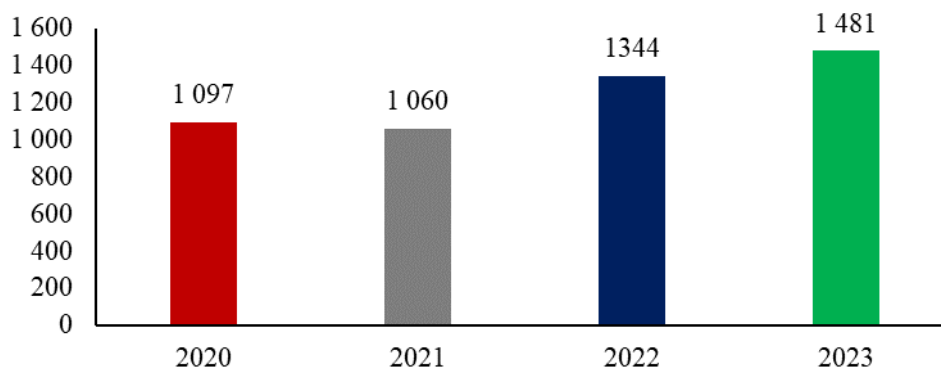


Table No. 7. Complaints and alerts in the WSS sector by region in 2023, %

Region	%
Sliven	33.08
Veliko Tarnovo	18.77
Pernik	14.25
Sofia city	12.09
Razgrad	2.97
Varna	2.36
Kyustendil	1.96
Plovdiv	1.89
Burgas	1.89
Stara Zagora	1.49
Dobrich	1.22
Haskovo	0.95
Pleven	0.95
Sofia region	0.81

Region	%
Montana	0.88
Shumen	0.74
Targovishte	0.60
Ruse	0.54
Lovech	0.47
Blagoevgrad	0.47
Yambol	0.34
Pazardzhik	0.41
Vratsa	0.20
Silistra	0.20
Gabrovo	0.20
Smolyan	0.14
Kardzhali	0.07
Vidin	0.07

As in 2022, signals against the poor quality of water supply services (42.23%) ranked first, followed by high prices (22.68%), the right to access to the service (12.26%), charging "total consumption" water costs (6.74%), etc.

Right to access and quality water supply service

Concerning the right to access and quality water supply service, 781 complaints were received from the regions of Sliven, Pernik, Veliko Tarnovo, Targovishte, Dobrich, Pleven, etc., representing 52.73% of all complaints in the sector.

Citizens from 19 regions in 78 settlements reported about disrupted water supply and water regimes in place.

Citizens' complaints related to the lack of access to water for drinking and domestic use; the water supply regime in place, which is often not respected by the water supply and sewerage operators; interruptions in the water supply service due to breakdowns in the heavily depreciated and outdated water supply system, as well as during the implementation of projects for the repair and/or construction of the water supply and sewerage network; failure to provide

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alternative water supply during prolonged water supply interruptions; unfit water for drinking and household purposes; low water pressure.

Only for 10 days, in the period from 8 June 2023 to 18 June 2023, the Ombudsman received 237 complaints from residents of Sliven, and in the period from 4 July 2023 to 7 July 2023: 42 complaints stating that the water supply was stopped for more than 24 hours by the Water Supply Company of Sliven, without any water carriers being provided.

The Ombudsman addressed the Water Supply Company of Sliven, the Minister of Environment and Water, the Minister of Regional Development and Public Works, the Chairman of the EWRC, the Executive Director of Bulgarian Water Supply Holding EAD. As a result, the mayor of the municipality instructed the water supply operator to prepare an action plan for providing an alternative water supply. For its part, the water supply operator informed that the reason for the prolonged water shutdown was the implementation of European projects and this was due to the fault of the contractor.

The Ombudsman's findings are that in the case of frequent and prolonged water cuts, the legal framework and the General Conditions for the Provision of Water Supply Services do not sufficiently protect the rights of the users of water supply services.

In January 2023, during the public consultation on amendments and supplements to Ordinance No. 9/2001 on the quality of water intended for drinking purposes (Ordinance No. 9), in a written opinion to the Minister of Health, the Minister of Environment and Water and the Minister of Regional Development and Public Works, the Ombudsman made proposals related to the implementation of the obligations of water operators and mayors of municipalities under Ordinance No. 9.

In August 2023, the Ombudsman recommended to the Chairman of the EWRC to take action to amend and supplement the General Terms and Conditions for the provision of water supply services for all water supply operators, namely:

- to determine the procedure, terms and methods of delivery of the invoices issued by the water supply operators to the household consumers;
- the invoices issued by the water supply operators should comply with the requirements of Article 114, paragraph 1 of the VAT Act;
- to determine the procedure, terms and means for the household users to receive the information provided for in Article 18 of Ordinance No. 9.

In February 2024, the EWRC informed the Ombudsman that it would further notify her of the actions taken to amend and supplement the General Terms and Conditions for the provision of water supply services.

Right to quality sewerage service and access to it

32 complaints were received regarding the right to access and use of quality sewerage services from the regions of Burgas, Sofia, Plovdiv, Pernik, Dobrich, Veliko Tarnovo, Blagoevgrad, Vratsa, Shumen, Yambol, etc. The Ombudsman appealed for immediate measures to be taken by the mayors of the respective regions in connection with the fulfilment of their obligations under Article 191, paragraph 1, item 1 of the Water Act – the mayor of the municipality shall supervise the construction, maintenance and proper operation of sewerage networks.

Complaints about the lack of sewerage (16) were received from the towns of Pernik, Berkovitsa, Sofia (Benkovski, Gorna Banya, Modern Suburb, Gorublyane neighborhoods), the village of Kavrakirovo, Petrich municipality. Regarding the problem in the city of Sofia, the

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fact is that as of the beginning of March 2024 Sofiiska Voda AD still does not have a business plan and an investment programme for 2022-2026 approved by the EWRC.

Increase in prices of water supply and sewerage services

In 2023, 333 complaints were received from the regions of Montana, Plovdiv, Ruse, Stara Zagora, Sliven, Haskovo and Shumen against the increase in prices of water supply and sewerage services.

In 2023, the EWRC approved the business plans for 2022-2026 of the water supply and sewerage companies of Sliven, Pazardzhik, Dobrich, Kyustendil, Sofia, Pernik, and Shumen.

In opinions to the regulator, the Ombudsman pointed out that the price of water supply and sewerage services was not economically justified and was not linked to the performance of quality indicators. The way electricity costs are determined is not economically justified because it does not reflect the compensation received from the State by the water supply and sewerage operators to cover electricity costs.

In July 2023, the EWRC held a public consultation on a draft amendment to the Ordinance on the prices of water supply and sewerage services, as the compensation received for electricity prices by water supply and sewerage operators was already incorporated in the prices of water supply and sewerage services.

In October 2023, the EWRC held a public consultation on the Guidelines for the formation of prices of water supply and sewerage services under the "price cap" method for the 2022-2026 regulatory period. The Ombudsman expressed the opinion that only reliable statistical data provided by the National Statistical Institute (NSI) should be used to determine the social affordability of the price of water supply and sewerage services for the respective year.

In the same month, the NSI published information for 2022 on its website. It shows that in 18 regions (Montana, Veliko Tarnovo, Ruse, Gabrovo, Pazardzhik, Stara Zagora, Lovech, Targovishte, Razgrad, Silistra, Vratsa, Yambol, Smolyan, Dobrich, Kardzhali, Kyustendil, Pernik, Shumen) the error exceeded 10%.

During the public discussion in November 2023 on the increase of the prices of water supply and sewerage services, effective from 1 January 2024, the Ombudsman strongly opposed to the next price increase and the way of determining the social affordability.

By Decision No. II-29/22.12.2023, the EWRC approved new prices of water supply and sewerage services of 31 water supply and sewerage operators (excluding the city of Sofia), effective from 1 January 2024. The social affordability was determined based on data on the average monthly income per person per household from the survey "Monitoring of household budgets" for 2022, and for 18 regions, according to the information of the NSI, the data was unreliable.

Right to "water aid"

Citizens from Sofia, Ruse, Shumen and Gorna Oryahovitsa were seeking assistance from the Ombudsman regarding the refusal of the Social Assistance Agency to pay water benefits under § 1, paragraph 2 of the Additional Provisions of the Water Supply and Sewerage Services Regulation Act, which states: "The persons referred to in Article 3 of the Social Assistance Act (SAA) shall be entitled to assistance in the amount corresponding to the monthly water minimum determined under paragraph 1, item 4."

In March 2023, the Ombudsman addressed the Ministry of Labour and Social Policy (MLSP) and the Ministry of Finance (MoF) on the implementation of the above-mentioned

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

legal provision, requesting information for 2021 and 2022 on the total amount of social benefits paid for the use of water supply and sewerage services and the number of persons who received them. In connection with the adoption of the State Budget Act for 2023, she requested clarification also on the measures to be taken to provide social assistance funds in accordance with § 1, paragraph 2 of the Additional Provisions of the Water Supply and Sewerage Services Regulation Act.

The Ministry of Finance stated that “our position has always been clear and unequivocal that it is not appropriate and not necessary to introduce a special type of social assistance for citizens from social groups at risk to cover household consumption costs.” From the MLSP the response was: “the questions raised reopen a discussion dating back to 2004 in which the MLSP's position has been principle and consistent. This position is expressed in the fact that the SAA ensures the necessary social protection for people in difficulty to provide for various types of needs such as food, water, clothing, etc., without the need to introduce a special type of assistance.”

These positions gave rise to the Ombudsman's request to the caretaker Prime Minister, which has not been answered yet. The Ombudsman's view is that it is imperative for the State to assist socially disadvantaged citizens by ensuring their access to water, a basic necessity of life.

Right to pay for WSS service actually used

Complaints continued to be received in 2023 related to the allocation of the difference between the total water meter reading in condominium buildings and the sum of the individual consumption in the properties (“common consumption”). It is the Ombudsman's opinion that the current legislation does not provide fair and effective mechanisms to protect the rights of honest consumers in the allocation of “common consumption” water quantities to individual accounts. Residents in condominium buildings can only request an inspection if they are notified in writing by the water operators that the “common consumption” difference formed is more than 20 per cent.

New Water Supply and Sewerage Act

In the period from 11 April 2023 to 11 May 2023, a public consultation procedure was conducted on a new bill for the Water Supply and Sewerage Act. In her opinion the Ombudsman stressed that there was no preliminary economic, legal, and comparative analysis on:

- the place, role and achievements over the years of the establishment and activities of the Water Supply and Sewerage Associations in each region since 2009;
- the implementation of the strategic objectives set out in the Strategy for the Development and Management of the Water Supply and Sewerage Sector in the Republic of Bulgaria for 2014–2023, adopted by Decision No 269/7.05.2014 of the Council of Ministers, namely: the water supply and sewerage sector to meet national/European requirements, to be environmentally, financially and technically viable, the prices of water supply and sewerage services to be socially affordable for consumers and the quality of services and efficiency of water supply and sewerage operators to comply with the good European practices;
- the results achieved since the introduction of the uniform price for water and sewerage services in 2015;
- the fulfilment of the long-term levels of quality indicators set by the water supply operators, such as: continuity of water supply; breakdowns in the water supply network; total losses in the water supply systems; pressure in the water supply system; rehabilitation of the

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water supply network; active leakage control; efficiency of the construction of water metering, etc.

The Ombudsman expressed the following opinion on the bill:

- the price of water supply and sewerage services is not linked to the performance of quality indicators;
- there is no procedure for applying a lower price for water when it does not meet the regulatory quality requirements, including when the Regional Health Inspectorate prohibits the use of water for drinking purposes, or when it is clearly unfit for consumption;
- the Commission for Regulation of Water and Sewerage Services is envisaged to regulate only prices, and its powers are severely limited;
- the control of the implementation of the quality indicators, reduced from 15 to 3, is entrusted to the Water Supply and Sewerage Associations in the regions, which do not have the necessary expert and administrative capacity to perform this role;
- prices of water supply and sewerage services are not linked to the cost of water supply (gravity, pumped, mixed);
- a new financial burden for users is introduced without stating valid reasons – an access price to be paid whether the service is used or not;
- no new method of determining the social affordability of the price of water supply and sewerage services has been proposed, although the NSI declares the information on the average annual income per person to be burdened with a high stochastic error by region. To this end, the Ministry of Regional Development and Public Works needs to request an opinion from the NSI on what reliable and public data can be provided on the average monthly income per person;
- it does not take into account the need for "water aid" – a task that the National Assembly assigned to the Minister of Regional Development and Public Works by a decision adopted by the 44th National Assembly on 13 December 2019, published in State Gazette No. 100 of 2019.

Main recommendations:

A new Water Supply and Sewerage Act which should:

1. Ensure the right of consumers to access to a quality service at an economically justifiable price linked to the cost of its delivery;
2. Provide a quick and clear procedure for applying a lower price of water when it does not meet regulatory quality requirements;
3. Provide measures to assist vulnerable groups of citizens;
4. Ensure effective control over the activities of water supply and sewerage operators;
5. Determine the social affordability of the price of water supply and sewerage services based on reliable data and according to household income.

3. DISTRICT HEATING

In 2023, 728 complaints and alerts were received from heat consumers, 76.9% more than in 2022. Complaints against heat consumption allocation companies are up 47.8% year-on-year.

Inquiries in 702 complaints were closed.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Chart No. 12. *Number of complaints and alerts from consumers regarding the district heating sector in the 2020-2023 period*

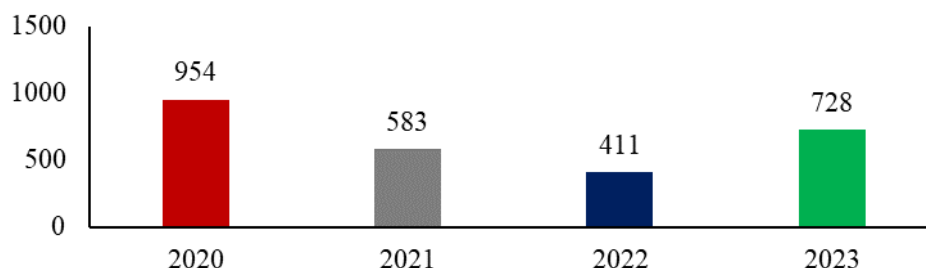
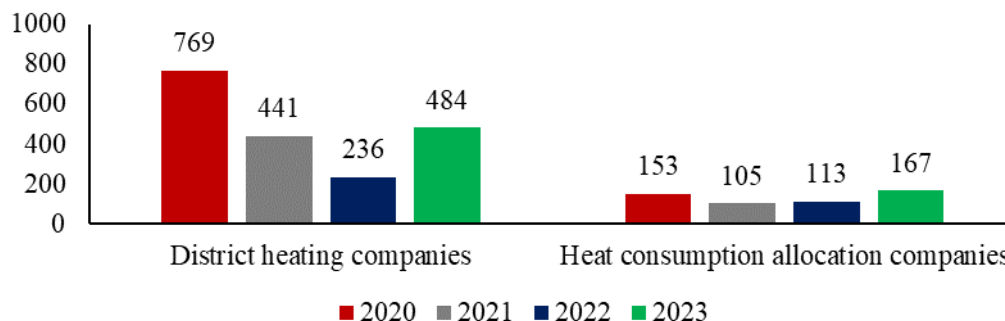


Chart No. 13. *Number of complaints and alerts against district heating companies and heat consumption allocation companies in the 2020-2023 period*



Most numerous are the complaints against Toplofikatsia Sofia EAD: 417, followed by Toplofikatsia Pernik EAD: 28, Toplofikatsia Gabrovo EAD: 12, Toplofikatsia Ruse EAD: 10, Toplofikatsia Pleven EAD: 8, EVN Bulgaria Toplofikatsia EAD and Toplofikatsia Razgrad EAD: 4 each, Veolia Energy Varna EAD: 1.

Against heat consumption allocation companies, the first place is held by complaints against Nelbo AD: 59, followed by Techem Services Ltd: 58, Brunata Ltd: 20, MH Elveko OOD: 9, Direct EOOD and Thermocomplekt OOD: 8 each, Toplocontrol OOD: 3, Holiday & Reisen OOD and Belchevstroy EOOD: 1 each.

Among the main reasons for the increase in complaints are the record high regulated heat prices in 2023, which do not correspond with the sustained cheapening of the main fuel, natural gas, and carbon allowances on international markets, combined with the abolition of the reduced 9% rate and the reinstatement of the standard 20% VAT rate for heat supplies from July 2023.

In addition, the accelerated retrofitting of remote metering devices in 2023 creates new financial and organisational problems for consumers, for which there is a regulatory gap to some extent. There are also problems in obtaining information from customers about the readings taken remotely by the distribution meters, reconciling the readings with the actual values of the devices and the procedure for challenging the reports.

The charging of heat from the building installation in the condominium remains a pressing problem, especially for properties that are not heated or occupied.

Many complaints were also received against the formation of a high specific cost for water heating, which exceeds the threshold of 150 kWh/cubic meter set in the Heat Supply Ordinance.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman made a series of proposals to the Minister for Energy to carry out a thorough analysis of the operation of the Heat Supply Ordinance and to make amendments in order to effectively protect the rights of domestic heating customers.

Right to pay an economically justified price

The Ombudsman sent her opinion against the next increase of the heat prices for household customers for the period from 1 July 2023 to 30 June 2024, during a public discussion in the EWRC. The increase in heating and hot water prices is unacceptable, given the significant decrease in natural gas prices as the main price-setting factor, as well as in view of the country's economic and income situation.

Subsequently, following a consistent review of the accelerated monthly price reductions in natural gas, as well as the significant decline in international carbon allowance prices, the Ombudsman proposed to the Chairman of the EWRC that heat prices be reduced from 1 January 2024. The main argument was that during the first six months of the price period 1 July 2023 – 30 June 2024, household customers paid heating companies at inflated estimated prices for the natural gas fuel, as well as inflated carbon allowance costs, which provided heating companies with unjustified revenues.

In response, the EWRC expressed the opinion that, on the one hand, the companies in the sector continued to report under-recovered revenues from the previous pricing period, and on the other hand, the district heating companies generated lower than forecast revenues from the sales of electricity they produced on the free market.

The Ombudsman's opinion was that amendments to Ordinance No 5/23.01.2014 on the regulation of heat prices were necessary to carry out regulatory reviews in a timely manner, to reduce the forecast factors in the formation of regulated heat prices and to focus on the balance of interests of commercial companies and end customers.

Right to pay for a service actually used

The distribution of heat in condominium buildings is carried out according to a highly complicated and incomprehensible for the consumers Methodology for heat consumption allocation, annexed to Article 61, paragraph 1 of the Heat Supply Ordinance.

In opinions to the Minister of Energy, the Ombudsman insisted on:

- conducting a thorough analysis of the operation of the Heat Supply Ordinance;
- revising the provisions in the Methodology for heat consumption allocation regarding the inclusion of the adjustment factor K_p reflecting the change in consumption and climatic conditions. The inclusion of this factor is the main reason for the inexplicably high bills for estimated heat consumption for April 2023, which were the subject of numerous complaints to the Ombudsman and of inspections by the MoE and the EWRC;
- effective control of the technical condition and settings of the subscriber stations in accordance with the actual heat consumption in condominium buildings.

Equipping homes with devices for remote metering of heat energy consumption

Due to the expiration of the 10-year warranty and operating terms of a large number of heat consumption metering devices in 2023, an accelerated retrofitting with remote metering devices will begin in accordance with Articles 7 and 8 of the Energy Act. Citizens complained to the Ombudsman that this represented a serious financial burden for households. Another problem is the short 30-day deadline that some distribution traders set for the purchase of the

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

new devices and in case of non-compliance with this deadline they charge an ex officio overestimated heat consumption. In this regard, in February 2023, the Ombudsman addressed the caretaker Minister of Energy with a proposal to develop a financial support measure for household customers in the condominium buildings in relation to the legal requirement for mandatory retrofitting of installations in their homes with remote heat metering devices. The Ombudsman was of the opinion that European funds, including under the National Recovery and Resilience Plan of the Republic of Bulgaria, should be sought for this purpose. In October 2023, the Ombudsman reiterated her strong recommendation to the Minister of Energy to urgently develop a fair financial support instrument for household customers.

Citizens reported problems arising from the legal requirement that remote hot water meters be supplied by or approved by the heat accountant for use in the specific building (under Article 140, paragraph 8 of the Energy Act). There were cases where remote hot water meters had been purchased from the water operator, but the heat accountant refused to approve them on the grounds that it was not technically possible to carry out the remote reading. In May 2023, the Ombudsman sent a recommendation to the Minister of Energy and the Minister of Regional Development and Public Works to amend and supplement Ordinance No. E-RD-04-1/12.03.2020 on heat supply and Ordinance No. 4 in order to:

- set a time limit for the heat accountants to provide the water supply operators with the data of the changed hot water meters;
- regulate the conclusion of agreements for exchange of information between the heat accountants and the water supply and sewerage operators on the readings of the hot water meters with remote readings, preventing financial burdens on household customers;
- align the time limit for checking individual water meters. Pursuant to Article 34a, paragraph 5 of Ordinance No 4 this period is three months, and pursuant to Article 52, paragraph 7 of Ordinance No. E-RD-04-1/12.03.2020 on heat supply it is one month;
- prescriptions for the replacement of radiator heat meters and individual hot and cold water meters must contain information on the date on which the warranty/operation period and the metrological verification period of the appliances have expired.

A partial solution to this problem was found in Sofia city with the signing of bilateral agreements between Sofiiska Voda AD and individual heat consumption allocation companies for mutual recognition and exchange of reported data.

Right to a quality service

Citizens sought assistance from the Ombudsman in regard to the poor quality of heat supply. Although the General Terms and Conditions for the Sale of Household Heat provide for penalties for poor quality heat supply, consumers in practice are unable to defend themselves due to difficulties in proving the breach. In this respect, an analysis of the current 'Quality Indicators for Heat Supply' was necessary from the point of view of the protection of consumers' rights. The indicators were adopted by the EWRC on 4 June 2004 with a focus on the collection of statistical data and the preparation of summary assessments of companies for the purposes of energy regulation.

Right to information

Non-receipt of paper reconciliation bills/invoices for heat consumption continues to be a problem for household customers. Following recommendations from the Ombudsman, heat consumption allocation companies and heat supply companies enabled electronic access to these documents. However, some consumers do not use the internet and have difficulties in obtaining the information that is important to them: how the monthly or annual bills for heat

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consumption are set up; the possibilities for lodging complaints (objections) in relation to the heat consumption allocation and invoiced obligations; the dates set for planned repairs; the dates for regular reading of the heat consumption allocation devices, etc.

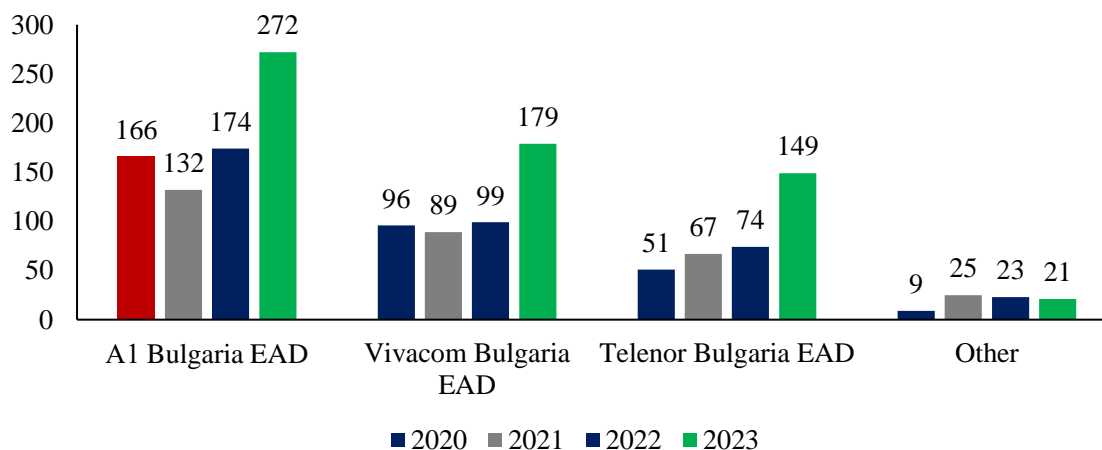
Main recommendations:

1. Comprehensive analysis of the implementation of Chapter Ten "Heat Supply" of the Heat Supply Act and the Heat Supply Ordinance;
2. Revision by the EWRC of the General Terms and Conditions for Sale of Household Heat and the Quality Indicators for Heat Supply;
3. Implementation of effective inspections by ME and EWRC on the quality of heat supply services;
4. Providing financial support to household customers having difficulties in paying for the more expensive heat consumption devices with remote metering.

4. ELECTRONIC COMMUNICATION SERVICES

In 2023, 621 complaints about the provision of telephone, internet and television services were received and inquiries were closed. Citizens' complaints related to the indexation of monthly subscription fees for mobile services, unsolicited inclusion of services, payment for unused services, quality of services.

Chart No. 14. Number of closed inquiries providers of electronic communication services in the 2020-2023 period



Unilateral adjustment of consumers' bills by companies

On the occasion of the indexation of the monthly subscription fees, the Ombudsman took a series of actions to protect the rights and interests of citizens, namely:

- made recommendations to mobile operators not to apply indexation;
- repeatedly asked the CCP to check for unfair clauses and unfair commercial practices;
- addressed the Communications Regulation Commission (CRC) and the caretaker Deputy Prime Minister for Economic Policies and caretaker Minister of Transport and Communications;

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- in a letter to the caretaker Prime Minister and to the caretaker Minister of Economy and Industry, pointed out that users of mobile services would be forced to pay the increased prices without the right to renegotiate the terms of their contracts towards lower tariffs, without the possibility of terminating their contracts without penalty;
- also called on the Chairperson of the Commission on Protection of Competition to take action within her competence.

Subsequently, the CCP informed the Ombudsman about an order issued, prohibiting A1 Bulgaria EAD from exercising unfair commercial practices by not providing information on the amount of the indexed monthly fees on a timely basis in the proposed contracts. Actions were also taken to hold the company administratively liable.

Unsolicited adding of services

Citizens most often complained about misleading or incomplete information when signing contracts. Signing on electronic displays did not allow them to become familiar with the terms of the contracts.

In the event of allegations of misstatement when concluding a contract, the Ombudsman advised citizens to go to court, which may rule on the invalidity of the contract.

Payment for services not actually used

The main problems of citizens related to the purchase of video content via operators' platforms, unsolicited messages for value-added services, charging a standard monthly fee after the expiry of the contract, charging roaming services in border areas.

Right to a quality service

Complaints related to poor mobile coverage in places around the country, frequent disruption of TV and/or internet services.

Operators clarified that they had an obligation to provide a certain percentage of their network coverage according to a 'population' criterion, not a 'territory' criterion. The service is mobile, not fixed. Signal quality depends on the concentration of people using the services at the same time, as well as on weather conditions, topography and the presence of physical barriers.

Main recommendations:

1. The CCP should examine the clause in the contracts and general terms and conditions of mobile operators for indexation of monthly subscription fee;
2. The Electronic Services Act should oblige the CCP to approve the general terms and conditions of mobile operators;
3. Periodic monitoring of the activities of mobile operators in relation to their obligations when concluding contracts.

5. FINANCIAL SERVICES

In 2023, the institution received 334 complaints, of which 254 against banks and 80 against payday loan companies.

Banks

In regard to complaints from citizens dissatisfied with the complicated procedure for opening a payment account for basic operations, the Ombudsman addressed the BNB, the Ministry of Finance and the Association of Banks in Bulgaria, pointing out that users of

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

financial services faced significant difficulties related to a number of requirements and the cumbersome procedure imposed by the banks. In order to implement Article 120a of the Payment Services and Payment Systems Act, banks require customers to visit a bank office repeatedly in order to: close an existing account in which they receive wages, pensions, social security benefits and social assistance benefits; apply for a new account for basic transactions; submit a statement from employer in the bank's standard form, for the amount of their wages; and to obtain their new debit card.

The public defender recommended that timely measures be taken, including:

- to introduce a more simplified procedure for the implementation of Article 120a of the Payment Services and Payment Systems Act;
- banks should publish clear and correct information on the application of Article 120a of the the Payment Services and Payment Systems Act, etc.

She explicitly urged the Governor of BNB to exercise his supervisory powers over commercial banks under the Payment Services and Payment Systems Act.

As a result, the BNB assured that it monitored compliance with the applicable regulations and would take supervisory action, as appropriate, in its area of jurisdiction in relation to the provision and servicing of basic transaction payment accounts within the scope of its payment supervision powers under the Payment Services and Payment Systems Act.

On the occasion of the bill submitted by the Council of Ministers on 13 November 2023 for the amendment and supplement of the Payment Services and Payment Systems Act, in particular §19 on the amendment of Article 120a, the Ombudsman made specific proposals to the Chairman of the Budget and Finance Committee of the National Assembly, the Chairman of the Committee on the European Union Affairs, the Schengen Area and Euro Area and the Chairman of the Committee on Economic Policy and Innovation for the revision of Article 120a of the bill.

First of all, she drew attention to the fact that in the periods set out in Article 1 of the Payment Services and Payment Systems Act, the funds received and held in the basic operations payment account did not include claims received by groups of vulnerable citizens, such as financial support under Article 69 of the People with Disabilities Act and maintenance after divorce and separation. Thus, one of the basic principles under Article 117, paragraph 2 of the Payment Services and Payment Systems Act had not been complied with: 'The conditions applicable in relation to the opening and maintenance of a payment account for basic transactions within the meaning of Article 118 shall not be discriminatory', which transposes Article 15 of Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (the Directive). Moreover, under the Directive, in order to encourage vulnerable consumers to participate in the retail banking market, they should be granted more favourable conditions (free of charge) when using payment accounts for basic transactions.

Regarding the allowances granted under Article 69 of the PDA, it should be borne in mind that the monthly financial support is different in philosophy from general social assistance, as it is not dependent on the income of the persons – it is always granted, regardless of whether the disabled persons work under an employment contract, receive a pension or are unemployed, and is intended to compensate for the costs associated with overcoming the difficulties caused by the type and degree of disability. The targeted allowances under Article 69 are also intended to support people with disabilities, for which additional requirements determined by the type of disability are introduced.

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Accordingly, the right to maintenance of under-age children is unconditional. Adults continuing their education continue to be entitled to maintenance subject to certain conditions. The inclusion of these funds guarantees the right of the persons concerned to benefit from the so-called free account.

It is not clear from the arguments how the number of free of charge payment transactions that citizens with an opened payment account for basic transactions under Article 120a of the Payment Services and Payment Systems Act was determined, according to the definition in paragraph 1 of Article 120a of the bill, namely 'up to three credit transfers in total' and 'up to three cash withdrawals in total'.

The public defender considers the proposed number of free transactions to be insufficient for the personal use of consumers, taking into account the number of utilities: electricity, heat, gas, water, telephone services, as well as the payment of taxes and fees.

She also proposed to include a certain number of payment transactions at the counter in a bank office when withdrawing cash, which would guarantee free servicing in the event of a technical malfunction of the ATM, of which the Ombudsman institution receives a significant number of signals.

Payday loan companies

In 2023, the institution received 80 complaints against payday loan companies. The largest number of complaints were against City Cash OOD, Cash Credit Mobile EAD, UteCredit Bulgaria EOOD, Credit Yes OOD, MACROADVANCE AD, Kredirekt EOOD, etc.

The complaints were mainly related to:

- putting psychological pressure on the debtor, such as: constantly calling him on the phone; harassing relatives, neighbours and employer; sticking notes on front doors and mailboxes;
- high interest rates, including penalties, fees (for express approval, for visiting the home address, for sending a text message and for sending reminder letters or invitations);
- refusal to reschedule;
- refusal to provide updated information on the amount of the debt.

Main recommendations:

1. The provision of Article 120a of the Payment Services and Payment Systems Act to ensure access to a payment account for basic transactions so that vulnerable consumers participate in the retail banking market, and to increase the number of payment transactions, taking into account the number of utilities;
2. The level of bank charges to be economically justified, proportionate to the cost of the banking services offered;
3. To regulate the activity of payday loan companies and supervise them.

6. WASTE COLLECTION

In 2023, the institution received 81 complaints about problems related to the charging of household waste fee. Inquiries in 81 case-files were closed.

Complaints related to:

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- charging for services that were not actually provided by municipalities;
- problems with the exemption from garbage collection and disposal fee for property not used during the year;
- poor quality of services for collection and removal of municipal waste and maintenance of cleanliness of public areas.

In 2023, the Ombudsman continued to receive complaints that municipalities refused to accept declarations for exemption from the payment of the fee for the collection and removal of household waste due to non-use of the property, submitted after 31 October, arguing that according to the regulations this is the deadline for submitting declarations. This practice of the municipalities contradicts the current provision of Article 71, item 1 of the Local Taxes and Fees Act, according to which no fee for garbage collection and disposal shall be levied when the service is not provided by the municipality or if the property is not used throughout the year and a declaration in a standard form is submitted by the owner or user by the end of the previous year to the municipality where the property is located. The Ombudsman recommended to the respective municipal administrations that the citizens' declarations of non-use of the property be respected and that their obligations for the 2023 municipal waste collection and disposal service be revised by exempting them from the payment of the municipal waste collection and disposal service fee.

A specific problem with the determination of waste collection fee for properties that are not in use was identified in the municipality of Plovdiv. The Ombudsman was informed by citizens that the municipality charged a fee for properties that were at the stage of "rough construction", without a permit for use, and it was impossible to be inhabited due to the lack of windows, electrical and plumbing installations. The municipal administration referred to changes in the Local Taxes and Fees Act, which entered into force in 2019, providing that the real estate tax is also due in cases where within two years from the completion of the building in rough construction, respectively within one year from the drawing up of a declaratory act under Article 176, paragraph 1 of the Spatial Development Act, the building has not been put into operation or a permit for use has not been issued (Article 15, paragraph 5 of the Local Taxes and Fees Act). On the basis of Article 64, paragraph 1, in conjunction with Article 11 of the Local Taxes and Fees Act, waste collection fee must be charged on these properties. On the other hand, there are clarifications of the Executive Director of the NRA, which are in the direction that for the buildings referred to in Article 15, paragraph 5 of the Local Taxes and Fees Act, for which the statutory conditions are met and subject to tax, the waste collection fee is not due (Clarification No. 26-II-196 of 11.09.2020 and Clarification No. 94-A-494 of 25.09.2021).

In regard to received complaints, the Ombudsman addressed the Executive Director of the NRA as the competent authority to issue methodological guidelines on the application of the Local Taxes and Fees Act for clarifying the question as to whether a municipal property tax was due for the buildings which, according to Article 15, paragraph 5 of the Local Taxes and Fees Act, were subject to real estate tax, but were not used and no municipal waste was generated from them, and if yes, for which of the services under Article 62 of the Local Taxes and Fees Act it was due. She also recommended assessment of the need to issue methodological guidelines on the basis of Article 4, paragraph 6 of the Local Taxes and Fees Act in order to align the practice of municipalities in determining the property tax under Article 15, paragraph 5 of the Local Taxes and Fees Act. In response, the NRA reaffirmed its opinion that the waste collection fee for buildings in the hypothesis of Article 15, paragraph 5 of the Local Taxes and Fees Act was not due for each of the services. The NRA also pointed out that the Ministry of Finance had expressed an opinion to the same effect. In this regard, the Ombudsman referred

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

to the Municipality of Plovdiv to reconsider the above practice, but the latter did not comply with the explanations of the competent authority.

Often the Ombudsman was approached by citizens complaining that they were charged for services that municipalities did not actually provide in a given area. The number of complaints about the quality of garbage collection and disposal services in individual settlements and regions remained significant, relating to the lack of sufficient waste containers, irregular servicing of containers and pollution of the areas around them, uncleaned sidewalks and lack of action by the responsible institutions on signals about unauthorised waste disposal. In response to the complaints received, the Ombudsman addressed the relevant municipalities with recommendations for taking necessary measures.

In connection with the proposed changes in the Local Taxes and Fees Act, which provided for update of the tax assessment of real estate every two years with the price index determined by the National Statistical Institute, the Ombudsman expressed her opinion to the National Assembly that:

- the envisaged changes would lead not only to an increase in the real estate tax, but also to an increase in the municipal waste collection fee, contrary to the principle to be complied with by municipal councils when setting the waste collection fee (Article 8, paragraph 1 of the Local Taxes and Fees Act), which is aimed at achieving greater fairness in setting and paying local taxes;
- the reasons why a two-year period was chosen for updating the basic tax assessments were not clear;
- there was no analysis of the financial and other resources needed to implement the new arrangements;
- there was no impact assessment;
- there was no definition of the term 'indices for the purchase of new and existing dwellings';
- the mechanism proposed in the bill for market-based updating of the base tax value for this purpose provides for a factor to be determined by the municipal administration depending on statistical information on market index variables over a two-year period, which is based on the housing price index. Such a derivative element, which is the result of a decisive action by the executive power to assess a significant number of elements of uncertain value and without clearly defined terms and conditions, does not satisfy the constitutional requirements for the formation of a tax liability.

Subsequently, the proposal was not adopted by the National Assembly.

Main recommendations:

1. Municipal administrations should comply with the legal requirements related to the exemption from garbage collection and garbage disposal fee for non-use of property;
2. Municipalities should assess the municipal waste and garbage collection fee to the obliged persons according to the actual services provided under Article 62 of the Local Taxes and Fees Act in the respective area;
3. The competent municipal authorities should comply with the responsibilities entrusted to them by law and with the relevant local ordinances for organising the management of municipal waste, ensuring a sufficient number of waste containers and exercising control functions.

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7. COMPANIES FOR TRANSFER OF RECEIVABLES

In 2023, 65 complaints were received against debt collection companies: S.G. Group OOD, EOS Matrix OOD, Debt Collection Agency EAD, Frontex International AD, Finance Info Assistance EOOD and others.

Citizens mainly complained about claimed debts with expired limitation period and psychological harassment.

During the inquiries conducted, the Ombudsman made recommendations to the debt collection companies to improve their activities and to not use unlawful methods to collect debts. Citizens were advised to seek assistance from the Police Department of the Ministry of Interior at their place of residence and the District Prosecutor's Office in case of psychological harassment.

Main recommendation:

1. To regulate the activity of debt collection companies and their supervision.

8. GAS SUPPLY

Complaints to the Ombudsman about household gas supply decreased from 108 in 2022 to 35 in 2023. The main reason for this is the significant reduction in regulated household gas prices following the EU energy crisis in the second half of 2021 and in 2022.

In single cases, consumers expressed distrust regarding the metering of individual gas consumption, and complained about changes in the tariff policy of some gas supply companies, resulting in higher monthly bills for the natural gas supply service.

The current legislation allows the price for supply to be set in BGN per MWh (megawatt-hour) or in BGN per customer for a certain period (month, year). Switching from the first to the second option is allowed by the EWRC, but in most cases this leads to an increase in the monthly natural gas bills of consumers. This change of tariff policy was negatively commented by the Ombudsman, but the regulator's argument was that 100% of the companies' costs for supplying customers with natural gas were fixed and did not depend on the availability of consumption.

9. TRANSPORT SERVICES

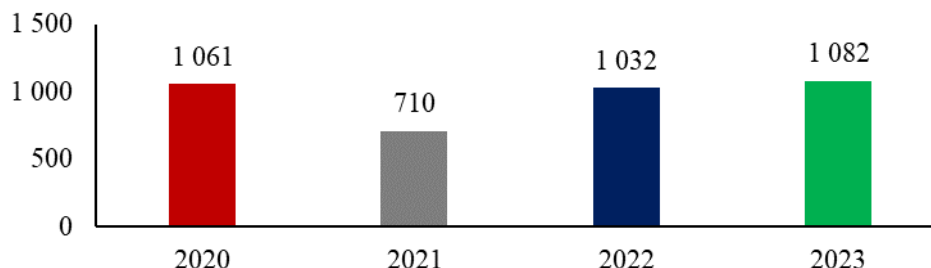
In 2023, the institution received 290 complaints related to transport services. The number of complaints significantly increased compared to those recorded in 2021 and 2022.

Violations were found in 101 cases and recommendations were made to the competent authorities.

By transport sector, the largest number of complaints were against urban transport: 119, followed by intercity bus services: 32; air carriers: 14; and BDZ: 10.

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Chart No. 15. *Number of complaints and alerts related to transport services for the 2020-2023 period*



Urban transport

Complaints were mainly related to non-compliance with the timetable by public transport drivers, violations committed by inspectors on the proper payment of fare by passengers, inoperative validators in vehicles and those which "swallowed" money from the bank cards of passengers. The Ombudsman recommended that the Urban Mobility Centre EAD should improve the system for validating transport documents in a way that did not allow passengers to be charged without their explicit consent.

The Ombudsman also addressed the Chairman of the Sofia City Council on the following issues:

Citizens retired in the conditions of the first and second category of work are excluded from the right to travel with long-term personalised transport documents for preferential travel. The Ombudsman's view is that pensioners under Article 68a, Article 69, Article 69b, Article 69c of the SIC should also be entitled to travel on long-term personalised transport documents for preferential travel. She pointed out that the current restriction was unfair and unjustified because the difference between the different groups of pensioners was only in the conditions for entitlement to pension. She proposed that Chapter IV of the Ordinance on the conditions for public transport travel in the territory of the Sofia Municipality should include all pensioners regardless of the grounds for acquiring pension rights. The proposal was not adopted by the Sofia Municipal Council.

Pensioners and persons aged over 68 years with a permanent address in another locality cannot benefit from the preferential prices of public transport tickets. In practice, they are unequally treated on a "territorial basis" because they are over 68 years old, have to reside in Sofia for a certain period of time, but are not entitled to preferential fares for public transport. By prohibiting them from benefiting from the lower prices of season tickets, conditions are created for depriving citizens whose permanent address is not on the territory of the Sofia city of rights and opportunities that would help them in their efforts to lead an active, independent and dignified life. An obligation to validate tickets for a single journey without the right to change, purchased from the driver, was introduced, and in case of non-compliance with this obligation, upon inspection by the controllers, citizens were forced to purchase a ticket in the amount of BGN 40 for an unvalidated journey. **The Ombudsman drew attention to the fact** that according to the Ordinance on the terms and conditions for travel by public urban transport on the territory of Sofia Municipality a "single trip ticket" sold by the driver on paper was a valid fiscal document which did not require additional validation (validated at the moment of its printing) (Article 11, paragraph 1, item 3) and a single trip ticket without the right to

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change issued by a driver on paper was a fiscal document which was validated at the time of printing (Article 11, paragraph 3). The Ombudsman recommended that the necessary measures be taken to ensure that drivers of public transport vehicles in the capital sell tickets as a fiscal document.

The Ombudsman institution received complaints from parents and pupils regarding the complicated procedure for issuing a "pupil card" for travel on public transport in Sofia Municipality. Pursuant to Article 29, item 7 of the Ordinance on the rules and conditions for travelling by public urban transport on the territory of Sofia Municipality, all pupils up to and including the age of 20 may obtain a pupil card for public transport after presenting a valid document (pupil ID card/school record) for the school year. They find it very difficult to obtain these documents and demand a simplification of the procedure for issuing the pupil card. The Ombudsman supported this request. In this regard, she recommended to the Sofia Municipal Council that the issuance and charging of the "pupil card" should not require the presentation of a pupil ID card or an official record of the school year enrolled, but that this information should be verified ex officio. In response, the Urban Mobility Centre informed the Ombudsman that once the possibility of official verification was provided and if the data in the register was up to date, the company would not require the pupils to provide the documents required by law.

Intercity bus passenger transport

Most of the complaints from citizens related to the lack of bus transport for small settlements. Encountering difficulties to travel to nearby towns, their inhabitants cannot receive medical and administrative services in a timely manner.

The Ombudsman recommended local administrations to look for opportunities to provide accessible and convenient public transport.

Rail transport

The main complaints related to late trains and a schedule that did not take into account people's work commitments. The Ombudsman made recommendations to BDZ to:

- improve passenger transport services and adherence to the current schedule;
- modify existing train schedules to accommodate passengers' work commitments.

Main recommendations:

1. Improve the system of validation of transport documents in a way that does not allow charging passengers without their explicit consent;
2. Retired citizens in the first and second category of work be entitled to travel with long-term personalised transport documents for travel at preferential prices;
3. Provide accessible and convenient public transport to the inhabitants of small settlements;
4. Intercity bus and train schedules to be consistent with passengers' work commitments;
5. Enhance control of carriers operating public bus passenger transport.

IV. RIGHT TO EDUCATION

The Ombudsman's main focus in 2023 was in support of initiatives to tackle educational inequalities and create opportunities for equal access to quality education for children and young people, and to improve their level of educational attainment.

The past year revealed that many of the challenges faced by all actors in the education system awaited a solution, as evidenced by citizens' complaints to the institution of the National Ombudsman. The problems affected pre-school, school and higher education and revealed numerous unresolved and emerging issues. The ability of the education system to respond quickly and adequately was essential to resolving them, as the National Ombudsman insisted in her recommendations to the institutions.

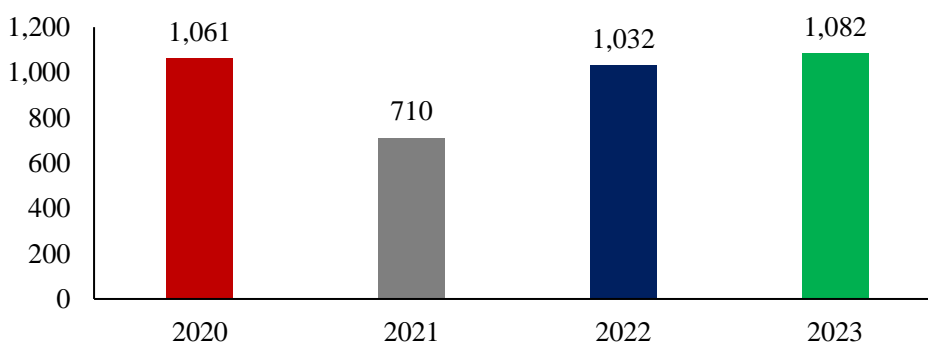
The public defender supported the measures taken to invest in education, but at the same time she expressed her concern about the reduced education budget in 2023 (4.1%) compared to 2022, when it was 4.4% of GDP. She believes that the reduction of funds will negatively affect some processes in the education system and reveals a tendency for retreat in some of the activities and policies carried out, as well as in the achievements made so far. The reduced funds for education also collide with the Pre-school and School Education Act, which regulates the funds for education as a share of GDP.

The Ombudsman noted that the reduction of funds for education created a problem in the functioning of the system and is a threat to the implementation of the adopted policies related to the remuneration of pedagogical staff, educational mediators, the funds needed for inclusive education, for the improvement of facilities and the development of science and higher education. All of these policies require consistency and a systematic approach in order to become sustainable practices leading to an increase in the quality of education.

In this regard, the Ombudsman made recommendations and insisted that when determining the funds for education in the 2023 budget, adequate funding for the education system should be ensured and more funds should be provided for the financing of activities related to the work with children with special educational needs, as well as increase the funds for higher education.

The problems and difficulties encountered by citizens in the field of education are reflected in the complaints and alerts received by the institution of the National Ombudsman.

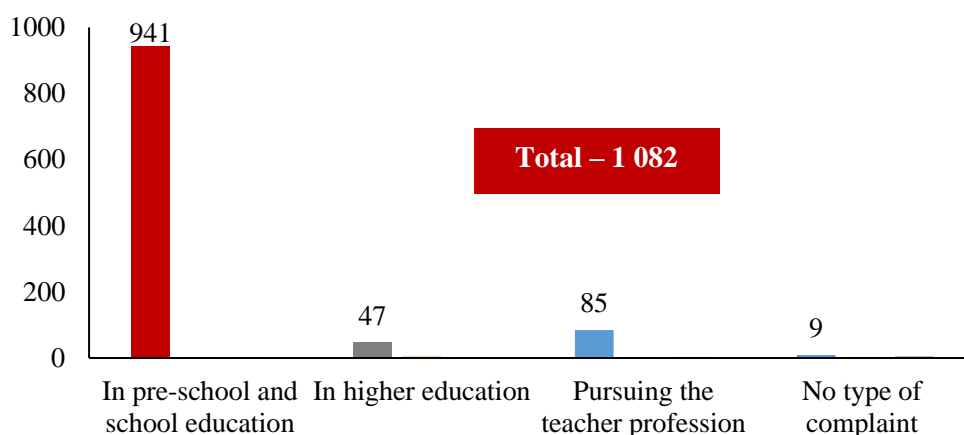
Chart No. 16. *Number of complaints and alerts received in the field of education in the 2020-2023 period*



A total of 1,082 complaints and alerts were received in the field of education in the past year.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Chart No. 17. *Number of complaints and alerts received in the field of education in 2023*



In some of the complaints (9 in number), citizens shared their views on the state of the education system, without making specific demands or naming a specific offender.

In defence of citizens' rights, the Ombudsman issued 509 recommendations, pieces of advice and opinions.

In 2023, the total number of closed inquiries in complaints and alerts in the field of education was 1,082.

Pre-school education

The complaints related to pre-school education concern the provision of and access to pre-school education, children's right to quality care and an appropriate educational environment, the material facilities in kindergartens, the lack of gyms for children's sports activities, as well as unrenovated playgrounds and unsafe play equipment on the territory of kindergartens, as well as prolonged or poor quality renovations of kindergartens.

The lack of enough places in kindergartens on the territory of Sofia Municipality increases the dissatisfaction of the citizens. Parents report to the Ombudsman that due to the lack of places their children over 4 years of age are not admitted to the municipal kindergartens, which prevents parents, for reasons beyond their control, from fulfilling the requirement to provide them with compulsory pre-school education. They point out that this puts them in a very difficult life situation. On the one hand, the municipality concerned does not provide places for all children in this age group, on the other hand, parents who do not enrol their children in a kindergarten are subject to a fine, and at the same time they do not have the financial possibility to enrol their children in a private child nursery or kindergarten.

Directors of municipal kindergartens in Sofia city sought the assistance of the Ombudsman regarding the possibility to use the built salt rooms in kindergartens and the concept of the "salt room" to be included in the health requirements for kindergartens. They informed that the built salt rooms met the regulatory requirements, but that their functioning was obstructed by the Sofia Regional Health Inspectorate on the grounds that Ordinance No 3 of 5 February 2007 on health requirements for kindergartens was violated, where the term "salt room" did not appear in Article 10.

Other issues raised by citizens with the Ombudsman concerned the lack of gyms and conditions for physical activity in kindergartens, the lengthy renovations of child nurseries and

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

kindergartens and the related inconveniences for children and parents, the payment of assistant teachers, interaction with the parental community, the hygiene in some kindergartens, the closure of kindergartens in small settlements

According to the complaints, a major challenge for the municipalities was the shortage of medical professionals when opening nursery groups or mixed groups with children of nursery age.

A significant problem that remains on the agenda is the teaching of Bulgarian in kindergartens to children for whom it is not their mother tongue. This problem is very serious among children of Roma origin. Their difficult socialisation is becoming a serious problem in pre-school and school education, leading to a failure to cope with the learning material and is subsequently one of the reasons for their dropping out of the education system. The Ombudsman made recommendations on the need to seek sustainable opportunities for creating conditions for the acquisition of Bulgarian literary language in kindergartens by children for whom it was not their mother tongue.

Main recommendations:

1. Increase investment in upgrading childcare facilities and building new ones to achieve high quality and accessibility;
2. Renovate and construct playgrounds and outdoor sports facilities in kindergartens;
3. The Sofia Municipality should seek, as a priority, opportunities to identify sites for the construction of childcare facilities in newly developing residential areas in order to provide places in nurseries and kindergartens for all applicants;
4. Work to achieve a high quality service provided by childcare facilities;
5. Introduce Bulgarian language classes in kindergartens for children whose mother language is not Bulgarian;
6. Provide better conditions for physical activity, sports and outdoor play for children;
7. Active dialogue and joint work to build trust between parents and childcare workers;
8. Updating training programmes for teachers and pedagogical staff working in the pre-school education system.

School education

For yet another year, the most numerous and diverse topics related to problems with school education. Complaints concerned the content and complexity of the curricula, which were often not adapted to the age profile of the students, the lack of sufficient hours for exercises and for consolidation of knowledge in certain subjects, the formats and assessment of the compulsory examinations within the National External Evaluation (NEE) for fourth, seventh and tenth grades, the conduct of the state matriculation exams (SMEs) after twelfth grade, the insufficient extra-curricular activities and sports in schools, the lack of systematic work with talented students, the low amount of scholarships for excellently performing pupils, the poor condition of gymnastic halls in schools or the lack of them, the lack of accessible architectural environment, the management of educational institutions.

In 2023, an agreement was reached with the responsible institutions to address some of the issues raised by the Ombudsman. Issues related to the conduct of the state matriculation exams, the introduction of a second date for the NEE examinations, the decision to provide free textbooks to all pupils from first to twelfth grades from the 2024/2025 school year, the increase in PhD scholarships, the renovation of student dormitories.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Complaints requesting the possibility to increase SME scores

The National Ombudsman's proposal to regulate the possibility to enhance the results of the SMEs and the Ombudsman's efforts to have legislative changes in this direction adopted led to positive results. The Education and Science Committee of the 49th National Assembly unanimously adopted the Ombudsman's proposal. It is to be finally voted in early 2024.

As positive steps in 2023, the Ombudsman notes the increase in the number of innovative schools in the country, the construction of STEM centres in schools, the provision of funds under the programmes for the construction, upgrade and reconstruction of nurseries, kindergartens and schools, the construction and overhaul of sports grounds and gymnastic halls in state and municipal schools, as well as the renovation, repair and furnishing of student dormitories.

The Ombudsman shares the view that the rapid penetration of technology in all spheres of life and the digitalisation of the education system, in addition to the benefits, also poses a danger related to the excessive use of electronic devices by children and students in their daily lives. In this sense, she supports the idea of the need to lay down standards and criteria to achieve a balance in the use of new technologies in the learning process and to stimulate educational innovation with a view to the healthy development of children and students.

Complaints about the reorganisation of the school network in some areas of Sofia city

Parents and teachers are very dissatisfied with the intention of the district administrations in Sofia Municipality to close or merge elementary schools with secondary schools in the respective districts and thus turn them into huge schools with over 1,000 and over 2,000 students.

The Ombudsman is following these developments with concern, because they are often not in favour of children and limit families' choice of school type. Observations and analyses show that one of the reasons for the problem created is the definition of the adjacent areas of schools. Another equally important reason is the failure to take into consideration available facilities when allowing pupils to enrol in large schools, which exacerbates the problems.

In relation to citizens' complaints, the Ombudsman recommended that a thorough and objective analysis of the problem be made at the level of Sofia Municipality, in cooperation with the district administrations, and that a broad discussion be held with all stakeholders, including parents, so that their arguments were heard and all options for resolving the problem were considered before proceeding with school closures or mergers.

The Ombudsman finds that the closure of primary schools, whose purpose is to provide a learning environment close to home for children in their area of residence, has a strong negative impact on them and forces them to attend schools located a long distance from their homes, thus endangering their safety and security. In addition, schools with fewer students provide a more peaceful environment. She also points out that the closure of primary and neighbourhood schools is not in the interests of the children and citizens living in the area concerned.

Complaints about problems with vocational education

Reforms in this area reflect the need for regulatory changes in the Vocational Education and Training Act, updating the list of professions and vocational training standards, training programmes and syllabi.

The Ombudsman considers as a positive step the adoption of the Strategic Vision for the Development of Dual Education in Bulgaria by 2030, which envisages focusing on the leading role of business in training, development and modernisation of the dual education system in the

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

country.

The public defender's recommendations entail measures to modernise vocational training and education, the need to upgrade the material base in vocational schools, the need to develop curricula in line with modern requirements and provide the system with qualified teachers.

Educational mediators

During the year, the Ombudsman was informed about problems with pay and the possible suspension of educational mediators.

The Ombudsman urged the competent authorities to appoint educational mediators in schools on a sustainable basis and to ensure their funding, as the effects of their work are indisputable in bringing back students from vulnerable groups who have dropped out of the education system and keeping them in school.

In its recommendations, she pointed out that retaining educational mediators, without putting a strain on the budgets of educational institutions, is the right way to work effectively with children and pupils from vulnerable groups, leading to their social inclusion and educational integration, which will have a positive effect on society in the long term.

Questions related to pursuing the teaching profession

The scope of the protection of the right to education also covers issues concerning the management of educational institutions, the practice of the teaching profession, the shortage of teachers, the qualification and retraining of teachers, the acquisition of teaching qualifications, the attestation and remuneration of those working in the education system, the interaction with parents.

The shortage of teachers in the country is a matter of concern, as well as the finding that our teachers are among the oldest in the EU. Principals also report insufficient teachers in Sofia and facing difficulties in providing teachers in mathematics, informatics and information technology, as well as in vocational subjects.

The measures taken by the state in this direction in recent years, such as pay increases, reduction or exemption of semester fees for certain pedagogical programmes, have their positive effects, but are clearly not enough. Unfortunately, many young teachers do not stay in the system for long, and many of them give up after the first year. Long-term and targeted policies and investments are needed in this area.

A large group of issues related to dissatisfaction with management and poor practices in school management; rude and unacceptable behaviour of school principals towards teachers and non-teaching staff, which deteriorates relationships and creates a negative working atmosphere and tension among the staff; administrative burden on teachers; working hours of teachers; ineffective training for teachers. Some of the signals also expressed distrust towards the Regional Education Administrations (REAs), which according to citizens did not show the necessary objectivity and thoroughness in their work when carrying out inspections. They also pointed to the lack of capacity among REA experts to provide methodological support to teachers, either due to lack of practice or lack of time. Citizens demanded the appointment of experts with undisputed professional experience in the relevant field of education in the REAs. The Ombudsman supported the intention to amend the Regulations on the structure and functions of the Regional Education Administrations so that they also provided methodological support to educational institutions and their activities were primarily aimed at improving student performance and the quality of school education. These changes are due to become a fact in 2024.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

A large number of alerts to the Ombudsman raised issues related to the conduct of competitions for principals of educational institutions; non-transparency in the selection of teachers; low control over the activity of principals. The Ombudsman expressed belief that the changes made in 2023 to Regulation No 16 of 1 July 2022 on holding competitions for principals in state and municipal institutions in the pre-school and school education system would achieve the purpose of ensuring conditions for the lawful conduct of the competition procedure for the position of a principal.

Main recommendations:

1. Modernisation of facilities and financial support for the introduction of innovative practices in schools;
2. Building an accessible architectural environment in schools;
3. Simplified curricula and teaching content according to the age of students;
4. Regulation of the possibility to enhance SME scores;
5. Taking measures to enhance students' practical skills;
6. Encouraging work with talented children;
7. Measures for intensive study of Bulgarian language for children, Bulgarian citizens for whom it is not their mother tongue, in order to include and retain them in the educational system;
8. Sustainable increase of extracurricular activities and sports in schools;
9. Encouraging cooperation between institutions to bring back students from vulnerable groups who have dropped out of the education system;
10. Sustainable introduction of educational mediators;
11. Appointment of psychologists and resource teachers in schools;
12. Effective training for teachers;
13. Increase funds for scholarships for excellent student performance;
14. Establishing the same parameters for excellence scholarships for all schools;
15. Construction of gymnastic halls and sports grounds in schools;
16. Introduction of a system for appraisal of school principals;
17. Active engagement with parents to build trust and partnership.

Tertiary education

The problems raised by citizens in the field of higher education concerned almost the entire spectrum of problems in this area: the procedures for filling academic positions, the low pay of PhD students, the quality of education offered by universities, high semester fees, low amount of scholarships for students, poor living conditions in some of the student dormitories.

There are signals related to plagiarism, the determination of admission to certain universities and the accreditation of certain degree programmes, the funding of certain professional fields, the legalisation of diplomas issued by foreign universities, the evaluation scoring by higher education institutions and medical universities.

A significant problem in 2023 was the reduction of funds for education in general, which created problems for the functioning of the higher education system. The lack of sufficient funds for capital expenditure for public universities also put them in a difficult situation.

In 2023, the salaries of assistants and other teaching staff in public universities increased, aimed at attracting more young people. Funds were also provided to increase scholarships for students at public universities and for PhD students.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman supported requests to regulate the increase in higher education funding in the annual budgetary procedures. In her view, the proposed amendments to the Higher Education Act to link the financing of higher education with GDP and the salaries of teachers in higher education institutions and the scholarships of PhD students to the average gross salary in the country will ensure financial stability and predictability in increasing higher education funds, will encourage teachers and will increase the efficiency and quality of higher education.

Main recommendations:

1. Sustainable financing of the tertiary education system;
2. Increasing the quality and compatibility of higher education with European systems for its integration in the common European educational area;
3. Linking the funding model of higher education institutions more closely to the assessment of the quality of education, rather than to the number of students;
4. Introducing competency-based training and increasing the relevance of higher education to the labour market;
5. Introduction of dual training in subjects where this is possible;
6. Development of joint university programmes
7. Inclusion of higher education institutions in international educational and scientific networks;
8. Stimulating research activity in higher education institutions and the development of innovation in them;
9. Transparency in the management of higher education institutions;
10. Measures to overcome imbalances related to the increase in the average age of academic staff;
11. Monitoring the procedures for competitions for academic positions.

In conclusion, the National Ombudsman pointed out the need to continue the efforts of the institutions to achieve the strategic objectives of education to improve the quality of education and build skills and key competences in children, students and young people, to include all children in the education system and to ensure their equal access to education.

Main recommendations – Right to Education:

1. Sustainable financing of the education system;
2. Simplified curricula and age-appropriate learning content;
3. Regulation of the possibility to increase the SME scores;
4. Modernisation of facilities and financial support for the introduction of innovative practices in schools;
5. Introduction of a uniform standard for the quality of education in all educational stages;
6. Sustainability of extracurricular activities and sports in schools;
7. Construction and renovation of gymnastic halls and sanitary facilities in school buildings;
8. Sustainable introduction of educational mediators;
9. Recruitment of psychologists and resource teachers in schools;
10. Modernising and improving the quality of vocational education and expanding the scope of the dual training system;
11. Introducing a system of appraisal of school principals;
12. Active interaction with parents to build trust and partnership;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

13. Improving the quality of higher education and its relevance to the labour market;
14. Introducing dual training in higher education;
15. Development of joint university programmes;
16. Increasing financial support for research and participation of higher education institutions in international projects;
17. Taking measures to address imbalances related to the increase in the average age of academic staff.

V. CHILDREN'S RIGHTS

“Future takes the image of a child”

Georgi Gospodinov

The Ombudsman examines policies, reforms, institutional actions, legislative initiatives in the field of children's rights in light of the impact they would have on the child and on children's rights and best interests, with particular attention to the impact on vulnerable groups of children. She examines all cases in light of **non-discrimination** in each child's access to the full range of rights set out in the UN Convention on the Rights of the Child (the Convention) and Bulgarian legislation, and the actions taken to provide the necessary safeguards against unequal treatment based on one or more grounds.

As an independent monitoring body for the protection of children's rights, the Ombudsman monitors and supports the development of systems with responsibility towards children, outlines barriers and measures to overcome them. To this end, she takes independent action to improve the social environment in which the child grows, learns and develops, but without encroaching on the powers of state and municipal authorities and/or replacing their decisions. The Ombudsman seeks to build bridges between children, parents and decision- and policy-makers.

The Ombudsman's work and opinions are based on both verification of specific complaints and signals and on systematic monitoring of the public areas and sectors in which children's rights are developed, as well as on the status of the rights themselves. This approach also determines the priorities set in the area of children's rights. In the checks, she examines the underlying reasons why a particular situation of child rights violations has arisen and whether this problem affects other children, so that recommendations can be properly formulated and targeted.

In the 2023 Annual Report, the Ombudsman focuses on children's rights in the context of the institution's functions in the realm of rights, looking at complaints and alerts, accumulated problems and challenges in the sector, partnerships with civil society organisations, special reports and initiatives. She puts forward a number of recommendations on ensuring children's rights.

The mission of the Annual Report of the Ombudsman is by analysing the problems in the complaints and signals to the institution to mobilise and direct the efforts of public authorities and civil society to improve the environment in which children are raised and brought up, as well as to increase the life chances of every child to accomplish their potential, to protect children's rights and to defend their interest in any action taken by a competent authority.

The Ombudsman carries out activities in the field of children's rights in several directions:

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

- Examines complaints and signals related to violated rights, as well as petitions, civil proposals submitted to the institution by various citizens or organisations on various issues and topics related to children's rights;
- Examines draft laws, programmes, ordinances and regulations submitted for public consultation and makes a decision on the alleged risk of violation of children's rights and interests;
- Prepares special reports on inquiries and topics that affect large groups of children;
- Interacts with UNICEF-Bulgaria and NGOs;
- Works with children and students by participating in various school initiatives as well as those organised by her own initiative;
- Participates in various events and public discussions.

Undoubtedly, the Bulgarian government has taken a number of important steps to reform and modernise childcare and protection systems in line with the recommendations of the UN Committee on the Rights of the Child as well as with international and European standards. However, in terms of policies and practices to prevent risks and separation from the family, measures are still insufficient. Stigma and discrimination against socially disadvantaged families facilitate family separation, increase the risk of social exclusion and affect access to and quality of services. Particularly vulnerable groups in terms of risk of poverty and social exclusion are large families, families of Roma origin, families living in remote rural areas and in the suburbs of large cities, often in extremely poor housing conditions. A serious problem for the Roma population is the lack of infrastructure, which leads to additional risks to the health and lives of children and families. There are serious regional disparities, which affect access to rights. Therefore, the State must constantly remind itself that children are its own and it had assumed a number of important obligations by acceding to the Convention and other international human rights instruments.

A particularly vulnerable group are children with disabilities and children with special educational needs (SEN), whose rights are in the focus of the 2023 Report.

Alarming levels of discrimination and violence, child abuse, child poverty, the segregation of Roma children, the decline in children's educational skills since the pandemic and the lack of compensatory and mitigating measures for its adverse effects; as well as the still large number of children in public care due to the lack of resources to support families, indicating an urgent need to set national priorities in the field of children's policies and families and to adopt a national strategic document for the child.

The State and its institutions are still struggling to meet and respond to the needs of the most vulnerable children and their families, in particular children with disabilities, children from disadvantaged families.

Challenges:

- ineffective consideration of the risks to the child at different stages of his/her development, and the level of coordination and synergy between the protection authorities remains low;
- increased use of alcohol, drugs and smoking among children;
- poverty, material deprivation, poor living conditions and marginalisation;
- poor mental health of pupils and low physical activity, disabilities and developmental difficulties in childhood;
- insufficient information and institutional coherence in the planning, evaluation and implementation of policy changes for children;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

- the main determinants of the risk of child poverty, as a key measure of quality of life, are not identified and highlighted, leading to poor opportunities for active impact;
- risks related to discrimination and negative societal attitudes such as for children with disabilities and children with SEN;
- an overburdened child protection system;
- outdated system for dealing with children in conflict with the law;
- lack of resources to support the child within the family, apart from partial financial transfers;
- dozens of children in situations of parental conflict;
- a serious problem is the current mechanism for financing social services on the basis of capacity, without taking into account the specificity of the activities offered and the nature of care;
- in many cases, the child is seen only as an object of protection and not as a subject of rights;
- lack of clear integrated support for the family, because the child's well-being is inextricably linked to that of the parents;
- limited access to modern quality treatment and prevention methods;
- insufficient numbers of child nurses and hospital psychologists;
- lack of focus on child patients, lack of registers for different types of diseases;
- lack of data and clear formulation of the most critical and priority areas in child healthcare, resulting in a lack of adequate and effective solutions;
- unsettled status of representation of children whose parents live and work outside the country, lack of up-to-date data and protection measures.

The year 2023 is another difficult year for children's rights and children's policies. Hundreds of unaccompanied refugee children were crossing Bulgaria's borders to seek support and international protection. Many children were found half suffocated in cars and trucks, attempting to cross illegally, being victims of traffickers.

An aggressive social environment for children – active gambling campaigns, ineffective controls on the sale and distribution of diazotene oxide (mustard gas), free distribution of synthetic drugs.

Parental concerns and questions were raised by the introduction of electronic school excuse notes for students and the fees charged by GPs for issuing them; increasing numbers of complaints and reports of children and students with behavioural problems in nurseries and schools; increasing parental disputes; internet aggression. Many problems that have been raised for years by the Ombudsman are again not being addressed, such as the feeding of children with allergies in childcare; the rights of children whose parents live and work abroad; the lack of places in kindergartens. Dozens of parental disputes about personal contacts with children are the cause of numerous complaints to the institution.

There are also new topics for the institution – the work of the children's kitchens, the fees for issuing the electronic school excuse notes, the politicization of the educational environment – the planned lecture of the acting Russian ambassador in a school in Varna city, the protest against the detention of a children's kinesiotherapist in Sliven, the lack of child seats in taxi cars in Bulgaria. Complaints and alerts lodged by minors are also on the rise: dissatisfaction with a court decision on the separation of parents and determination of parental rights, domestic violence by a parent, treatment in a psychiatric hospital, complaints about the behaviour of teachers, etc.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In some of their letters, parents sought financial support for raising their children, to address housing problems, social assistance denials, lack of tax breaks for foster families, financial aid for grades 2, 3 and 4 and its ineffectiveness. During the year, the experts of the Children's Rights Directorate again worked on complaints about the poor quality of resident services, violations in the educational and pedagogical boarding school in the village of Podem, lack of specialists in social services, lack of school buses, etc.

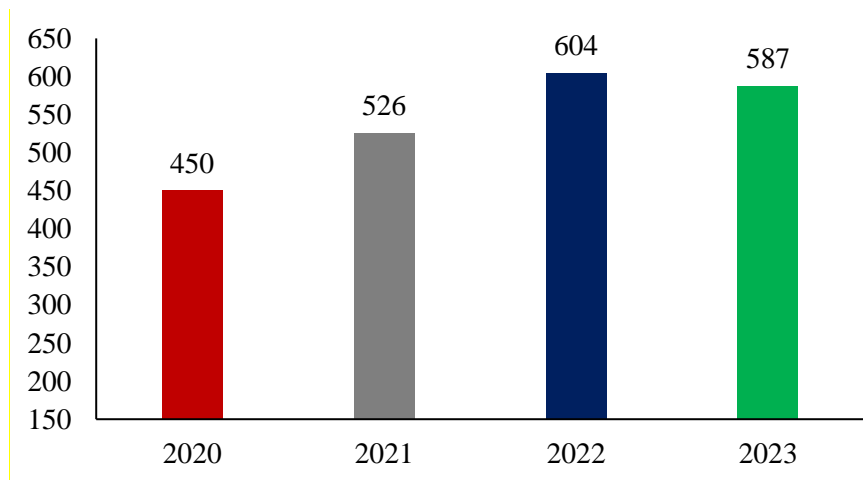
The closure of the Homes for Medico-Social Care for Children (HMSCC) has once again been postponed, this time until the end of 2024. The opening of 14 centres for specialised health and social services for children with disabilities in need of permanent medical care and 6 centres for specialised health and social care for children with high-risk behaviour and in need of special medical care is still pending.

The Ombudsman has achieved significant success in protecting the rights of children with disabilities by sending several recommendations related to the need to update the amount of the monthly allowance for raising a child with a permanent disability up to the age of 18 and until the completion of secondary education, but not later than the age of 20, set out in Article 8e of the Family Allowances for Children Act (FACA), which is a long-awaited step by the families of children with disabilities. It is to be noted with satisfaction that, following the Ombudsman's opinions in Article 63, paragraph 15 of the Draft State Budget Act for 2024, an increase in funds was provided, which will undoubtedly be supportive for the citizens concerned, but it is reiterated that there is a need to introduce a mechanism for the automatic updating of these funds.

The Ombudsman took over the patronage of the initiative "Nutrition Revolution Day", organised by the "For Food" Foundation, and came up with a special report on the nutrition of children with food allergies. The information campaign aimed to draw public attention to the nutritional problems of children with allergies and food intolerances in kindergartens and schools. The campaign involved more than 6,000 children participating in children's cooking workshops organised by more than 1,000 volunteer parents and teachers from across the country.

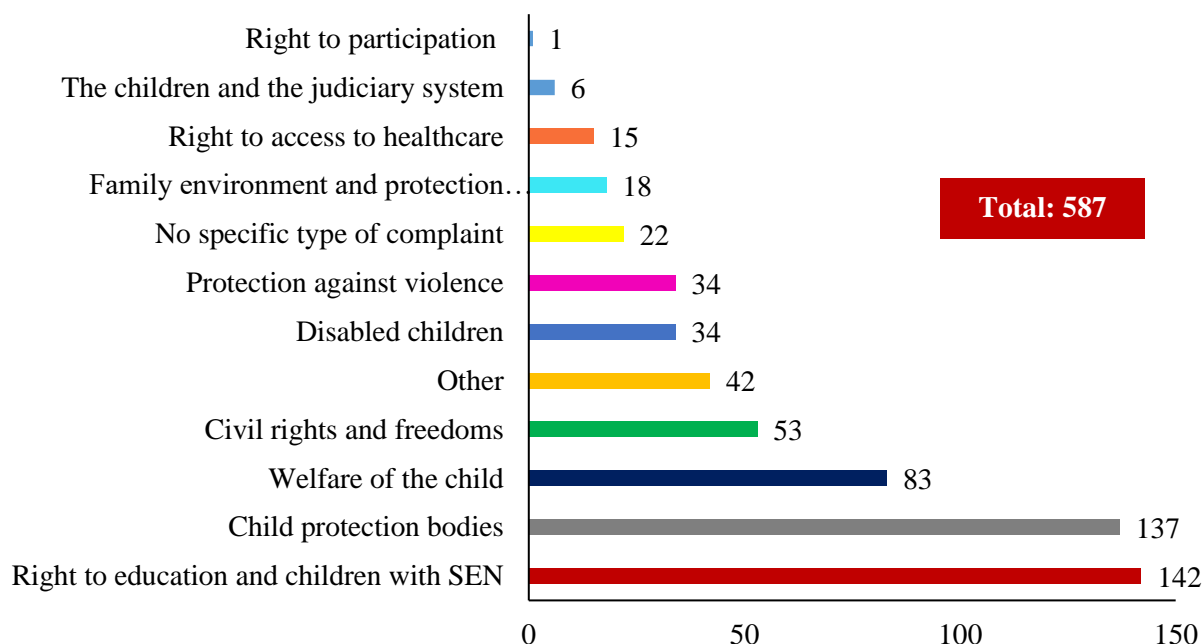
In 2023, a significant number of complaints and alerts related to children's rights were registered compared to the previous two years, with an increase in complaints related to children with SEN and disabilities, as well as complaints about the work of protection authorities, mostly related to parental conflicts. The total number of complaints was 587.

Chart No. 18. *Number of complaints and alerts related to children's rights in the 2021-2023 period*



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Chart No. 19. *Complaints and alerts related to children's rights by type of violation in 2023, number and %*



Among the problems most often brought to the attention of the Ombudsman are:

- applications for financial and social support for parents who are raising their children alone and have no income;
- complaints about protection measures;
- for access to education for children with SEN;
- architectural accessibility for children with disabilities;
- healthy nutrition for children with allergies;
- problems with electronic school excuse notes;
- problems of children in sport;
- quality of care in residential services and crisis centres for children victims of abuse;
- complaints about the work of protection authorities, demanding changes in the approaches and attitudes of those working in the child protection system, especially in the preparation of social reports and individual assessments;
- violation of the child's right to maintain a personal relationship with the parent with whom he or she does not live;
- problems with maintenance due for raising a child;
- child abuse, especially heightened sensitivity in parenting conflicts, violence at school, in the family, inter-neighbour disputes;
- problems in the educational environment – violence and bullying by a teacher;
- dissemination of videos related to violence by children against children;
- against school involvement in political actions;
- limiting the possibility for gifted children to receive scholarships;
- risky social environment – selling drugs, vapes, laughing gas;
- complaints from parents living abroad whose children have been removed from their families by social workers due to poor care, conflict and violence;
- lack of social resources to support children raised by parents with addictions – drug dependency or mental illness;
- lack of adequate measures on “children begetting children”.

1. RIGHT TO EDUCATION AND CHILDREN WITH DISABILITIES:

Although Bulgaria has adopted an innovative Pre-School and School Education Act, which provides a framework for implementing comprehensive reforms needed in the school system, including modernising curricula and improving teacher training, there are still a number of challenges that show a deviation from the expected. Access to education for disadvantaged children, in particular Roma children, remains a challenge. The quality of vocational education and training in Bulgaria is insufficient, including its integration into the general education system.

In 2023, the largest number of complaints and alerts lodged in the field of inclusive education, especially for children with SEN, which is why the Ombudsman put the topic at the forefront, as well as took a number of initiatives related to children and their access to education.

Among the issues raised by parents are:

- the possibility of validating competences in subjects with grades based on a qualitative indicator in order to issue a Leaving Certificate that is not tailored to the capabilities and needs of students;
- children and pupils with behavioral problems and lack of pedagogical skills to master them, ignorance of the possibilities of the regulatory framework;
- the lack of places in Special Education Support Centres, especially in Sofia, and administrative difficulties for parents;
- the obligation for parents who are personal assistants to accompany their children to school, which is reflected even in individual learning plans;
- formal curricula;
- inaccessible school architecture, lack of action by the municipality in whose territory the school is located;
- lack of specialists and teaching assistants in kindergartens and schools;
- mental and physical harassment by a student with SEN towards other students and allegations of "exhaustion of all legal means by the educational institution to resolve the problem";
- complaints from parents of children with SEN about unfair treatment and pressure from other parents to relocate the pupil to another school;
- lack of cooperation from the parents of the school.

Challenges:

- children and young people with disabilities and SEN are disproportionately affected in the education system, in pre-school and school education, which violates their right to compulsory education and access up to the age of 16, enshrined in the Constitution of the Republic of Bulgaria;
- identification of children with SEN and work with parents, work with MoH and MLSP;
- the quality of inclusive education is not good and for pupils with SEN lasts fewer years than their peers;
- lack of accessible and inclusive environment; according to Sofia Municipality at least 70% of kindergartens and schools in Sofia do not have a modern accessible environment;
- unprepared teachers to work with children with SEN in the mainstream classroom, lack of teacher assistants, and lack of financial standards for teachers;
- the post-pandemic crisis in education affects the most vulnerable children: children with disabilities, children with SEN, children in poverty and from marginalised communities, and no measures have been taken to bridge the gap;

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- low levels of skills acquisition for children with SEN in the education system, which raises the questions of how the school is organised to bridge the gaps and how the results are measured;
- it is common practice to put pressure on the disabled or SEN child and their parents to defend their place in the mainstream education system and to demonstrate to other parents of children that their place is there and not at home;
- children in school are not educated and taught sustainably in a spirit of solidarity, but in a spirit of competition. This results in very reduced hours for many children with SEN.

Based on the complaints, inspections, conversations with parents and civil society organisations, several conclusions can be drawn:

- first: that parents of children with disabilities and children with SEN care very much about the inclusion of their children in the education system, as well as their access to quality education, which will give them a perspective for integration;
- second, that inclusive education is crucial for many vulnerable communities, it is a tool against discrimination, societal stereotypes and stigma, it promotes participation and overcomes barriers to learning for all children and therefore needs a lot of public investment of resources, support and attention.

In December 2023, the Ombudsman organised a national discussion on "**Inclusive Education – Problems and Solutions**", in partnership with the Minister of Education and Science. During the discussion, a **Concept of a model of collective educational support was presented, which is within school hours for students on combined and individual form of education**. The discussion is part of the **National Campaign of the Human Rights Institution "For the Rights of Children and Persons with Disabilities"**, which includes a number of initiatives, discussions, information days and meetings with organisations of and for persons with disabilities, proposals for changes in legislation, more favorable financial policy frameworks, the creation of good administrative practices and changes in public attitudes. One of the positive steps is the provision of an additional BGN 8 million for inclusive education in the 2023 budget.

Recommendations:

1. Increase the number of specialists who are assigned on site in kindergartens and schools;
2. Training of all specialists working with children and students, improving the quality of pedagogical qualification of all those involved in the overall process of educational activities in the field of inclusive education;
3. Creation of a model for collective work of students who are on individual or combined form of education - work in rooms equipped for this purpose in the time when they do not attend general classes. Provide the opportunity for full-day learning;
4. Increase the general resource support standards and the standard for children in special groups in kindergartens;
5. Establish a new standard for teaching assistants;
6. Inclusion of targeted modules for projects aimed at children and pupils with SEN in the National Programmes of the Ministry of Education;
7. Undertaking a comprehensive qualitative and quantitative analysis of the conditions, environment and outcomes of inclusive education following the adoption of the Pre-school and School Education Act and the Inclusive Education Ordinance;

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8. To discuss and adopt a National Vision for Inclusive Education based on the rights of children, which will align the goals, principles and objectives of this education policy, as well as the resources needed to implement it;
9. To achieve a change in the content of the teaching material, teaching methods, approaches, to find a special place in the Roadmap of Inclusive Education;
10. To collect adequate data on children with disabilities and children with SEN, analysing which to build effective implementation strategies and policies;
11. Provide accessible educational materials that are developed taking into account the needs of children with different disabilities, including children on the autism spectrum, with communication difficulties and with sensory impairments;
12. Provision of additional alternative communication for children with communication difficulties and appropriate technical aids;
13. Adapted learning environment – access to school buildings, hygiene and toilet facilities, sports facilities;
14. Collaborative work of teachers and parents as an effective mechanism to reduce pressure on teachers and on children and students;
15. Establishing mechanisms for monitoring the quality of inclusive education, thus making inclusive education subject to quality assurance standards;
16. Develop special measures to address the high drop-out rate of children with disabilities and ensure the right of all non-verbal and special needs children to inclusive education in mainstream schools;
17. Inclusion in the higher education process and provision of well-trained professionals, as well as provision of internship programmes, curricula, teacher training.

2. AGGRESSION AND BULLYING IN KINDERGARTENS AND SCHOOLS

The Ministry of Education and UNICEF report an increase in bullying in the learning environment: over 3,300 cases of physical and verbal bullying of children were registered in 2022-2023. The Ombudsman institution consistently received complaints from parents who reported various types of violence against their children in nurseries, which often became public through television reports. In their complaints, they most often referred to physical violence committed against their children: slapping, hitting of a child by a staff member, punishment, even locking children in isolated rooms, use of upbringing methods that undermine the child's dignity, as well as various forms of mental and verbal abuse by teachers, i.e. harsh tone towards the child, shouting and insults.

Recommendations:

1. Take concrete measures to improve the quality of care in nurseries;
2. Provide financial and normative possibility for the nurseries to appoint psychologists and speech therapists;
3. Introduce specific qualification requirements and advanced training for staff related to child rights and violence. Provide supervision of staff;
4. A national survey of the staffing potential of nurseries should be carried out to provide a basis for planning adequate measures;
5. Develop Standards of Nursery Care and Guidelines on Nursery Work, in line with current trends in early childhood development and care.

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In 2023, the Ombudsman received complaints from parents seeking help for videos posted on the internet showing their children being beaten or humiliated. The Ombudsman made a referral following media coverage of a video showing a fight between schoolgirls in Sofia.

The complaints also contained allegations of:

- mental harassment of a pupil by a class teacher;
- physical abuse by a music teacher in a metropolitan school, who pelted pupils with pens, threw a music book at them and sometimes took the liberty of hitting boys on the back of the head;
- a trauma inflicted on a child at a school in Smolyan and an abusive treatment by a teacher;
- a pupil from NGDEK claimed that she had been hit by a teacher and that sexual innuendos were made to her by a teacher.

Other topics in the field of education:

The Ombudsman received more than ten complaints filed by the management of 142nd Primary School "Veselin Hanchev" of Sofia, with letters from the parents of the Public Council, from parents of first graders who claimed that the Council had a problem with the coexistence of two schools in one building and this problem had not been solved for years. The dispute between the two schools over the building stock was referred to all institutions and the media, but it never resulted in an equitable distribution of rooms.

Complaints related to the **scholarships for gifted children** were received, and the Ombudsman was approached by a student who participated in the 16th National Olympiad in Civic Education, organised by the Ministry of Education. With her project "Respect for Institutions: A Basic Civic Virtue", the student was ranked first in the third age group. After the Olympiad, she was informed that she was entitled to a scholarship for 12 months, which amounted to BGN 135 under the Ordinance on the conditions and procedures for the protection of children with exceptional talents.

In relation to this issue, the Ombudsman expressed the position that it was imperative to take action to amend and supplement the Ordinance on the conditions and procedures for the protection of children with exceptional talents, taking into account the prescriptions of the Anti-Discrimination Commission and the recommendations made by the Administrative Sofia City Court:

- a special inter-institutional working group be set up to review all restrictions relating to the protection of children with outstanding gifts under the Ordinance and ensuring the support of pupils' personal development;
- consider the possibility of awarding two different scholarships at the same time, one for achievement in science, arts and sport and one for educational achievement;
- consider the possibility of providing the right to scholarships to pupils with outstanding gifts up to and including the 7th grade. This restriction has so far been defined by the Anti-Discrimination Commission already in 2017 as "a form of indirect discrimination on grounds of age", which is allowed on the basis of the provision of Article 10 of Ordinance 6 on the protection against discrimination, a recommendation was made to the Council of Ministers to take the necessary action to amend Article 10 so that the principle of equal treatment was respected by providing the possibility for all children with outstanding gifts, regardless of their age and regardless of the grade in which they are studying, to receive a scholarship.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Recommendations:

1. Improvement of school infrastructure, architectural accessibility of buildings;
2. Prevention of school drop-out;
3. Evaluation of the quality of education and its alignment with labour market needs;
4. Targeted efforts to improve educational structure, curricula and the inadequate quality of textbooks;
5. More training for teachers in special educational needs to enable them to develop skills to work with SEN children in the mainstream classroom;
6. Changes to the Ordinance on the conditions and procedures for the protection of children with exceptional talents;
7. Development of the Personal Development Centres and assignment of new functions;
8. Efforts to improve the quality of education, which means addressing poor performance in basic skills and more efforts to help students improve their competences;
9. Changes in state education standards to introduce health education and build healthy behaviour habits;
10. Create conditions for students to form digital knowledge and skills;
11. Provide accessible and quality career services and opportunities for informed choice of profiled or vocational education and improve coordination between health, education and social systems regarding children's health and well-being;
12. Access to integrated care for children with mental and behavioural problems;
13. Raising pupils' awareness of sexual health, HIV/AIDS prevention, early pregnancy and risky sexual behaviors;
14. Ensuring healthy nutrition for school children and feeding children with allergies;
15. Integrating mental health in schools.

3. CHILDREN WITH DISABILITIES

The Ombudsman continued efforts to protect the rights and best interests of children with disabilities and their families in 2023.

In view of the numerous complaints received, the main focus was on the problems of delays in medical expert examinations.

In the opinions sent to the Minister of Health and the Directors of the Regional Health Inspectorates, the Ombudsman stressed that it was unacceptable to leave people in a particularly vulnerable situation, such as children with disabilities, without the support they needed due to the cumbersome certification/recertification procedure. She noted that not all rights can be restored retroactively and that State support should not be interrupted.

The focus of the actions was also the amount of the monthly allowances for raising a child with permanent disability up to the age of 18 and until the completion of secondary education, but not later than the age of 20, set out in Article 8e of the Family Allowances for Children Act.

4. THE RIGHT TO ACCESSIBLE AND QUALITY HEALTH CARE

In the area of health, the largest number of complaints concerned the medical expert examinations of the type and degree of disability of children, including those with genetic diseases.

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Parents complained both about the degree of disability set and the non-approval of external assistance and lifetime disability. The competent authority in this case, to which the Ombudsman referred, was the NEMC.

Complaints from parents regarding an existing limitation in the Social Security Code on the duration of payment of temporary incapacity for work benefits for childcare. In this report, the Ombudsman again recommends a review of these time limits, which clearly violate children's rights and restrict their parents from caring for them.

Citizens' complaints include:

- adequate action to control scarlet fever and chickenpox infection was not taken in kindergarten;
- grievances relating to complaints about medical care, allegations of refused emergency care by a doctor and a nurse;
- complaints about the organisation at the National Cardiology Hospital EAD, Paediatric Cardiology Department and the resulting violation of children's rights and risk to their lives and health. Attention is also drawn to the lack of physicians to take care of children with congenital heart malformations after the age of 18 and the need for legal regulation;
- complaints about the need to reimburse insulin pumps and patch pumps, which are not covered by the NHIF, describing their advantages;
- a complaint about the treatment in the emergency department of Tokuda Hospital, from where patients were returned due to a problem with the information systems;
- problems with health books and failure to reflect their numbers in the NHIF register;
- the payment for children's check-ups caused parents' dissatisfaction in some of the complaints.

The Ombudsman strongly supported the demands of the civil society organisations "Bridges" Association and the National Network for Children, which raised serious issues related to **access to medical food for special medical needs** of patients in need. The letter was supported by over thirty patient organisations and human rights organisations working in the field of patients' rights protection.

Uninsured pregnant women and problems with Ministry of Health Ordinance No. 26 of 2007 on the provision of obstetric care to uninsured women and on the performance of examinations outside the scope of compulsory health insurance for children and pregnant women.

Challenges:

- building a child-centred system of paediatric care;
- payment for paediatric care;
- fragmented system of child health care;
- health inequalities for children across regions;
- limited access to health care for remote and mountainous locations;
- human resources in health care; lack of paediatricians and child psychiatrists;
- insufficient number of preventive check-ups and programmes;
- no focus on disease prevention and screening programmes;
- modern technologies for diagnostics;
- lack of quality health care and complexity;
- large number of children treated through donor accounts;
- low satisfaction with health services for children;
- free sale of cigarettes, alcohol and substances harmful to minors;

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- low payment for clinical pathways, leading to a state of obsolete facilities and poor level of medical equipment;
- improving coordination between health, education and social systems in relation to children's health and well-being.

Recommendations:

1. Serious reduction of infant mortality;
2. Consistent focus on prevention, prophylaxis, and screening;
3. Achieve integration between systems;
4. MoH to focus on public healthcare rather than curative healthcare, which is the responsibility of NHIF;
5. A national campaign to raise the profile of paediatricians;
6. A comprehensive national plan to control children's access to hazardous and harmful substances, alcohol, tobacco products and energy drinks;
7. Take action to provide obstetric care to uninsured pregnant women and extending the scope of Ordinance No. 26;
8. Update medical standards in paediatrics, neonatology and general medicine to recognize early child development difficulties and adopt work guidelines
9. A National Health Strategy should be adopted, setting out the way forward in health for the next ten years, how this will happen and with what resources;
10. Extend the scope of activities for the prevention of chronic non-communicable diseases, including obesity, disabilities and developmental difficulties in childhood; to guarantee equality of access to medical care for children;
11. Improve medical practices in maternity wards and neonatology units, and introduce sparing practices;
12. Increase access to rehabilitation for children with disabilities;
13. Extend children's coverage and access to medical food for curative purposes;
14. Increase the number of medicinal products, consumables for children, and medical devices that are paid by the NHIF;
15. Increase the coverage, monitoring and control of preventive activities among children;
16. Establish new integrated health and social services for comprehensive care of children with disabilities and chronic diseases;
17. Ensure children's access to specialised psychiatric care;
18. Ensure that every child has access to timely, quality and effective health services adapted to their needs during different periods of childhood.

5. CHILDREN IN CONFLICT WITH THE LAW

The protection of children's rights in the justice system is a topic that has a priority place in the work of the Bulgarian Ombudsman. It is indisputable that every child could come into contact with the justice system and participate in various procedures and in different capacities – as a victim, as a witness, as an offender, as an affected person in the event of separation and divorce of their parents. Despite the different capacities in which a child is involved, the child's encounter with the justice system is always a fateful one and can leave a mark on their entire life. Regardless of the capacity in which the child participates in the judicial process, a child remains a child. A child-friendly juvenile justice system must respect the dignity of the child, treat the child with respect, care and consideration for his/her individual needs and age-appropriate needs.

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The Ombudsman has always stressed that efforts must be made to ensure that children have effective access to justice and are treated in a manner that is appropriate to their age, development and needs. These standards are applicable to all circumstances in which children, for whatever reason and in whatever capacity they are involved, come into contact with the criminal, civil and administrative justice systems. In any such case, it is necessary to promote respect for the principle of the best interests of the child, care and support, participation, equal treatment and the rule of law, as well as ensure the safety of the child, apply a multidisciplinary approach and train professionals in the system.

Three correctional institutions for minors continued to operate in 2023: 1 Social and Pedagogical Boarding School (SPBS) and 2 Boarding Schools. The total number of minors placed in residential institutions under the provisions of the Juvenile Justice and Correctional Institutions Act is 79.

In 2023, the focus of the institution was on children in conflict with the law and on children victims of violence, and inspections were carried out in the educational boarding schools in cooperation with experts from the National Preventive Mechanism. Checks were carried out at the Secondary Vocational Boarding School "Hristo Botev" in Podem, Pleven region, VUI "Angel Uzunov" in the village of Rakitovo and "Hristo Botev" SPBS in the village of Varnentsi, Silistra region¹.

Challenges:

- Insufficient coordination and cooperation between the protection system, on the one hand, and the police, prosecution and courts, on the other;
- Limited access to specialised legal aid for children;
- No holistic approach in dealing with children in conflict with the law;
- Lack of sufficiently trained professionals to work with children;
- No blue room hearing standards for children;
- Lack of statistical data, and where data is collected, no in-depth analyses carried out to inform policy-makers;
- Serious delays in the implementation of the new legal framework for restorative justice for children.

Recommendations:

1. Guarantee the rights of the child victim and/or witness of a crime to information and support;
2. Develop a methodology for conducting an individual assessment to identify his/her specific protection needs and to train specialists to implement it;
3. Put in place a mechanism to protect the child from secondary or repeated victimisation, intimidation or pressure at any stage of the justice process;
4. Reduce the number of interrogations to a minimum, and limit the number of different persons working with the child during the different stages of the investigation;
5. Introduce safeguards to provide greater security and protection for the child victim during interrogation;
6. Introduce a functioning juvenile justice system;
7. Establish a minimum age of criminal liability for children, with children under the age of 14 be the responsibility of the protection system;

¹ The full inspection report is available in the NPM 2023 Annual Report

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8. Compulsory specialisation in the judiciary, and the introduction of ongoing training on children's rights for those working in the system.
9. Introduce mechanisms for coordination between the social system and the judiciary to be organised around the best interests of the child;
10. Study the mechanisms for legal representation of the child and introduce the figure of the special representative, which should be different from the court-appointed public defender;
11. Legal aid accessible to children.

6. CHILD WELFARE AND FINANCIAL SUPPORT

Child support

Recommendation:

The Ombudsman recommends to increase the amount of support paid by the State in view of the current provision of Article 142, paragraph 2 of the Family Code, as this will protect the interests and the right of children to normal life and development.

7. RIGHT OF THE CHILD TO PERSONAL RELATIONS AND FAMILY LIFE

For another successive year, the Ombudsman reports that a large number of complaints are about children's violated rights to personal relations with their parents. The Ombudsman finds it necessary to emphasise that although the complaints are made by parents who want the Ombudsman to stand up for their violated right to see their children, the Ombudsman always considers these cases through the prism of the child's right to have a private relationship with their parents. This is a fundamental right of the child, which is explicitly regulated in the Convention on the Rights of the Child and is part of our national legislation. It should also be noted that the right to a private relationship between a child and a parent forms an essential part of the right to family life as protected by Article 8 of the European Convention on Human Rights (ECHR) and enshrined in Article 24, item 3 of the Charter of Fundamental Rights of the European Union.

Cases of parental conflict are characterised by:

- A long course in time;
- Huge number of complaints and signals to various institutions, and not rare cases when parents come into conflict with the institutions;
- Each parent has his/her own point of view about the interest of the child and this leads to non-compliance with the measures taken by social workers, as well as non-compliance with court decisions. In many cases, it is found that the right of the child is transformed into the right of the parents;
- Refusal of parents to cooperate and to use various services to which they are referred;
- Lack of an integrated assessment of the child and his/her repeated hearing by various authorities, including experts in court-ordered examinations;
- In some cases, the Ombudsman found that the actions taken by the child protection departments could be described as formal and not relevant to the specific situation. Worrying are the cases in which social workers take action without making an assessment based on the best interests of the child, their sole aim being to satisfy the request of one parent;
- It should also be noted that the enforcement method for the surrender of a child is not sufficiently effective in cases where the parent refuses to comply with the court decision to

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

surrender the child. There are often cases where, in the regime of custody, the non-custodial parent retains the children and does not hand them over. In this case, enforcement proceedings are initiated, but they take time and it is controversial to what extent the interests of the children are protected;

– Most complaints are filed by fathers, provoked by the State's failure to guarantee their statutory right to custody after the end of the marriage or de facto cohabitation, but there is a continuing trend for complaints to be filed independently by both parents.

Recommendations:

1. To carry out a precise assessment of the child's best interests, on the basis of which the measures and actions to be taken should be set out;
2. Establish a methodology for assessing and ensuring the best interests of the child, which is to be enshrined in the current legal framework and applied consistently by experts in the field;
3. A change in the child protection system to empower and ensure impartiality and a professional approach to cases by social workers;
4. Conflict between parents is a major cause of the barriers that are created to contact with the child and the absent parent. The efforts of the authorities should be directed towards helping to resolve the conflict and facilitating contact;
5. Empower social workers to take, if necessary, more severe measures against parents who refuse to cooperate in social work;
6. To regulate the procedural capacity of the social worker in the judicial process, as well as the opinion and report of the social worker;
7. Actions to be taken within a reasonable timeframe, as children are particularly vulnerable in conflict situations between parents and it is unacceptable for their childhood to pass in this conflict.

What do children want?

- Foster parents should be able to make certain decisions that affect them, such as travel, participation in various initiatives;
- Fairer court decisions, with the court giving importance to their opinion;
- Teachers not to harass them, shout at them in class and behave in a demeaning manner with them;
- Parents not to bully, lock them up and insult them;
- There should be more tolerance in society;
- No aggression and bullying at school;
- Access to quality healthcare;
- More professionals should work at schools;
- Live in a safe and secure environment;
- Against the sale of drugs, especially near schools;
- Insist on banning the sale of energy drinks.

Main recommendations – Right of the Child:

1. Introduce a functioning juvenile justice system;
2. Ensure children's right to restorative justice and legal aid;
3. Enhance the capacity of the protection system to effectively implement preventive measures and actions;
4. Ensure quality supervision and monitoring of residential services for children by establishing a rapid response mechanism and support measures;

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5. Special measures in school to support the mental health of children and students;
6. Systematic analysis of the work of school psychologists and special measures for schools where there are none;
7. Adoption of a National Strategy for Inclusive Education and an Action Plan;
8. Provision of more specialists in schools to work with children with special educational needs and retention of pupils with SEN in secondary education;
9. Introduce a mechanism for the automatic updating of resources;
10. Improve the database and create an integrated information system that works at the child level;
11. Introduce a unified methodology for assessing the best interests of the child in all public sectors: education, social activities, healthcare;
12. Systematic focus on prevention, prophylaxis, and screening of children;
13. Special measures to ensure a safe public environment for children;
14. Effective state policy to support the institution of adoption;
15. Targeted and integrated family support policy;
16. Development and support of child participation.

VI. RIGHT TO HEALTHCARE

Unfortunately, despite the frequent changes in the regulatory framework, as well as the annual increase in the funds for healthcare, there are still serious problems in the system. High levels of patient co-payments are a serious problem, preventing access to healthcare services for a significant number of citizens.

An in-depth analysis was carried out of the complaints and alerts received by the Ombudsman institution from citizens, both individual and petitions, as well as from patient, associations and professional organisations, organisations of people with disabilities, of the problems they raise and the cases of threatened or violated civil rights. A significant number of the individual complaints raised issues relating to the rights of a large group of people.

Complaints and alerts related to healthcare rights in 2023 were 776, an increase of 23% compared to 2022 (631), but less than the previous two years, due to the temporary anti-epidemic measures introduced then in connection with the COVID-19 pandemic, with which citizens disagreed on a large scale and indicated that their rights and freedoms were violated.

The complaints and alerts regarding medical expertise numbered 175, quality of medical services: 60, access to medical services: 56, access to medicines, medical devices and dietary foods: 318, health insurance rights: 33, promotion and prevention, immunization, health control: 8, access to health information: 4, on other grounds: 122. In most of the complaints and alerts more than one problem was raised, and for statistical purposes only the leading problem was identified.

In relation to 423 complaints and alerts, recommendations were made to the authorities and institutions responsible for addressing and solving the problems, the vast majority of which were fully or partially implemented. It should be noted that many of the recommendations were addressed to more than one body or institution on which the problem depended for resolution. Citizens were also given advice on possible actions they could take to resolve the problems.

The inquiries recommended by the Ombudsman were carried out and the issues raised by citizens were addressed, and information was received in response to the measures taken, including sanctions imposed by the control bodies, and the assistance provided.

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Access to healthcare

Difficult access to primary outpatient care

The settlement (small, remote and inaccessible settlements) was not visited by a general practitioner (GP) or was visited infrequently.

Failure to provide medical care outside the General Practitioners' schedule.

The analysis shows that the insufficient number of General Practitioners and their uneven distribution across the country, as well as their age profile and unfavourable trend in the future, are a cause for concern. The Ombudsman considers that a strategy and measures are needed to ensure a sufficient number of General Practitioners in the long term, while discussing and providing for ways to ensure that patients have real access to medical care outside the working hours of General Practitioners.

Access to emergency medical care

Delay by emergency teams. The analysis of the results of the inspections carried out shows that insufficient medical staff in the emergency care centres, respectively the number of teams on duty, is the main cause of delays as well as problems with the implementation of telephone triage.

Citizens express dissatisfaction with cases of long waiting outside hospital emergency departments and delayed hospital admissions.

Among the reasons for this is the increased workload on these facilities as a result of the fact that, in addition to patients meeting the emergency criteria, they often have to attend to non-urgent cases and uninsured patients.

Complaints and alerts regarding transport of patients to various hospitals, including ambulances, and refusals to admit them. The analysis of these cases shows that among the reasons is the lack of up-to-date information on the available beds by specialty, self-referral by emergency to a hospital that does not have an emergency department or a structure for the required specialty, but unfortunately also the selection of patients by some hospitals.

The inspections recommended by the Ombudsman have been carried out and sanctions have been imposed in cases where breaches have been found (most often breaches of the medical standard "Emergency medicine"), but the Ombudsman believes that measures need to be discussed and taken to ensure in the long term that emergency care is provided with the necessary number of doctors, staff and modern equipment.

Specialised outpatient medical care

There is an uneven distribution of specialists across the country, as well as a shortage of specialists in certain specialties.

Specialists rarely visit patients in their homes, which leads to serious difficulties, especially for disabled, immobile and hard-to-move patients.

The analysis shows that the introduced limits (so-called regulatory standards) on the number of referrals issued for consultation and joint treatment by a specialist are also among the reasons for citizens' access difficulties.

Last but not least, the existence of complaints and alerts concerning the insufficient number of dental activities and the level of their payment by the NHIF should be noted.

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When discussing the draft laws on the NHIF budget, the Ombudsman submits opinions in which she notes all the problems and insists on providing sufficient funds to solve them and guarantee the rights of citizens as patients and health insured persons.

Inpatient medical care

The uneven distribution of hospitals across the country and their concentration in large cities is in many cases the reason for difficult access of patients from small and remote settlements to hospital care.

A major cause of complaints and signals from citizens is the lack of access to treatment, continued treatment and rehabilitation of sufficient volume and duration.

Palliative care (except for people with cancer), including for children, is virtually impossible to provide and pay for with public funds. There are no medical institutions in the country – medical and social care homes for adults, stays in hospices are not paid for by public funds.

For these reasons, a large number of patients in a serious condition have to be accommodated by their relatives in hospices for a fee, as well as in homes for the elderly, which do not have the necessary conditions for medical monitoring and healthcare.

The analysis also shows that patients are not provided with sufficient access to healthcare in both outpatient and inpatient settings.

Complaints and alerts regarding shortages of blood and blood products.

These problems have been repeatedly raised by the Ombudsman institution, both on the occasion of individual complaints and in annual reports, but no solution has been found so far, and cases of violation of patients' rights in this respect are increasing.

Recommendations:

1. Develop a strategy and plan to ensure, in the long term, guaranteed access to primary healthcare for residents of small and remote places, as well as non-urgent but time-sensitive medical care outside the working schedule of doctors;
2. Discuss measures to guarantee children around-the-clock access to primary and specialist medical care throughout the country;
3. Increase the capacity of emergency care in the country – both in terms of attracting and retaining staff and in terms of technical provision;
4. Develop a system to provide up-to-date information on hospital bed vacancies by specialty to ensure proper referral and timely hospitalization of patients;
5. Ensure that citizens from small and remote settlements have access to specialists and perform outpatient activities and procedures;
6. Measures to increase the coverage of preventive check-ups, as well as citizens' access to an expanded number of screening tests for early detection of diseases;
7. Ensure public financing of long-term treatment and rehabilitation of sufficient duration, as well as palliative care and healthcare;
8. Increase the number and level of payment by the NHIF for dental services.

Quality of medical care

Complaints and alerts from citizens regarding the quality of medical services, including the occurrence of injuries and death of patients.

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In these cases, the Ombudsman addressed the relevant competent control body, and upon completion of the inspections and when violations were found, the sanctions provided for in the legislation were taken.

It should be noted that often the attitude of medical staff towards patients and their relatives, the lack of communication and empathy were among the main reasons for the formation of a negative opinion. The analysis of complaints about hospital stays and treatments shows that payment for clinical pathways carried out by hospitals is often the reason for early discharge of patients. Often the data written in the epicrisis, including the condition at discharge, according to citizens, does not correspond to the actual facts.

Hospital treatment is provided only for the condition specified in the clinical pathway, with inadequate treatment for co-morbidities and disabilities.

The Ombudsman considers that the implementation of the algorithm of the relevant clinical pathway, as well as the compliance of the hospital structure with medical standards as quality assurance mechanisms are insufficient, as they do not take into account the actual final outcome of the treatment and patient satisfaction.

The Ombudsman's opinion is that a thorough analysis of the reasons and a change in the procedure and method of financing the activity of hospitals is necessary, as well as ensuring objective and effective ongoing control of their activity.

Last but not least, it should be noted the large number of cases in which patients are forced to 'opt in' and pay for regulated additional services requested, as well as to pay for activities that are actually paid for by the NHIF.

As a result of the recommendations made on this occasion, action was taken by the control bodies, and in some cases the amounts paid by citizens were reimbursed by the medical establishments, but a solution is needed, including regulatory changes and real control, to ensure that this type of service is truly voluntary.

The shortage of healthcare professionals, their unfavourable age profile and their low pay are a cause for serious concern and worry.

The Ombudsman believes that this problem is undeservedly neglected and measures to address it are imperative, about which recommendations were sent to the Minister of Health.

Recommendations:

1. A change in the way hospitals are financed so that the financial result is actually linked not only to the quantity but also to the quality of the activity performed, taking into account patient satisfaction;
2. Provide comprehensive treatment not only of the main disease but of all co-morbidities that require active treatment;
3. Measures to improve the financial stability and preservation of medical institutions in areas where the patient turnover cannot be high, taking into account the size of the population, while guaranteeing the quality of the medical services they offer;
4. A long-term strategy and a plan to facilitate the training and retention of healthcare professionals in the country, to ensure decent pay for their work and to create opportunities for independent activity in outpatient care paid for by public funds;
5. Regulation of affordable opportunities for the specialisation of doctors, preferably in the specialties where the greatest shortage is observed, ensuring then the necessary working conditions and decent pay, as for their retention in the country;

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| 6. Strengthen control over the provision of additional services requested and paid for by the patient and preventing cases of coercion, assessing the reasons and, if necessary, changing the regulatory framework. |
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Access to medicinal products

The Ombudsman reports a sharp increase in the number of complaints and alerts related to violation of citizens' right to access to medicines.

The analysis shows that the lack and scarcity of medicinal products in the pharmacy network was due to production bottlenecks, the policies of the marketing authorisation holders, as well as unregulated increased demand for specific medicinal products (a medicinal product for the treatment of diabetes, used for weight loss) and, above all, parallel exports. In response to the recommendations made on this occasion, the Ombudsman was informed by the Ministry of Health management that legislative changes to the Medicinal Products in Human Medicine Act were proposed. Other bills have been submitted to the National Assembly, the adoption of which is expected to solve most of the problems. At the same time, on the specific complaints, the Executive Agency for Medicinal Products informed about the results of the inspections carried out and the information received from the holder of the marketing authorisation for the medicinal product, but no violations of the regulatory framework were found.

The Ombudsman promptly raised the issue at the extraordinary session of the Healthcare Committee held in the National Assembly and again insisted on its solution. A Sub-Committee on the shortage of medicinal products on the territory of the Republic of Bulgaria was also established.

The Minister of Health banned the export of medicines by issuing an order, including all medicinal products from the group of "Insulins and analogues", but the Ombudsman believes that it is necessary to find a permanent solution to the problem while ensuring the permanent availability of medicinal products in the pharmacy network and preventing cases of violation of civil rights.

For another year, citizens have reported problems in securing and paying with public funds for medicines administered outside the indications listed in their summary of indications, as well as difficulties in accessing medicines that are not distributed on the Bulgarian market. Among the complaints from individual patients as well as from patient organisations and medical professionals is the legally regulated possibility for the NHIF to carry out expert medical examination when expensive medicines are needed and the resulting difficulties for patients, including financial costs.

In regard to complaints from citizens and patient organisations, medical professionals and associations, recommendations were made to the NHIF Supervisory Board and the NHIF Director, in response to which information was received on the actions taken and on updating of the requirements.

People with rare diseases reported that their access to treatment and costly medicines was impaired, sought assistance and demanded substantial changes in the regulatory framework and guarantee of their rights.

Citizens expressed dissatisfaction with the non-payment or underpayment of medicines by the NHIF.

A large number of complaints from citizens, physicians and master pharmacists were received with the introduction of mandatory prescribing and e-prescribing of two pharmacological groups of medicines. Unfortunately, the Ombudsman's opinion was not taken

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into account and the entry into force of the regulation confirmed the concerns, leading to numerous cases of violation of citizens' rights and also of the professional rights of doctors and pharmacists, creating the conditions for a confrontation between them.

It is particularly worrying that vulnerable groups – children, the elderly, people with disabilities – were also affected, where it is crucial that treatment is initiated in good time. The Ombudsman made a new strong recommendation to the Minister of Health, and expressed her opinion at the extraordinary meeting of the Health Committee held in the National Assembly.

The Ombudsman believes that the abolition of the paper prescription creates real conditions for violating the rights of both patients and medical and health professionals and insists that the possibility of a sufficiently prolonged period for prescribing and dispensing the mentioned medicinal products with both electronic and paper prescription be provided for.

Recommendations:

1. Discuss and take measures to ensure facilitated and guaranteed access of citizens in small and remote settlements to medicinal products, including those reimbursed by the NHIF;
2. Encourage the opening of 24-hour pharmacies;
3. Discussing the possibility of public payment for medicines for home treatment, including acute respiratory and other acute diseases in children;
4. Periodic analysis and discussion of measures to prevent the lack and shortages of medicinal products in the pharmacy network, as well as a flexible mechanism for their timely provision;
5. Significant simplification of the procedure for prescribing and obtaining expensive medicinal products for which the NHIF carries out expert medical examination;
6. A simplified procedure for the provision of medicinal products that are not distributed on the Bulgarian market when the treatment of the respective disease has no alternative in the country, and their payment be made with public funds;
7. Discussion of the extension of the cases of use and payment with public funds of the administration of medicinal products outside the terms of their authorisation for use, as an exception and in the absence of an alternative for the treatment of a specific patient;
8. Regulation of the possibility of parallel prescription and receipt of medicinal products with electronic and paper prescriptions, including antibacterial medicinal products for systemic use, for a longer period.

Access to medical devices and dietary foods for special medical purposes

For another year citizens have brought to the Ombudsman's attention the problem of non-payment or insufficient payment with public funds of medical devices and expensive consumables. These include, for example, costly implants, artificial joints (which are only partially paid for), as well as plasters, intraocular lenses, dentures; medical devices for home oxygen therapy, etc.

During the year, the Ombudsman brought to the attention of the Minister of Health and the Director of the National Health Insurance Fund the issue of non-payment in full for artificial joints, as well as non-payment for intraocular lenses and viscosupplementation, making recommendations for their resolution and guaranteeing the rights of the insured. Unfortunately, the replies received did not contain information on concrete actions to implement the

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recommendation. The Ombudsman raised the problems in her opinion on the deliberation of the draft laws on the NHIF budget and insisted on the provision of sufficient funds.

Recommendations:

1. Payment with public funds for new medical devices and expensive consumables in both inpatient and outpatient medical care;
2. Reduce the level of patient co-payment for medical devices for which the NHIF pays up to a certain value;
3. Ensure that citizens have access to dietary foods for special medical purposes tailored to their illness;
4. Revise the procedure for approving payment by the NHIF for medical devices and other supplies used in the treatment of children, providing for an exception to the general procedure in cases of urgency and for reasons beyond the control of the persons concerned.

Medical expert opinion

Significant delay in the expert decisions of the permanently reduced working capacity/type and degree of disability of citizens by the regional expert medical commissions (REMCs), were especially pronounced in some regions of the country. This violates, in particular, the rights of citizens who have submitted an application-declaration for primary certification, as well as for early re-certification, e.g. in case of deteriorated condition.

Significant delays in the examination of persons living in another EU country.

Unfortunately, the Ombudsman was also contacted by citizens about cases of significant delays in the examination by the REMCs for temporary incapacity for work, in which cases people were left without the only income they needed in view of their illness.

Again, citizens reported and expressed their dissatisfaction with cases of delayed expert medical decisions following a consistent reversal by the National Expert Medical Commission (NEMC) of REMC expert decisions.

Subjective assessments, uninformed REMC panel doctors and ambiguous interpretation of regulations, for example in assessing people, including children, with genetic abnormalities and rare diseases. Rude and disrespectful treatment of people with disabilities, including children and their relatives, violating their personal dignity and infringing their fundamental rights.

Following repeated opinions and recommendations from the Ombudsman on this matter, amendments were adopted to the Medical Expertise Ordinance, providing for a number of changes to both the lifetime limit and the determination of external assistance, and to the Methodology for the application of the benchmarks for the assessment of disability, which led to a fairer assessment of citizens. At the beginning of the year, legislative changes to the Persons with Disabilities Act and to the Health Act, proposed by the Ombudsman and tabled by MPs, were adopted to ensure that, in the event of a delay in their re-certification by the REMC and where the conditions set out in the Act are met, people with disabilities are not left without financial support.

The caretaker Minister of Health proposed a draft Decree of the Council of Ministers amending and supplementing the Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers, on which the Ombudsman expressed her opinion, but it should be noted that the adoption of the normative act was significantly delayed.

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Citizens expressed their disagreement with the frequent appeals against their expert decisions by the medical commissions of the National Social Security Institute.

The large number of revoked and returned decisions, mostly due to shortcomings of the REMCs, is also worrying.

In cases of delay in the examination, the Ombudsman addressed the relevant RHI and/or the management of the hospital to which the relevant REMC was set up and/or the chair of the REMC, after which the citizens were assigned closer dates for the examination. It is noteworthy, however, that there is no information on sanctions imposed by the RHI on REMC doctors.

The Ombudsman institution supported the requests and proposals of citizens and patient organisations in relation to the medical examination of patients with rare diseases. Despite the expectations and requests made by citizens and their relatives in the complaints, the Ombudsman does not have the legal capacity to intervene in the medical expert decision itself, but in accordance with her powers, she continued to insist on changes in the legal framework and on the fairest possible assessment.

Recommendations:

1. Analysis of the effect of the adopted legislative changes and, if necessary, discussion of additional measures to speed up the medical examination of citizens by REMCs and NELC, in order to prevent cases where people with disabilities remain without financial and social support;
2. Strengthening of control over the activities of REMCs by the RHI, as well as control and methodological and advisory activities by the NELC;
3. Discussing the adoption of a protective clause against dismissal in the Labour Code in case of cancellation of sick notes or delay by the REMC in the examination for temporary incapacity to work;
4. Together with patient organisations and disabled people's organisations, carrying out a periodic analysis of medical expert decisions and, if necessary, discussing and adopting changes to the legal framework.

Health insurance rights

Rights of citizens without health insurance

Citizens with interrupted health insurance rights turned to the Ombudsman for assistance in restoring them, stating that they did not have the necessary means to pay the amounts due.

Among them are permanently unemployed uninsured citizens regarding the need to conduct examinations and consultations necessary for their medical expert decisions (the expertise itself by the REMC and NELC is paid for outside the scope of health insurance).

In response to the recommendations made by the Ombudsman on this occasion, the social assistance directorates informed that the citizens concerned were consulted, many of them were visited at home and received the social support to which they were entitled.

Restoration of health insurance rights

Citizens who have acquired the right to a pension, both for disability and for old age, drew attention to the fact that, although they were already insured by the state, they could not receive the medical care they needed due to the existence of payable amounts owed for health insurance for past periods. The Ombudsman considers that a solution to this problem should be discussed in view of the increased need of these people to receive full medical services in a timely manner.

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Restoration of health insurance rights of citizens returning from abroad

For another year, the institution received complaints from citizens regarding the delayed receipt from EU countries of forms (S041) requested ex officio by the NHIF, necessary for the aggregation of health insurance periods and the reimbursement of their health insurance rights in the country. Following recommendations, citizens were assisted by the NHIF and/or the NRA.

According to the Ombudsman, their rights have been violated and a solution should be discussed and found, as well as providing for an affordable possibility to use health services until the form is received.

Payment with public funds for treatment in the country and abroad

Citizens, including parents of children, expressed dissatisfaction and pointed to violations of their rights due to delays in approving and carrying out treatment abroad. Among the reasons is the need to request and take into account the opinions of external experts in the relevant specialty.

The Ombudsman believes that it is imperative that the approval and financing of treatment of children in Bulgaria and abroad be carried out within the shortest possible timeframe, with exceptions for particularly serious and time-sensitive cases.

Carer allowance for temporary work incapacity to care for a sick family member

Once again, parents of children expressed their disagreement with the limitations on the payment of the carer allowance for caring for a sick family member – up to 60 calendar days per year for caring for a sick child up to the age of 18 in total for all insured family members and up to 10 calendar days for caring for an adult. The Ombudsman firmly believes that the restrictions introduced create conditions for violating the rights of children and their parents, especially for families and single parents with frequently ill children who have to take leave, including unpaid leave, to look after their sick children.

Recommendations:

1. The health insurance rights of persons with disabilities that have been interrupted should be restored as soon as the REMC/NEMC determines their entitlement to a percentage of permanently reduced capacity for work/type and degree of disability and grants them a pension, in which cases, for example, the possibility of deferred payment of amounts due could be considered;
2. Regulating the possibility for returning citizens to be able to receive medical care, who are known to be insured in another EU country but the form requested by official channels is delayed, to be able to receive medical services or to be reimbursed subsequently up to the amount paid by the NHIF;
3. Measures to prevent cases of refusal of medical institutions, contractual partners of NHIF, to provide medical care to persons with personal identification (social security) number and issued on the basis of document S072 of certificates issued by the RHIF;
4. Acceleration of the deadlines for the approval of the payment for the treatment of Bulgarian citizens abroad, as well as the reimbursement of the costs of the treatment applied;
5. Reassessment of the limitations provided for in the SIC on the payment of compensation for caring for a sick family member, with priority for children, and their extension or abolition.

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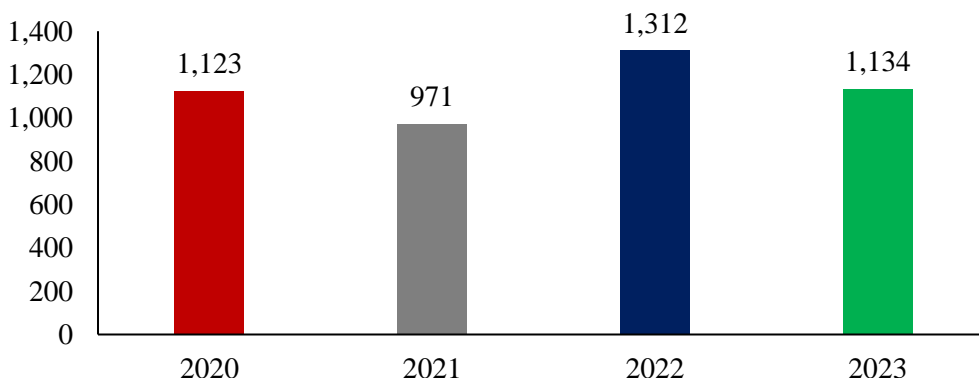
Main recommendations:

1. Removing the existing legal, financial and organisational constraints that prevent citizens from timely access to medical care as insured persons. Provide coordinated health services at different levels;
2. A strategy and a plan to ensure equal access to healthcare for all the people across the country, planning the distribution of medical and healthcare facilities in the country in an objective way, based on a thorough analysis;
3. Reducing the level of co-payment by the patient and preventing cases of unregulated payments;
4. Strategy and measures to retain doctors and healthcare professionals in the country by ensuring decent pay and proper working conditions;
5. Ensuring that citizens have access to medicines prescribed by doctors and preventing shortages;
6. Payment with public funds and increasing the level of payment for medicinal products, medical devices and dietary foods for special medical purposes;
7. Enhanced quality control in patient satisfaction reporting;
8. The views of the civil sector and NGOs to be taken into account and considered when making important decisions about changes in the system;
9. Guaranteeing the rights of citizens on their medical expert decisions, preventing delays and interruptions in their financial and social support;
10. Strengthening promotion and prevention, including a gradual increase in the coverage of preventive check-ups and tests, screening tests for prevention and early detection of diseases.

VII. SOCIAL RIGHTS

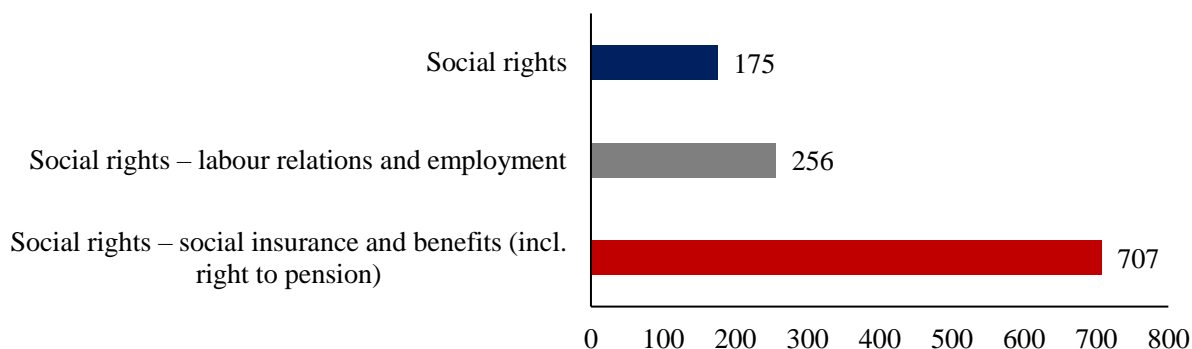
The exercise by citizens of their social rights in accordance with national and international standards has become increasingly important, especially in the past 2023, in which the country's economy and social relations were recovering in volume and without the constraints imposed by the years-long pandemic caused by COVID-19. In this transition, the role of the Ombudsman in the protection of citizens' social and labour rights is significant. During the year, the institution intervened and resolved disputes to protect the rights of citizens and vulnerable social groups: pensioners, the socially disadvantaged, the working poor, etc.

Chart No. 20. *Number of claims and alerts related to protection of social rights in the 2020-2023 period*



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Chart No. 21. *Number of complaints and alerts by type of rights for 2023*

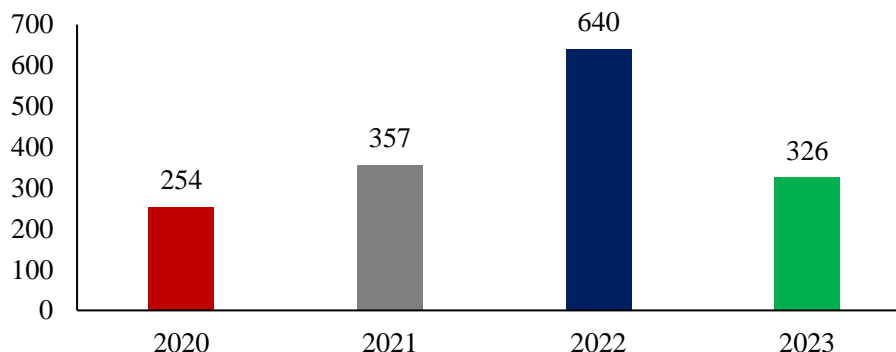


Pension rights

Complaints in 2023 on the citizens' pension rights are at the 2021 level: 357, and about half of those in 2022: 640. This, unfortunately, is not the result of a solution to the problems of retired persons, but on the contrary, it reflects their frustration and despair.

The complaints lodged with the institution concerning pensions and pension rights of citizens resulted in 94 recommendations to the competent authorities and 323 opinions.

Chart No. 22. *Number of complaints and alerts relating to citizens' pension rights in the 2020-2023 period*



The most pressing issues in 2023 related to:

- the low level of pensions;
- the delay in the exchange of information on the insurance periods of Bulgarian citizens who worked outside the country;
- the updating of pensions from 1 July 2023;
- the official recalculation of pensions from 1 April 2023 for insurance periods completed after retirement.

Thousands of citizens, dissatisfied with the model of recalculation and updating of pensions, continued to refer to Ombudsman institution during these periods.

Main recommendations:

1. Establish a legal mechanism for setting a minimum amount of old-age pensions that would annually align the amount of these pensions with the poverty line;

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2. Periodically recalculate the amount of all pensions based on the average social security income for the country for the previous year;
3. To take urgent action to protect the interests of Bulgarian citizens who have acquired pension and social security rights in EU Member States, in particular the Hellenic Republic.

Labour rights

A sizeable share of the complaints, requests and alerts received from employees are those related to violations of labour rights – wages, benefits and employment – a total of 256 complaints and alerts in 2023, most of them, 159, are from citizens who seek the assistance of the Ombudsman for the payment of wages and benefits owed by their employers, both during and after the termination of the employment relationship.

With regard to people's labour rights, the complaints of citizens were mainly about non-payment of overtime, unpaid wages or benefits, most often after the termination of employment, as well as violations committed when starting work under a second employment contract or exceeding the statutory maximum duration of working hours or work shift. Citizens also raised issues of failure to ensure healthy and safe working conditions and employer disregard for the special protection enjoyed by workers during the employment relationship upon termination.

Main recommendations:

1. Actions to be taken by the control bodies of the Executive Agency Chief Labour Inspectorate to assist workers or employees, including those with already terminated employment relationship, to receive the wages or benefits owed to them and unpaid by their employers;
2. Ensuring that effective controls are in place to ensure the occupational safety and health of both workers returning to employers' offices and those working from home;
3. Providing assistance to workers and employees in deteriorating health condition for the implementation of legal measures providing them with special protection during employment relationship and upon its termination.

Rights of civil servants

Some of the complaints by civil servants relate to irregularities in the conduct of competition procedures, including irregularities in making a ranking, or for hiring a person who was not ranked first.

Complaints were lodged in relation to the annual performance appraisal of staff, the performance score received and the potential for pay increases. The most frequent concerns employees returning to work after a long period of leave due to sickness or pregnancy and childbirth and the rearing of a young child.

Another group of questions was raised by complainants working in municipal enterprises. They complained about the failure of the mayors of the municipalities concerned to comply with commitments made in municipal collective agreements or agreements which extend to employees in a service relationship.

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Main recommendations:

The recommendations are addressed to the appointing authorities or the ministers and inspectorates of the relevant ministries, as well as to the municipal administrations and mayors of municipalities to take action to remedy the violations of the rights of employees.

Right to social security and benefits

In 2023, the total number of complaints related to social security and benefits paid by the National Social Security Institute and received by the Ombudsman's institution was 468, of which the largest number concerned unemployment: 83, maternity: 26, temporary incapacity for work: 13.

The main dissatisfaction of the citizens was that the National Social Security Institute delayed or suspended the payment of cash benefits for temporary incapacity to work due to various reasons, such as: suspected abuse of social security rights and inspection of social security insurers, often carried out over long periods of time, citizens not meeting the legal conditions for benefits. The complainants sought assistance for revocation of the denials issued.

Main recommendation:

When information days and information campaigns are held by the competent institutions, they should give wide publicity to the conditions for receiving cash benefits from abroad.

Right to social support and social services

In 2023, the number of complaints to the Ombudsman from citizens related to violations of their social rights was 175. Of these, 78 related to the need for receiving social support, social services: 14. The main thing that citizens shared was that they did not have money to cover the costs for treatment and rehabilitation, for purchasing medicines and paying for supplies for the housing in which they live. They described the difficulties they had faced and sought justice.

Society has shown its obvious sensitivity to the problems related to social services for severely disabled adults. The main problems faced by the relatives of citizens in a situation of dependence on the help of others is the lack of possibility to receive timely social support.

Main recommendation:

Consideration should be given to the possibility of creating a normative mechanism that would oblige social workers to consult the relatives and, where possible, the patients themselves, while they are still in a treatment facility, about the existing possibilities for referring them to an appropriate social service or social institution for their condition.

Family allowances for children

Citizens mainly complained that the Social Assistance Agency required them to provide a certificate that their child was enrolled as a student in the second, third and fourth grades issued by the respective school, whereas education in these grades is compulsory and children are not subject to separate enrollment, as is the case for the first and eighth grades. The parents insisted that, given that this type of aid is granted for all children and the data on which child is enrolled where is available in the information system of the Ministry of Education and Science, the Social Assistance Agency should carry out this verification ex officio in accordance with the requirements of the e-Government Act and should not request it from citizens, especially

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since children in the second, third and fourth grades are not enrolled for the first time in the respective educational institutions.

Main recommendation:

1. Abolish the requirement for parents to provide a certificate that the child is enrolled as a pupil in the second, third and fourth grades, issued by the respective school. The recommendation was implemented.

Targeted heating support

In 2023, 78 complaints were received, in which citizens expressed their dissatisfaction that they had been denied support despite the changes made in the Regulations for the Implementation of the Social Assistance Act, in particular the amendment of Article 1, paragraph 2, item 1. According to that provision, targeted heating aid is granted to persons if they do not operate as sole traders and do not have a share in the capital of a company. Complainants demanded both the cancellation of refusals to grant the targeted heating aid and a change in the legal framework. As an argument for the change in the legal framework, they pointed out that there were thousands of citizens who had a registered company as a sole trader which had not been active for years.

Main recommendation:

1. Seek a mechanism to revise Article 1, paragraph 2, item 1 of the Regulations for the Implementation of the Social Assistance Act so as to distinguish a sole trader in operation and a sole trader carrying on business.

Housing assistance

In 2023, the Ombudsman institution received 85 complaints related to citizens' housing problems. The citizens demanded mainly in the complaints to be accommodated in municipal housing, to be rehoused in another municipal property, to cancel orders for vacating municipal housing, to purchase municipal housing. In connection with the requests, recommendations were made to the relevant municipal administrations.

Main recommendations:

1. Take urgent measures to improve and expand the municipal housing stock;
2. Update the conditions for accommodation of citizens in need in municipal housing in order to provide emergency accommodation.

VIII. RIGHT TO PROPERTY AND ECONOMIC FREEDOM

1,434 complaints were received, among which those submitted by numerous citizens with attached petitions for assistance from the Ombudsman institution in the protection of property rights stand out.

The main groups of complaints were: spatial plans and their amendments; illegal construction; investment design and assessments under environmental legislation; rights affected in procedures for the creation and maintenance of cadastral maps and cadastral registers; expropriation and compensation procedures; violations of property rights over agricultural and forestry properties; organisation of condominiums.

1. INFRINGED PROPERTY RIGHTS IN PROCEDURES FOR DEVELOPING, COMMUNICATING, APPROVING, AND IMPLEMENTING GENERAL AND DETAILED DEVELOPMENT PLANS (GDP AND DDP)

The complaints are against: amendments to general development plans (GDP), providing for a change in development zones and the use of green areas; detailed development plans (DDP) for construction and regulation in order to densify residential complexes with new buildings; non-compliance with the rules for notification of draft development plans and their amendments, as well as the deadlines for the admission, processing and approval of DDPs.

Recommendations:

1. General development plans to be developed with a clear vision of the territorial location of the sites of national and regional importance and the allocation of development zones;
2. In order to ensure sustainable spatial development and to achieve a fair balance between public and private interests, the procedural and substantive legal requirements for legality in the elaboration and adoption of development plans should be respected;
3. The spatial development projects submitted on the initiative of citizens to be processed in accordance with the principle of speed and procedural economy under Article 11 of the Administrative Procedure Code.

2. OTHER PROBLEMS RELATED TO SPATIAL DEVELOPMENT

Complaints were lodged about affected rights due to the lack of pedestrian and transport access to their properties, about poorly maintained and unbuilt networks and facilities of the technical infrastructure, about unmaintained surrounding spaces.

Findings:

Municipalities do not fulfill their obligations to design and build the necessary infrastructure, to ensure normal access to land properties and do not enforce street regulations, citing lack of financial resources.

Recommendations:

1. Agreement between planning, financing and implementation of infrastructure and public works activities;
2. Alienation and compensation procedures for properties falling within areas intended for streets and other infrastructure facilities under the State Property Act and the Municipal Property Act to be carried out in a timely manner, with a balance between the rights of owners and holders of limited property rights, to whose properties it is necessary to provide access, and the owners of unalienated properties allocated for streets and other public events.

3. PROBLEMS OF THE CADASTRAL AND PROPERTY REGISTER. RIGHTS AFFECTED IN PROCEDURES FOR CREATION AND MAINTENANCE OF CADASTRAL MAPS AND CADASTRAL REGISTERS (CMCR) OF IMMOVABLE PROPERTIES

Complaints:

Affected property ownership problems in the accelerated conversion of the property restitution map into a cadastral map and registers; failure to comply with the legal norm that the costs of correcting errors should be borne by property owners only when their contribution is proven.

Recommendations:

1. The Ombudsman has consistently expressed her position in support of the expectations of citizens that the cadastral map and registers should be of a quality standard that guarantees accessibility and predictability of administrative services with cadastral information, without additional fees for corrections in order to remove errors and incompleteness in the creation of the CMCR. This issue was highlighted in the 2019 Ombudsman reports.
2. The procedure for correcting manifest factual errors in the cadastral map and registers and for mapping the properties in accordance with the actual legal situation should be based on a comprehensive analysis of the construction boundary of the locality and on data from the tax records of the municipality.
3. In accordance with Article 40 of the Cadastre and Property Register Act, the determination of costs, where a request is filed by the applicant, must be carried out as a procedural stage in the administrative process, since only if a contribution is proven, it should be borne by the property owner. In this sense, the disproportionate administrative practice should be amended.

4. INFRINGEMENT OF RIGHTS RESULTING FROM ILLEGAL CONSTRUCTION

Complaints:

Inaction of the construction supervision authorities and formal inspections on alerts of illegal, unsuitable and security-threatening construction, as well as delayed execution of orders for the removal of such construction.

Findings:

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The lack of preventive control leads to the negative consequences of implemented illegal construction works, both in terms of the public interest and for individual citizens directly affected by their forced demolition.

Recommendations:

1. Review of the provisions of the Spatial Development Act in terms of illegal construction in order to improve the effectiveness of construction control;
2. Comprehensive and sustainable regulation of relations in the investment design and construction process, striking a fair balance between the public interest and the protection of individual rights of citizens.

Application of the principle of proportionality and Article 8 of the European Convention on Human Rights (ECHR) to the removal and eviction from a single dwelling by municipal and state authorities

Once again, the Ombudsman was approached by citizens whose only home was subject to eviction or removal orders as illegal

Findings:

There is no requirement under the national law to examine the proportionality of administrative interference with the right to housing, notwithstanding convictions against the State for violations under Article 8 of the ECHR (in the cases of Yordanova and Others v. Bulgaria, Ivanova and Cherkezov v. Bulgaria and Paketova and Others v. Bulgaria, which are under enhanced surveillance procedure for failure to take all measures to implement them).

Recommendation:

Conduct public consultations and prioritise the adoption of the bill prepared in 2019 on amendments to Articles 225 and 225a of the Spatial Development Act, Articles 80 and 80a of the State Property Act, and Article 65 of the Municipal Property Act, as well as other relevant provisions concerning properties and facilities subject to seizure or removal as illegal or dangerous but constituting one's only dwelling.

5. INFRINGEMENT OF LAND AND FOREST PROPERTY RIGHTS

The non-implementation for years of final acts of the land ownership authorities and of court decisions on the recognition of rights for the restitution of agricultural and forest properties (incomplete land restitution) accompanies the 1991 land reform in Bulgaria and constitutes a substantial violation of the right to property. The analyses in the institution's reports of the specific obstacles to completing each of the affected restitution proceedings and the Ombudsman's recommendations for overcoming the delays are assessed and cited in the Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights of the Council of Europe dated 23 May 2023 for the 1468th Meeting of the Committee of Ministers, 5-7 June 2023. They were adopted in the assessment of the implementation of the general measures in the following groups of cases: Lyubomir Popov; Sivova and Koleva; and the case of Mutishev and Others v. Bulgaria.

Main recommendations:

1. To align the time limits for the completion of the restitution, including for the properties recognized for restitution in the old boundaries, with the time limit of the

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- prohibition for disposal of lands from the residual land fund and, if necessary, to extend them;
2. Bearing in mind the key importance of the proceedings under §27 of the Transitional and Concluding Provisions of the Ownership and Use of Agricultural Land Act for the completion of the restitution procedures under the Transitional and Concluding Provisions of the Ownership and Use of Agricultural Land Act by the land ownership authority, provide for a substitute jurisdiction, for example of the regional governor, in the proceedings under §27 of the Transitional and Concluding Provisions of the bill amending the Ownership and Use of Agricultural Land Act in cases where the municipal council does not consider the proposal for the allocation of land for restitution and compensation in time;
 3. Provide funding for the assignment of the plans of the newly created properties in the zones under §4;
 4. Establish a methodology for updating the compensation to former owners of lands in the territories under §4 that have become disproportionate due to the denomination of the lev;
 5. Not require the payment of state and local fees when acquiring administrative acts establishing the right of ownership in the territories under §4 of the Transitional and Concluding Provisions of the Ownership and Use of Agricultural Land Act.

General recommendations:

1. In spite of the prolonged delay in the processes, it is not the haste in determining the necessary legislative changes that should be leading, but the adequate and comprehensive resolution of restitution issues at the normative, administrative and organisational level;
2. Provide for a special legal regime for the completion of the land restitution to address the problems of restitution and compensation of agricultural land owners, including those caused by excessive delays, in accordance with the general measures ordered by the ECtHR; there is a practice of adopting separate laws for the completion of land restitution (Romania) in line with the recommendations of the ECtHR;
3. To bear in mind the restitution issues in the legal regulation of land relations, including owners' requests to renew the time limit for making restitution claims to agricultural and forestry properties;
4. The State to ensure the financing of the technical activities for the completion of the restitution procedures.

Infringed rights to land use

Findings on growing inequalities and escalating land use conflicts

In 2023, citizens' complaints again confirm the Ombudsman's long-standing observation of continued infringement of land use rights of small and medium-sized landowners and users. The root cause of this situation is the unequal position of the participants in land relations, monopolised by large owners and users.

Achieving the legal basis for the use (most often by concluding a lease, tenancy, joint cultivation, or acquiring ownership of agricultural land) is hampered by the mass ownership of agricultural land in co-ownership, which is the result of the applied restitution approach to restore the rights jointly to the heirs of the deceased owner and the increasing fragmentation of

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

land ownership along these lines over time. These factors give rise to land use conflicts at different levels.

Recommendations to tackle inequalities in land relations:

As was pointed out in the previous reports on the institution's activities, there is a need for a new policy and regulatory framework, in line with the overconcentration of land use, to protect small owners and users. To restore the disturbed balance from monopolisation of land relations, it is necessary to strengthen the regulatory functions of the State by introducing:

- adequate taxation of large land property;
- restrictions on ownership and use of agricultural land;
- facilitated access to land for landless and poor citizens;
- minimum amounts of lease/rent payments;
- matching the size of the average rent payment for the lands – “white spots” – with the market rent;
- tying the payment of subsidies for area support to the payment of rent to the owners of the lands under the contracts for their use;
- strengthening the control for compliance with the special legal requirements when concluding contracts for the use of agricultural lands;
- out-of-court procedure for resolving disputes related to payments for agricultural land use.

General recommendation:

With the stated intentions of the responsible institutions under the pressure of farmers' protests for legislative changes, it is important to respect the interests of all participants in land relations, whose situation is not economically equal, by introducing additional regulatory mechanisms to protect small owners and users – the “weak” party in land relations – with a view to a fair distribution of the benefits derived from agricultural land and the support related to its use under the Common Agricultural Policy schemes, measures and interventions.

Other property-related problems

Problems related to procedure BG-RRP-4.023 “Support for Sustainable Energy Renovation of Residential Building Stock – Stage I”

Owners' associations and municipalities from all over the country addressed the Ombudsman with complaints and objections against the results of the ranking of the proposals for investment under procedure BG-RRP-4.023 “Support for sustainable energy renovation of residential building stock – stage I” for grant renovation.

General recommendations:

The Minister of Regional Development and Public Works, the Executive Directors of the Agency for Sustainable Energy Development and the Executive Agency for the Audit of European Union Funds to examine in full the complaints and objections received from the owners' associations and to exercise control, including on: (1) compliance with the criteria set out in the Application Conditions for receiving funds under the procedure “Support for Sustainable Energy Renovation of the Residential Building Stock – Phase I” through the selection of proposals for the implementation of investments by final beneficiaries under the

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sub-measure "Support for sustainable energy renovation of housing stock"; (2) the energy audit and whether the methodology adopted for the energy efficiency audit has been correctly applied.

Corrective measures to be implemented in case of identified breaches in order not to compromise the process of energy renovation of the building stock.

Analyse alternatives, including the reallocation of funds, from eligible sources according to the criteria for ensuring priority energy renovation of the building stock.

The Ombudsman supported the draft Decision on the implementation of the policy for decarbonisation through energy renovation of the residential building stock in the country, submitted on 19 February 2024 by MPs in the 49th National Assembly, as being in line with the interests of the citizens.

Alienation and compensation procedures

Complaints:

The main demand of the owners in their complaints to the Ombudsman is the fulfillment of the constitutional requirement for equivalence of compensation in case of forced alienation.

Findings:

The current valuation mechanism does not take into account all the consequences of alienation and its application allows for differences in the amount of compensation for similar properties. Owners' rights and their protection are disregarded in order to speed up procedures, which is justified with the public interest in the construction of infrastructure projects, meeting deadlines for the absorption of funds under European programmes, promoting investment in the industrial sector, etc. When challenging the acts of alienation, including the amount of compensation, the deviation from the general principle of the two-instance nature of administrative court proceedings is retained. Lack of clear legal procedures for the granting of compensation due and imposition of additional administrative and financial burdens on the persons entitled to obtain documents, in derogation from the principle of inquisitorial procedure.

The Ombudsman's finding of unbalanced regulation of the matter and the need to improve the regulation of the methods of assessment in the case of forced alienation is confirmed in the practice of the ECtHR. The mechanism established in the SPA and in the MPA for determining compensation for persons whose properties are alienated for state or municipal purposes has been qualified by the ECtHR as not complying with the requirements of "proportionality" of the intervention within the meaning of Article 1 of Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Main recommendations:

1. The valuation rules for monetary compensation should take into account other factors besides the market ones, so that a comprehensive approach takes into account all the consequences of the forced alienation of property;
2. Provide for the right to choose the type of compensation – property or money – when alienating agricultural properties and forest areas;
3. Not speed (unequivocally identified with the public interest in the rapid satisfaction of state or municipal needs), but protection of the right to equal compensation to be set as a priority and to restore the two-instance nature of the administrative court proceedings when challenging acts of alienation;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

4. To regulate the procedures for payment of compensation to the owners of alienated properties and to align the administrative practice in order to stop the unlawful delay of payments and the shift of the administrative and financial burden of obtaining documents to the alienated owners.

IX. RIGHT TO HEALTHY AND FAVOURABLE ENVIRONMENT

In 2023, **460** complaints and alerts were received on environmental issues in various areas of environmental legislation. In their complaints to the Ombudsman, citizens were increasingly intransigent in asserting their right to a healthy and favourable environment.

Complaints concerned the following:

- the opening or operation of quarries for construction materials;
- large-scale industrial solar farm projects;
- lack of industrial air pollution control measures;
- bio-power plants with anaerobic treatment of animal and plant waste;
- protection of rivers and maintenance of good ecological and chemical status of water bodies;
- permitting procedures for the construction of plants for thermal treatment of waste, including hazardous waste and human waste;
- the need for nature conservation measures in areas not affected by industrialisation or construction, whether they are valuable natural habitats, old-growth forests in border areas, or parts of the Black Sea coast protected as priority areas of the national ecological network Natura 2000 or which do not have such status.

Findings:

The Ombudsman was addressed with areas of concern in a wide range of legal relationships on issues affecting the right to a favourable and healthy environment, which have a clear trend of an increasing public need for their resolution.

Among these, the problems of access to clean and sufficient drinking water and air pollution stand out as issues of vital priority for large groups of citizens.

A particular area of caution that the Ombudsman urges is the prevention of disproportionate interference with the environmental rights of citizens in the promotion of innovative environmentally friendly solutions in the field of biotechnology and the support of green investments.

Ombudsman assistance to protect citizens' environmental rights:

Opinion of the Ombudsman on the application of a strict standard for the capacity of a combustion plant as a selective criterion for issuing a complex waste treatment permit

Association "Breathe, Devnya" requested assistance in protecting the residents of the town of Devnya against an investment proposal for thermal treatment of waste. The Ombudsman concluded that the national legislation did not provide for the possibility of determining the so-called legal capacity in deviation from the technical passport of the installation, which determines the applicability of the BAT requirement. She concluded that a departure from the strict rule would constitute the adoption of an administrative act outside the material competence conferred on it, with the consequence that it should be annulled. Subsequently, a procedure for issuing a complex permit was announced.

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Supporting the fundamental rights of citizens to implement balanced local government decisions in promoting solar park investment projects

Residents of the villages of Dulevo, Orlintsi, Suhodol and Svetlina in Sredets municipality, expressed their concern and sought assistance due to the systematic deployment of photovoltaic panels in compact areas of about 8000 acres in the immediate vicinity of the four settlements without public consent. Citizens say agriculture, livestock farming and hunting tourism, the basis of local livelihoods and prospects for sustainable development, will be disrupted.

The Ombudsman highlights the priority of sustainable economic growth based on local resources, in accordance with the Integrated Development Plan of Sredets Municipality for the period 2021-2027, the existing land use according to the General Development Plan of the municipality, as well as the rules of a mandatory nature in the re-designation of agricultural land to preserve the amount of permanent grassland – as a means of mitigating climate change and adapting to it by increasing carbon sequestration, the procedural guarantees for conducting a public consultation on the draft partial amendment of the General Development Plan of Sredets Municipality. The relevant decisions of Sredets Municipal Council have been challenged by the Regional Governor of Burgas Region procedural barriers to the use of land in the municipality. The relevant decisions of Sredets Municipal Council were challenged by the Regional Governor of Burgas Region

Ombudsman's position on a policy of reasonable use of the State Land Fund (SLF)

In an opinion on the Draft State Budget of the Republic of Bulgaria for 2024, the Ombudsman highlights the role of the State Land Fund as an essential factor in preventing possible imbalances in land use and ultimately in guaranteeing the food security of society, which is why its further reduction through an order provided for in the revenue in the medium-term perspective for the 2025 budget of the Ministry of Agriculture and Food cannot be supported.

The Ombudsman in defence of the fundamental right of access to clean and sufficient drinking water

The National Ombudsman was addressed by the Citizens' Association "Water for Omurtag" regarding the process of implementation of the construction project "Additional water supply from Yastrebinno dam" to the water supply network of the town of Omurtag to overcome the perennial severe water regime. The Ombudsman institution has been involved in the problem for years and it was highlighted in the Annual Reports on the Ombudsman's activities. Assessing the progress achieved, the Ombudsman addressed the Minister of Regional Development and Public Works, the Head of the National Construction Supervision Directorate, the Chairman of the Board and Executive Director of the Bulgarian Water Supply Holding, the Regional Governor of Targovishte, the Manager of the Water Supply Company OOD of Targovishte and the Mayor of Omurtag Municipality regarding the legal, financial and organisational provision of the necessary activities for the final completion of the construction project "Additional water supply from Yastrebinno dam".

The Ombudsman expressed her reasoned support to the appeal of the Balkanka Association for the adoption of the Water Act Amendment Bill 49-354-01-65 of 15 June 2023, submitted by a group of MPs, concerning the restriction of logging in the sanitary protection zones of drinking water and mineral water sources. A new bill 49-402-01-2 of 3 January 2024 was submitted by the Council of Ministers and it is currently under consideration.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Main recommendations:

1. To commission a follow-up impact assessment of the legislation, in accordance with Article 18b of the Statutory Instruments Act, by submitting the relevant reports, after a public consultation, for consideration by the competent authorities, on:
 - the hygienic protection of the residential environment from industries with harmful emissions, in order to identify and evaluate the actual results of the public policy implementation after the repeal of Ordinance No. 7 on the hygienic requirements for the health protection of the residential environment (SG No. 38 of 2011);
 - compliance with the principles of admissible interference with land use rights and other fundamental rights of citizens of the affected territorial community in relation to mining and geological activities for exploration and extraction of underground resources;
 - verifiability of sustainability requirements on the origin of electricity, in particular mandatory requirements for anaerobic treatment processes for animal and plant waste from agriculture and standards for the treatment of fermentation residues.
2. On the basis of the annual programme or as commissioned by the National Assembly, the National Audit Office should conduct an audit of the regime for the removal of sediments in cleaning river beds to identify and assess the control mechanisms relating to the conditions for the provision of public assets to non-public sector entities, with the resulting conclusions and recommendations, in accordance with Article 6(2)(8) of the National Audit Office Act;
3. The reports, with recommendations for follow-up, to be made available for public consultation for a minimum period of 30 days.

X. RIGHT TO GOOD GOVERNANCE AND GOOD ADMINISTRATION IN 2023

The right to good governance and the related right of citizens to receive good administrative services is a fundamental right under the EU Charter of Fundamental Rights, according to which everyone has the right to have matters affecting them dealt with impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.

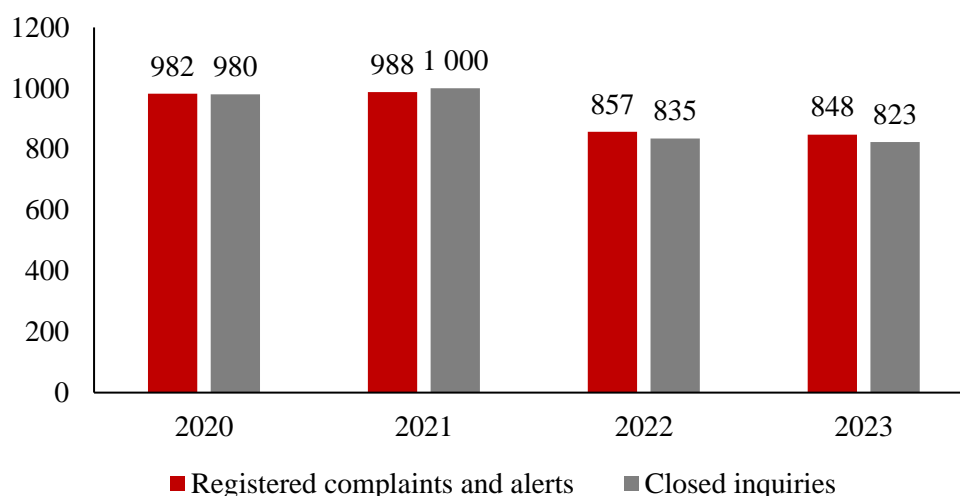
The general principles of good governance and good administration are set out in a number of documents and acts of the Council of Europe, the EU, the UN and the international financial institutions, including the European Code of Good Administrative Behaviour.

In defence of the right to good governance and good administration, the Ombudsman carried out inquiries in complaints from citizens and on her own initiative where there was a case of maladministration that required action.

In 2023, the Ombudsman's administration registered 848 complaints concerning the right to good governance and good administration. Inquiries in 823 case-files were closed.

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Chart No. 23. *Number of complaints and alerts received and inquiries closed relating to the right to good governance and good administration in the 2021-2023 period*



In the 556 complaints (67.6%) completed in 2023, the Ombudsman found no breach by the administration, in 263 complaints (31.9%) the Ombudsman found a breach, and 4 complaints (0.5%) were outside her powers.

One of the main objectives of the Ombudsman is to improve the work of the administration for the benefit of citizens. In assessing the work and behaviour of the administration, the Ombudsman made 216 recommendations and proposals to administrative bodies, in 421 cases she expressed an opinion, and in 82 cases a solution favourable to the citizens was reached with the help of mediation. In the remaining cases, citizens were consulted on the options open to them.

I. MAJOR ISSUES RAISED BY CITIZENS IN 2023

1. Unfavourable environment in the settlements, poor condition of the national road network and its technical infrastructure (343 complaints – 41.68%)

The problems largely repeat those of previous years. The complaints insist on: bringing streets and their technical infrastructure in accordance with the requirements; improving the condition of sidewalks; building and maintaining playgrounds and recreational areas; preserving and maintaining green spaces; and bringing dangerous manholes, underpasses, and overpasses up to code; construction of bicycle paths; trimming and removal of dangerous trees; restoration of compromised bridge structures; parking spaces in large cities; removal of abandoned cars from streets, sidewalks, inter-block spaces and gardens, etc.

Traditionally, the number of complaints concerning the poor condition of roads on the national road network remains high. Citizens report about: damaged road surface; lack of or damaged horizontal markings; lack of or incorrectly placed road signs; uncleared banks and ditches; impaired drainage of the roadway; pollution and damage of road sections during the passage of trucks servicing the construction of various sites or transporting timber, etc.

Citizens demanded:

- citizen participation and transparency in the identification of sites for renovation;
- transparency and accountability in the spending of funds;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

- effective quality and duration control of the repairs carried out;
- ensuring a conducive, healthy and safe environment.

Main recommendations:

1. Improving the organisation and management of activities related to the construction and maintenance of the national road network and the urban environment;
2. Setinf priorities for the development of the urban environment and road infrastructure to be carried out in compliance with the principles of transparency and predictability.

2. Violation of legal requirements and/or failure of administrations to fulfil their obligations (242 complaints, 29.4%)

Most often, in their complaints against municipal administrations, citizens raised problems related to: the administration of local taxes and fees; civil registration and administrative services to the population; fines imposed for improper parking and forced relocation of vehicles; lack of control for improper parking in cities; traffic organisation, which creates inconvenience for citizens and prerequisites for accidents, etc.

Complaints against central executive authorities and their territorial structures most often concerned: fines imposed for infringements of the Road Traffic Act and the Road Act; problems in conducting periodic technical inspections of vehicles; incorrect reflection of the environmental group of vehicles; failure to comply with the deadline for the provision of administrative services, etc.

The Ombudsman's impression based on the complaint inspections is that in the vast majority of cases the institutions complied with the requirements, but underestimated the need to provide up-to-date and correct information, to explain and consult citizens and to maintain an open dialogue with them.

Main recommendations:

1. Establish clear and transparent procedures and rules to ensure compliance with legal requirements;
2. Each administrative decision to contain the reasons on which it is based, clearly stating the relevant facts and the legal justification.

3. Problems related to address registration and Bulgarian identity documents for citizens

The Ombudsman has repeatedly raised the problems related to the address registration of citizens, the conditions and procedure for which are regulated in the Civil Registration Act (CRA) and Regulation No. RD-02-20-9 of 21.05.2012 on the functioning of the Unified Civil Registration System, issued by the Minister of Regional Development and Public Works.

As a result, a significant number of Bulgarian citizens cannot meet the requirements for registration by permanent address and remain without identity documents. Irrespective of the exact number of persons affected, a number of adverse consequences for them arise, such as

- cannot enjoy the rights given to them by other laws - to work, to social assistance and socio-economic protection, to access to medical services, to access to educational services, etc.;
- their access to justice is restricted;
- they are disqualified from participating in elections, etc.

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- the Ombudsman identified requirements in the Civil Registration Act which do not allow registration by permanent/existing address of the following groups of citizens:
 - citizens who are unable to produce the required documents under the Civil Registration Act;
 - Bulgarian citizens living and working abroad, registered in the population register, who cannot provide a permanent address in Bulgaria;
 - citizens whose address for registration is marked in a way that does not meet the requirements of the Civil Registration Act;
 - citizens whose registration address is that of a studio or a villa building.

Convinced that the law should create conditions for address registration and issuance of an identity document for every Bulgarian citizen, the Ombudsman repeatedly insisted to the Ministry of Regional Development and the National Assembly to make the necessary legal changes.

The Ombudsman expressed her opinion on the bill amending and supplementing the Civil Registration Act proposed by the Ministry of Regional Development and Regional Development, outlining the problems that make it impossible for citizens to register their permanent/existing address and thus to apply for Bulgarian identity documents. She made concrete proposals for changes in the Civil Registration Act that would enable a solution to these problems. On 23 January 2024, a draft decision of the Council of Ministers on the approval of the draft amendments to the Civil Registration Act was published for public consultation, in which most of the Ombudsman's proposals were included.

4. Problems in the administration of local taxes

Citizen complaints were again received regarding the charging of vehicle tax for a passenger car by two municipalities for the same period. They reported that, after changing their permanent address, they found that they had been charged vehicle tax for motor vehicles owned by both the municipality where they had been registered and the municipality where their new address was registered.

Article 61 of the Local Taxes and Fees Act stipulates that the tax shall be paid to the budget of the municipality where the owner has their permanent address or registered office, and in the cases referred to in Article 54, paragraph 5 – to the municipality where the vehicle is registered.

Another frequently raised issue concerned the charging of vehicle tax upon change of ownership.

A large proportion of complaints concerned the determination of the tax assessment of immovable property, and hence the tax on it.

Main recommendation:

The administration to strictly comply with the legal requirements in setting local taxes and fees.

5. Problems with the termination of vehicle registration

The Ombudsman received many complaints in which citizens raised the alarm about the impossibility to terminate the registration of cars sold or given to others, as the latter had not declared the change of ownership to the Ministry of Interior.

Following the Ombudsman's proposal to the National Assembly to amend the Road Traffic Act and the changes made under §12b (new, SG No. 18 of 2021) of the Road Traffic Act to the transferor of a registered road vehicle whose ownership was transferred before 27

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

December 2017, for which the transferee has not fulfilled its obligation to register the acquired vehicle within the statutory period from the acquisition, the opportunity was provided to submit to the Traffic Police department at the relevant regional directorate of the Ministry of Interior, by 31 December 2023, a copy of a document certifying the sale, which would provide grounds for the automatic termination of the registration.

Unfortunately, some of the complainants have transferred their vehicles to third parties without complying with the procedure laid down in the Road Traffic Act for the transfer of vehicle ownership. According to Article 144, paragraph 1, the ownership of motor vehicles is transferred by a written contract (paragraph 1), and of registered motor vehicles it is transferred by a written contract with notarised signatures of the parties (paragraph 2). As a result, these citizens cannot submit the necessary documents and terminate the registration of the vehicle – grounds also for termination of taxation of the vehicle.

6. Problems related to the payment of tolls

On the occasion of numerous complaints and signals of citizens in 2021 and 2022 against the National Toll Authority in relation to problems concerning the electronic vignettes and recommendations made by the Ombudsman, including for legislative changes in the Road Act, the Ombudsman is pleased to note that the National Assembly voted on changes that:

- citizens are given the opportunity to make a correction when a technical error is made in the declaration of the registration number of the vehicle when issuing an electronic vignette;
- a correction is made when up to three characters of the vehicle registration number are incorrect, as well as a correction when a character of the vehicle registration number is not displayed. The effect of the correction shall be from the time of the original statement;
- the notification of compensatory charges and fines to the RIA shall be made within three working days;
- introduce a fairer mechanism for the reimbursement of amounts unduly paid for compensatory charges in the event of correction of erroneous vignettes, which, according to the Ombudsman's proposal, will take place within a shorter period of time (up to 5 working days), and the reimbursement may be made either to a bank account specified in the application for correction by the owner/user of the vehicle or, if not specified, to a cashier;
- exemption from administrative liability in the event of a correction is automatic, without the person having to take any action to that effect;
- a requirement for notification of an expiring annual or quarterly e-vignette is introduced.

Complaints in 2023 highlight the following issues:

- cases of drivers being penalised as a result of a mistake in the choice of vehicle category continued;
- delays and difficulties in recovering compensatory fees paid after an e-ticket correction;
- delays and difficulties in recovering amounts unduly paid for compensatory charges and fines for lack of e-ticket;
- inability to transfer a purchased e-vignette in case of scrapping of the vehicle.

On the occasion of citizens' complaints, the Ombudsman asked the Chairman of the Management Board of RIA for information whether all organisational, financial and technical measures were taken to notify from:

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

- 1.06.2023 the persons who have paid annual and quarterly vignette before the expiry of their vignette;
- 1.08.2023 in case of detected traffic on the toll road network without paid vignette.

In response, the Ombudsman was assured that all measures were taken and notification was made by email, depending on the contact details provided by users.

Main recommendation:

Strict compliance with the legal requirements of the RIA and NTA for notification within the prescribed period for the expiration of the purchased e-vignette and for detected traffic on the toll road network without a paid vignette.

7. Parking problems

Citizens blamed administrations of inaction and failure to meet their obligations to provide parking spaces, especially in big cities. They did not approve of certain locations for the construction of car parks. Others point out that the competent authorities do not exercise sufficient, systematic and effective control over compliance with parking and parking regulations. The challenged fines imposed for improper parking.

Main recommendation:

Systematic, targeted and concerted action by the competent administrations to address vehicle parking problems in settlements.

8. Administrations do not address the issue or problem within a reasonable time (76 complaints – 9.23%)

It is the duty of the institutions to solve the problems and issues raised by the citizens within a reasonable time. In the event of delay due to the complexity or nature of the problem, the sender of the complaint, alert or enquiry must be informed thereof.

It is the Ombudsman's impression that institutions underestimate this obligation.

They often cite as reasons for delay or inaction: their heavy workload; staffing problems; limited budgetary resources and/or other priorities; difficulties in carrying out inspections due to duplication and overlapping of functions between administrations; poor coordination between administrations and transfer of responsibilities, etc.

Main recommendations:

1. Establishing optimal organisation and making adequate management decisions by the administration for timely responses to complaints and signals of citizens;
2. Improving interaction between the competent institutions.

9. Violation of administrative service quality standards (68 complaints, 8.26%)

Quality management policy in the public administration is set as one of the main priorities for the development of the public administration.

In her reports, the Ombudsman usually focuses on efforts to improve the quality of administrative services. Achievements in this direction are clearly outlined in the reports on the state of the administration, including the latest one for 2022, adopted by Decision No 341 of the Council of Ministers of 4 May 2023.

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It is important to take account of some of them, namely:

- the existence of a local area network in all administrations, being a prerequisite for the implementation of information and communication technologies in the work process and electronic exchange;
- the adoption of texts in the E-Government Act that require administrative bodies, when providing electronic administrative services (EAS), to collect data once and use it repeatedly;
- extending the Electronic Payment System to interconnect EAS applicants, service providers and payment instrument providers (banks);
- increasing the number of individuals, administrative authorities, public service providers and companies included in the Single portal for electronic administrative services;
- expanding the range and number of services provided through the Single portal for electronic administrative services;
- increasing the number of standardised administrative services and applications for them;
- abolishing the requirement to issue a number of paper certificates, etc.

Complaints about breaches of administrative service quality standards highlight the following problems:

- restricting access to administrative services by requiring documents to be held at the administration itself;
- rude and unprofessional attitude of clerks;
- shortcomings in the organisation of work in individual administrations;
- lack of interaction and exchange of information between municipal administrations, etc.

Main recommendations:

1. Expanding the possibilities of electronic identification for the use of electronic services;
2. Official collection of information;
3. Expanding secure electronic delivery capabilities when consent is provided.

10. Local government problems (53 complaints, 6.43%)

In their complaints to the Ombudsman, citizens demanded that their right to participate in the discussion of issues of importance to the local community and in decision-making on them be guaranteed. They objected to provisions in municipal ordinances (e.g. on the conditions for paid parking in Sofia, Varna, Plovdiv and Pomorie; the introduction of ecological zones in Sofia, etc.). They raised issues related to financing the activities of community centres and pensioner clubs from the budget of the respective municipality, etc.

Citizens reported that the procedure for the election of mayoral councillors was not regulated in the rules of procedure of municipal councils, and that general meetings of the population for the election of mayoral councillors were held in violation of the requirements regulated in Chapter Four of the Direct Participation of Citizens in State Power and Local Self-Government Act.

According to the Ombudsman, although the final decision always belongs to the institutions, the various forms of public consultation and discussion of important issues with citizens, individually or through their organisations, are a prerequisite for making the right decisions, for exercising citizen control and for consensus in society.

Main recommendation:

Consistent application of the principle of transparency and citizen participation in the discussion and decision-making process on issues of local importance.

11. Gaps in the legal framework resulting in violations of citizens' rights

Declaration of the registered office of a trader

The Ombudsman continued to receive complaints from citizens seeking assistance because commercial companies or sole traders had been registered at the address of their own properties without their knowledge or consent. As a result, they suffered a number of problems and inconveniences.

Over the years, the Ombudsman has brought this problem to the attention of the Ministry of Justice and to the attention of the National Assembly in the Ombudsman's activity reports for 2021 and 2022.

The legal regulation of company registration in the Commercial Register and the Register of Non-Profit Legal Entities Act and in the Commerce Act allows a trader to indicate an arbitrary registered office address upon registration, without having to prove the legal basis for its use, even a non-existent address.

The provision of Article 29 of the Commercial Register and the Register of Non-Profit Legal Entities Act and in the Commerce Act allows any person who has a legal interest, as well as the public prosecutor, to file a claim for the nullity or inadmissibility of the registration, as well as for the non-existence of a registered circumstance. However, this possibility is not an efficient solution to the problem. Difficulties are created for the affected citizens – without being at fault, they are forced to turn to the court to solve the problem, wasting time and money. In addition, it will be difficult to summon such companies, as the address they have declared is not actually used by them. Further, even if the claim under Article 29 of the Commercial Register and the Register of Non-Profit Legal Entities Act and in the Commerce Act is upheld by the court, this address may again be listed as the address of the company.

In view of the above, the Ombudsman once again appeals to the President of the 49th National Assembly and the Minister of Justice for legislative changes.

Main recommendation:

Changes in the regulatory framework in order to prove the legal basis for the use of the address and registered office of a trader, as well as to provide for a mechanism for ex officio deletion of such addresses upon a substantiated request for this.

General main recommendation:

Consistent application of the principles of good governance, including: rule of law and human rights; predictability, transparency and efficiency in the work of the administration at all levels; accountability of state and municipal bodies; guarantees for citizen participation in decision-making; equal opportunities and inclusiveness; a policy of consensus and balance of interests in society.

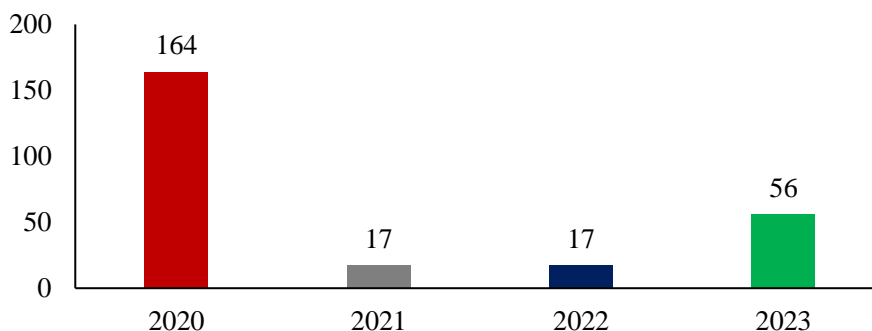
XI. PROTECTION AGAINST DISCRIMINATION, HATE SPEECH AND EQUALITY BETWEEN MEN AND WOMEN

The issue of unequal treatment has always been on the attention of the Ombudsman institution. The number of incoming complaints of discrimination is growing, which leads to the conclusion that, on the one hand, the manifestations of unequal treatment in our society are becoming more and more numerous and, on the other hand, that citizens are becoming even more sensitive to them and are turning for support to the competent institutions for the protection of certain rights. As in its previous reports, the Ombudsman institution has repeatedly emphasised the adverse impact of discrimination on the lives of victims and the difficulties they have to contend with.

Discrimination may affect a particular victim, but it can also adversely affect large groups of people in comparatively similar situations – people with disabilities; people in a particular profession or occupation; those with a common family status; different sexual orientations; and many others. It is a dangerous practice in modern society, not only nationally but also internationally, and it is harmful to all democratic societies. Moreover, it is not always those who commit such acts who do so knowingly, because unequal treatment is very often the result of superimposed stereotypes and prejudices in society against those who are different from us.

Although the institution is not a specialised body for protection against discrimination, the complaints received by the institution are an expression of citizens' trust and hope for help, as well as recognition for the efforts made to support and protect their rights.

Chart No. 24. *Number of citizen complaints and alerts of discrimination for the 2010-2023 period*



In 2023, the Ombudsman received 56 complaints relating to a variety of complaints of unequal treatment, affecting both individuals and an unspecified but identifiable range of people.

The main complaints can be grouped as follows:

Discriminatory provisions in Article 84 of the Social Insurance Code (SIC) on the criteria for granting a pension supplement to a deceased spouse or the so-called widow's supplement

Article 84 of the CIC sets out requirements that people of retirement age must meet in order to access this important support from the state, the main one being that the survivor must have been in a civil marriage with their deceased partner.

It is clear from the significant number of complaints received from affected members of the public that those who were cohabiting are not eligible.

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As an advocate for citizens' rights, the institution draws the attention of the responsible authorities to this issue, also in view of the existing tendency for fewer and fewer people to form families without entering into a civil marriage within the meaning of the Family Code, living as cohabitants. On the other hand, there is also a significant number of single elderly people who, in later life, find a partner with whom to live out their old age and help each other, but without entering into a civil marriage.

It is undeniable that an increasing number of couples are living in de facto cohabitation without a marriage relationship, and this is emerging as the main form of family formation, but this form is not legislated for in the Family Code, although various laws provide a legal definition of this concept.

At the same time, however, there are legal definitions of this concept in the Bulgarian legal procedure. For example, according to §1, item 18 of the Additional Provisions of the Act on Counteracting Corruption and on the Forfeiture of Illegally Acquired Property – a de facto cohabitation is a voluntary cohabitation of two adults, in respect of whom there is no kinship constituting an obstacle to marriage, which has lasted more than two years and in which the persons take care of each other and of a common household. The same definition is contained in § 1, item 6 of the Additional Provisions of the Judiciary Act. The term is also used in other laws without being defined. This means that de facto cohabitation is recognised by Bulgarian law and is associated with certain legal consequences.

The Ombudsman recommends discussing the possibility of introducing appropriate mechanisms to adequately support the citizens concerned in order to ensure their decent life.

1. Complaints relating to the Teachers' Pension Supplement from the Teachers' Pension Fund set out in Article 69c of the SIC

The Ombudsman institution received numerous complaints related to the methods of granting a supplement to the teachers' pension from the Teachers' Pension Fund, provided for in Article 69c of the SIC and with the proposal that the supplement to the Teachers' Pension Fund be determined proportionally when granting a retirement pension under the general procedure.

An example of such a case is a complaint from a citizen with an engineering degree who, due to difficulties in the labour market in connection with poor economic conditions, has retrained as a teacher. She has worked as such for the last 14 years and has acquired the right to a retirement pension. Her claim is that she does not receive a supplement to her pension from the Teachers' Pension Fund, even though she has paid a certain amount into the Fund over the years. This is due to the fact that she does not have the requisite teaching service years.

She considers this to be grossly unfair, since it is compulsory to contribute to the Fund, but these funds, which are in practice accumulated, are not subsequently included in the personal pension when individuals become entitled to a pension.

The Ombudsman institution requests the Minister of Labour and Social Policy to find an appropriate mechanism to address this problem. The new social relations very often necessitate a change in the retraining of citizens, also imposed by the opportunities provided by the labour market, as well as by other processes of a different nature.

The Ombudsman points out that the lack of taking into account these new social relations and their regulation in the Social Insurance Code creates conditions for indirect discrimination against these groups of citizens.

The recommendation has not been implemented.

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2. Issues of citizens with different sexual orientation and transgender people

Citizens are concerned and dissatisfied with the advertisements that have become public knowledge in the cars of the capital's subway of the book "The Road to Armageddon", namely, "Heaven is always for two: a man and a woman. There is no same-sex paradise."

The Ombudsman institution, concerned about the difficulties encountered by people of different sexual orientation in their realisation in various spheres of public life, as well as the negative attitude towards them by a large part of our society, fomented also by a number of public figures recently, in view of the requirements of the Protection against Discrimination, Act addressed a recommendation to the representative of "Metropolitan" EAD to carry out an inspection and take action to guarantee the rights of all passengers travelling on the capital metro without admission of discrimination.

From the response received, it was found that the advertising material had been taken down and the complainants had received an explicit apology from the company's Board of Directors.

An example of transgender issues is a complaint from such a citizen, a person born with a female genital sex, according to which his gender details are recorded in the civil registers, but with the opposite neurocerebral sex, and therefore perceived and self-identified as a male.

The Ombudsman draws attention to the fact that for decades in the Republic of Bulgaria it has been judicially permissible to change the gender details of transsexual applicants. In 2023, due to divergent case law, the Supreme Court of Cassation of the Republic of Bulgaria ruled that the current legislation does not allow such a change, but how this decision will be reflected in future case law, including in the citizen's case, remains to be seen. Notwithstanding the admission of the change of gender data in the civil registers, however, with regard to transgender persons there is a general obligation for all subjects to respect their private and family life, which includes their self-determination and dignity (in this sense is Decision No. 15 of 26.10.2021 in constitutional case No. 6/2021 of the Constitutional Court of the Republic of Bulgaria), as well as a general prohibition of discrimination (pursuant to Article 1 in conjunction with § 1, item 17 of the Additional Provisions of the Protection against Discrimination Act). The Ombudsman points out that, according to the above-mentioned decision of the Constitutional Court of the Republic of Bulgaria, the current positive legal framework in Bulgaria, including at the constitutional level, permits the change of gender data in civil registers for persons living with intersex conditions, where gender cannot be unequivocally determined.

According to the Court's decision, "the right of these persons to identify themselves as one sex or the other and to express and communicate themselves accordingly in their social life cannot be called into question and is protected both by Article 8 of the European Convention on Human Rights and by Article 4(2) of the Constitution, which guarantee the dignity and freedom of the individual as values of the highest order".

3. Hate speech

In the past year, the Ombudsman was also concerned that hate speech was present in public discourse and the media. This is a problem that the institution has also warned about in previous annual reports, as its use and dissemination in society leads to violations of fundamental human rights and even to the commission of crimes.

The Ombudsman insists that sensitivity to this problem must be raised and that there must be a timely response from the responsible institutions, which have the power to impose restrictions and penalties on the use of hate speech. In the opinion expressed back in 2022 in

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relation to the bill for the amendment and supplement of the Criminal Code, published for public consultation on 23 August 2022, the Ombudsman stated that all hate crimes should be incriminated and effectively investigated and punished, and their victims should receive, in addition to moral satisfaction and justice, compensation for the harm they have suffered. The findings are that the institutions themselves do not recognise hate crimes but qualify them as acts of hooliganism.

Therefore, the Ombudsman is pleased with the amendments to the Criminal Code in 2023, promulgated in State Gazette No. 67 of 2023, that an act committed on racist, xenophobic or sexual orientation-related grounds is punishable under the Criminal Code. Many LGBT+ organisations in meetings explicitly thanked the institution for its support and efforts for the legislative changes to the Criminal Code that have already entered into force, because they constitute a strong guarantee for the protection of fundamental human rights. At the same time, however, the institution has also received complaints from citizens expressing the view that these amendments create conditions for unequal treatment.

For the Ombudsman, the amendments to the Criminal Code provide citizens with a guarantee that their rights will be protected. She stressed that the anti-discrimination legislation was adopted in order for society to combat manifestations of racism, homophobia, xenophobia, anti-Semitism or any form of intolerance.

Hate speech has the potential power to humiliate and offend any person of a different sexual orientation for highlighting in a generalising and stigmatising way doubts about their morality because they are of a different sexual orientation.

The Ombudsman reiterates that the right to express an opinion or belief is a fundamental human right, which is established in a number of international legal instruments and the Constitution of the Republic of Bulgaria – Article 10 of the European Convention on Human Rights and Fundamental Freedoms, Article 19 of the International Covenant on Civil and Political Rights, Article 21 of the EU Charter of Fundamental Rights, Article 39 of the Constitution of the Republic of Bulgaria. This right includes the expression and dissemination of opinion, but it is not absolute and is accompanied by special obligations and responsibilities and may be limited to respect the rights and reputation of others. In particular, this right does not include the advocacy of hatred, animosity, hostility or humiliation on the basis of protected characteristics. The expression and dissemination of opinion is limited by the prohibition of discrimination, which is set out in laws specifically to sanction manifestations of racism, xenophobia, homophobia or other forms of intolerance.

4. Insurance rights of people with disabilities violated

The institution received complaints from people with disabilities complaining of unequal treatment by insurance companies that violate their rights – travel assistance, refusal to pay the insurance amount in the event of an insured event. They believe that this is wrong and puts people who are in a particularly vulnerable position in a crisis situation and without the possibility of bearing the costs incurred.

In her opinion to the heads of the responsible companies, the Ombudsman stresses that people with disabilities should have and be able to exercise all rights and freedoms on an equal basis with other citizens, without any discrimination. This is a fundamental requirement of the UN Convention on the Rights of Persons with Disabilities, which Bulgaria has ratified, and should apply in all areas of the lives of citizens with disabilities, including with regard to the insurance offered and taken out with them.

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5. Absence of accessible architectural environment

During the past year, complaints were received regarding the lack of accessibility of people with reduced mobility to a number of facilities, both institutions and private entities providing a specific service.

The absence of an accessible environment is in violation of a number of international and domestic regulations: Articles 9 and 19 of the UN Convention on the Rights of Persons with Disabilities ratified by the Republic of Bulgaria, the Protection against Discrimination Act and Regulation No. RD-02-20-2 of 26.01.2021. on determining the requirements for accessibility and universal design of the elements of the accessible environment in the urban territory and of the buildings and facilities (in force from 13.03.2021), which repealed Ordinance No. 4 of 01.07.2009 on the design, execution and maintenance of constructions in accordance with the requirements for the accessible environment for the population, including people with disabilities.

In all cases where complaints were received about breaches of the current regulations, recommendations were made to resolve the problems.

The findings are that, in the vast majority of cases, the responsible authorities comply with the recommendations and take action to comply with their statutory obligations and fulfil this obligation in good faith.

6. The criteria for exemption from payment of vignette fees under Article 10c of the Road Act (RA)

During the past year, complaints continued to be received regarding the restrictive requirements introduced to exempt persons with disabilities and their families from paying vignette fees under Article 10c of the Road Act.

The main complaint of citizens is the technical parameters to be met by cars owned by disabled citizens or in the matrimonial regime. The criteria have been declared discriminatory by the Commission for Protection against Discrimination, but nevertheless they remain part of the current legislation.

In order to guarantee the rights of the citizens concerned, the Ombudsman sent new opinions to the heads of the responsible authorities and stressed that the provisions of Article 10c(2) of the Protection against Discrimination Act did not correspond to the current social relations.

Thus, the legislation does not cover electric cars and plug-in hybrid cars, the engines of which are not characterised by engine capacity, and the acquisition of vehicles on the basis of lease contracts.

Also not included are vehicles without rear seats that were purchased to meet the needs of wheelchair users and their mobility, but registered as 'freight'.

The need to amend and extend the scope of support has also been recognised by the heads of the responsible authorities, the Ministers of Labour and Social Policy and of Transport and Communications, in their recent responses to the recommendations made, but no real action has been taken to date to address the problems

7. Problems of the Roma community

The problems of discrimination against the Roma community in Bulgarian society have been on the Ombudsman's attention since the institution's inception. In all her annual reports, the Ombudsman insists on compliance with anti-discrimination legislation in relation to this

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large vulnerable group of citizens, so that they can be integrated into public life and be able to participate fully and actively in it. The position of the institution is that the priority of the responsible authorities should be the effective implementation of the existing legal framework for combating anti-Roma attitudes and discrimination by raising the institutional culture and expert capacity of public institutions, increasing the credibility of their activities with an emphasis on human rights and law enforcement, raising the awareness of representatives of Roma communities about their rights and mechanisms for their protection.

The Ombudsman once again expresses concern about the situation of Roma women who, despite their essential role, continue to face deep-rooted negative societal attitudes. Roma women face barriers in access to quality education, limited employment opportunities and personal development, face problems in accessing healthcare, and are more vulnerable to violence, including domestic violence, sexual violence and human trafficking.

The Ombudsman, since the establishment of the institution, has drawn the attention of the authorities and has emphasized that in order to successfully address existing problems, it is important to apply an integrated and decentralised approach.

The Council of Ministers adopted Bulgaria's National Strategy for Roma Equality, Inclusion and Participation (2021-2030) and a National Action Plan for the period 2022-2023. The Administrative Monitoring Report for the National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation (2022-2030) was also adopted at a meeting of the Council of Ministers on 17 May 2023.

The Ombudsman reiterates that an important political sign for the integration process will be to bring the Roma strategy to the attention of the National Assembly. In order for the activities of the strategy to be effective, it is necessary to develop a specific annex to the strategy with concrete measures to combat anti-Roma discrimination.

Main recommendations:

1. Actions to be taken, including statutory amendments, to provide equitable support to pensioners who were not in a civil partnership with their deceased partner;
2. Action to address the lack of an accessible environment for people with reduced mobility;
3. Action to be taken to address the lack of sufficient recognition and challenge to the use of hate speech;
4. The competent authorities to engage in measures and actions to raise the awareness of society to discrimination and hate speech.

XII. RIGHT OF DEFENCE IN ENFORCEMENT PROCEEDINGS

In 2023, there is a slight decrease in the number of citizen complaints in relation to specific enforcement proceedings (341) compared to 438 in 2022. The decrease in the number of complaints against enforcement agents is a logical result of the amendments to the Civil Procedure Code adopted in 2019 on the initiative of the Ombudsman, and this trend has been observed since then. Outside the mentioned figure are the cases dealt with regarding the judicial

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

execution during the reception of citizens on the spot, as well as their telephone calls regarding such problems.

Many of the complaints reflect citizens' difficulty in navigating the complexities of enforcement. There is a lack of understanding as to on whose initiative the proceedings are initiated, what enforcement actions are provided for by law and may be applied at the request of the enforcement agent, as well as the termination of the case on the basis of Article 433, paragraph 1, item 8 of Civil Procedure Code, the so-called "peremption", in which the party seeking recovery may obtain the writ of execution and initiate new enforcement proceedings, as long as the limitation period for the claim itself has not expired.

In general, the complaints submitted provide information on the powers of the enforcement agents, the enforcement actions subject to appeal by the debtor before the court, as well as the control bodies in the form of the Chamber of Private Enforcement Agents and the Inspectorate to the Minister of Justice, which could carry out an inspection and impose appropriate penalties in the event of violations found in the course of the enforcement process.

In the reporting year, the complaints of the citizens to the Ombudsman show that their main grievances related to the attachments imposed on wages, pensions, as well as on bank accounts receiving such and other non-sequestrable amounts. Citizens made requests for the attachments to be lifted, and also expressed dissatisfaction with both the difficulties they were experiencing from not being able to use their bank card and the extra charges they were being charged for cash withdrawals. In the course of the inspections carried out in connection with attachments imposed on bank accounts, cases were found in which the enforcement agent was not informed in good time of the origin of the funds credited to the debtor's bank account, either by the debtor or by the bank, in order to respect their non-sequestrability.

In some of the complaints, the citizens pointed out that the bank did not release the non-sequestrable amounts to them for withdrawal and disposition, nor did it transfer them in execution of the attachment, awaiting further instructions from the enforcement agent. Until the latter are received, a new transfer often takes place, and the balance in the account before the receipt of the last in line "payment" is considered as the debtor's savings and, according to paragraph 13 of Interpretative Decision No. 2 of 26 June 2015 in Interpretative Case No. 2/2013 of the General Assembly of the Civil and Commercial Departments of the Supreme Court of Cassation, the amount is sequestrable. In another part of the appeals, the third obligor, a bank, considers that the amounts received in the debtor's account are sequestrable and transfers them to the enforcement proceedings, in view of which they are distributed by the enforcement agent to the creditor, and their non-sequestrability is subsequently established. It is important to bear in mind that, in both cases, the debtor's best remedy is to be proactive in requesting from the bank a statement of their bank account, which they must submit to the enforcement agent in order to inform him of the origin of the funds and, accordingly, either to give further instructions to the third party liable in the event that the sums are not transferred in execution of the attachment, or to reimburse the debtor for the non-sequestrable sums received in the case.

At the suggestion and insistence of the Ombudsman, the problem of the sequestration of tax reliefs for children and for children with disabilities was resolved legislatively since the beginning of 2023, with the funds being explicitly designated as non-sequestrable and non-deductible. Despite the now explicit regulation of their non-sequestration, complaints are still received from citizens whose funds have been withheld pursuant to a garnishment.

Citizens are demanding intervention in the enforcement proceedings, asking for the suspension or termination of the enforcement action against them. They also raise questions about the adjustment and remission of debts and their deferral in time. Increasingly, complaints

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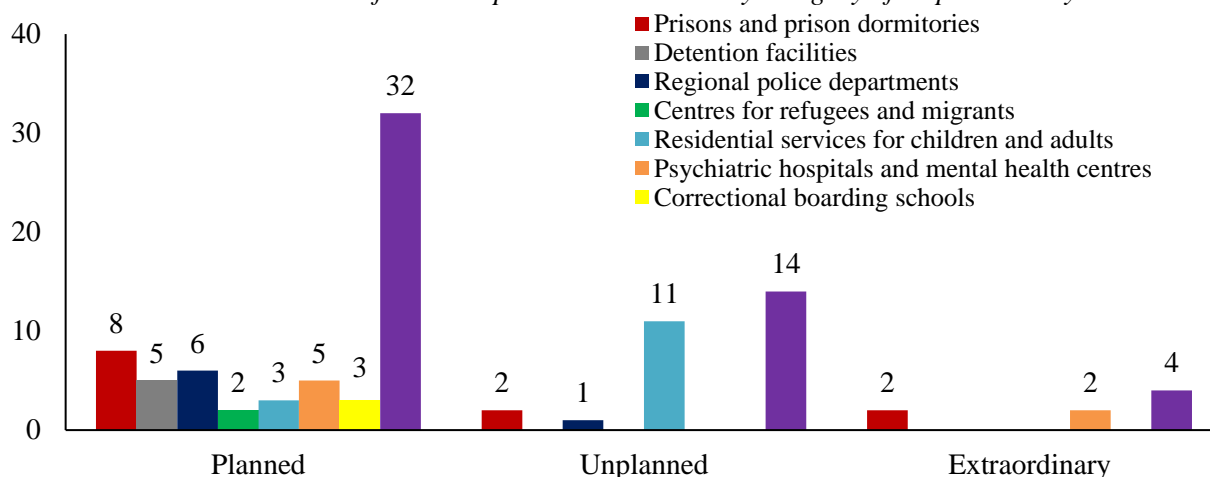
from citizens concern the possibility, provided for in the Obligations and Contracts Act, of limitation of debts owed by natural persons upon expiry of a 10-year period. In these cases, the Ombudsman informs citizens in detail about the legal regulation and the possibilities for protecting their rights.

XIII. NATIONAL PREVENTIVE MECHANISM

The functions of the Ombudsman of the Republic of Bulgaria as the National Preventive Mechanism (NPM) are related to the implementation of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the amendments to the Ombudsman Act of 2012.

In 2023, the Ombudsman, as NPM, carried out a total of 50 inspections in places of detention, state psychiatric hospitals and mental health centres, detention centres for refugees and migrants, detention centres and family-type accommodation centres for children and adults, with an additional and specific focus on the rights of children in conflict with the law placed in institutions.

Chart No. 25. *Number of NPM inspections conducted by category of inspected body in 2023*



In total, the checks covered 17,639 persons, including those placed in and passing through the institutions checked throughout 2023.

A total of 129 recommendations were sent to various authorities and institutions as a result of the inspections carried out and concrete measures were followed up to improve conditions in places of accommodation, detention or imprisonment.

Unfortunately, the observations and conclusions made by the Ombudsman, in her capacity as NPM in 2023, **still identify systemic problems for which the institution has repeatedly alerted the public authorities**, but which have not found an adequate solution over the years.

1. RIGHTS OF PERSONS WITH MENTAL ILLNESS

First and foremost and **with particular urgency in the last two years has been the issue of protecting the rights of persons with mental illness**. The Ombudsman of the Republic of Bulgaria, exercising the functions as the NPM for mental health (NPMH), inspected mental health centres (MHCs) and social facilities for persons with mental disorders.

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In the 2022-2023 period, the Ombudsman carried out a total of 25 unannounced inspections in psychiatric facilities and residential social services centres. Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Council of Europe's European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment state-run psychiatric hospitals (SPHs) are places of deprivation of liberty, as some of the patients are placed there by court orders and cannot leave them voluntarily. The Ombudsman, as the NPM, therefore takes particular care to ensure that torture and other forms of inhuman or degrading treatment are not committed in these places.

In her annual reports for 2019 and 2022, the Ombudsman has consistently alerted public authorities to **the existence of chronic problems in the PPHs that may qualify as incompatible with fundamental standards of protection from torture and other cruel, inhuman or degrading treatment or punishment**, such as:

- degrading living conditions in the public psychiatric hospitals;
- chronic undernourishment of patients due to wrong financing model;
- poor quality of the medical care;
- lack of human resources or sustainable policy to overcome this problem;
- lack of social services to facilitate the subsequent reintegration of patients in

public psychiatric hospitals.

Example:

The gravest case that can be qualified as torture dates back to the beginning of the Ombudsman's term of office as NPM: the fire that occurred on 2 October 2023 in the Public Psychiatric Hospital in Lovech, which caused the death of a patient.

On the day of the fire the patient was isolated in the course of nine hours, being immobilized (having both legs and hands tied) for almost six hours. When the fire occurred, he was tied and could not protect himself. The immobilization took place approximately a month after he had been admitted for treatment, i.e. after the treatment he had undergone, the acute phase of his illness should have been supposedly overcome, all the more so since he was placed in the so called 'soft room' which allows patients to do anything without risks or hindrances for the staff carers. Apparently in this case the soft room, instead of being used as a safe place for isolation, was used as a 'sanctions room'.

The interviews with other in-patients did not reveal any incidents of aggression or auto-aggression on behalf of the deceased patient throughout the course of his treatment. This is why the Ombudsman acting as NPM cannot understand what required taking such radical coercive actions, namely tying all his four limbs three times and keeping him in isolation for 10 hours in a 'soft room', all in a single day.

The NPM team found that Ordinance No. 1 of 28 June 2005 on the terms and procedure for applying temporary physical restraint measures to patients with established mental disorders had been violated. The Ombudsman, as NPM, stresses that Ordinance No. 1 of 28 June 2005 on the Procedure for the Application of Measures of Temporary Physical Restraint to Patients with Established Mental Disorders runs contrary to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The NPM team considers that it is inhuman and degrading treatment or humiliation for a patient to be tied up and isolated for hours in a single day, as was the case found by the Ombudsman team in the PPH of Lovech. The Ordinance fails to specify if immobilization (tying) has been assigned for two hours, whether it means that five minutes after this measure's effect has expired, the patient may be tied again unspecified number of times. In similar vein, the Ordinance is silent if a person has been isolated for six hours, whether this measure may be extended for another six hours. In practice a patient may be isolated every day in the course of 15 days without interruption.

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The inspection conducted by the Ombudsman on this tragic occasion revealed a number of deficits in the system for providing quality psychiatric care and protecting mental health patients:

- gaps in the legal framework and practice for implementation of measures for temporary physical restraint of persons in public psychiatric hospitals;
- lack of effective control mechanisms in public institutions;
- chronic problems as regards the quality of the psychiatric care due to insufficient financing.

Recommendations:

To protect the rights of persons with mental illnesses, the Ombudsman of the Republic of Bulgaria is of the opinion that a series of urgent measures to prevent any possible form of degrading treatment or torture are strictly necessary:

1. To define ‘torture’ as a stand-alone crime;
2. To introduce, pursuant to Article 127, item 4 of the Bulgarian Constitution, effective regular control by the prosecution over the implementation of criminal and other coercive measures in all public psychiatric hospitals since the latter are considered places for deprivation of liberty;
3. To update the current legal regulation on the implementation of measures for temporary physical restraint of patients with mental disorders and to elaborate a protocol for the implementation of the coercive measures immobilization and isolation where the duration and frequency of these measures over a 24-hour period as well as the grounds for their implementation are clearly specified,
4. To expand the possibilities for civilian control by involving a person with legal background and a representative of a civil society organisation as members of the Committee Supervising the Implementation of Measures for Temporary Physical Restraint;
5. To introduce uniform financing modalities for all healthcare facilities for inpatient treatment linked to the quality of the extended healthcare service;
6. To prioritise improving the quality of life in the public mental health policy by means of a successful deinstitutionalisation of patients with mental illnesses and their socialization through services in the community.

2. RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW

Another problem, which has the characteristics of a chronic deficit in the protection of human rights in Bulgaria, is related to the rights of children in conflict with the law. In the last 11 years the Ombudsman acting as NPM and monitoring authority under the Convention on the Rights of the Child has focused on various issues in her work, but one of her priorities has always been the rights of children in conflict with the law who are placed in institutions. In 2014-2015 the Ombudsman acting as NPM published two thematic reports on the state of affairs in reform schools and social boarding schools. The reports review in detail the legal characteristics of reform schools and social boarding schools from both international and domestic law perspective; the profile of the children placed therein and the living conditions; the quality of education and extracurricular activities; protection measures available for the children placed therein; quality of the medical care; administrative and technical capacity of the reform schools and social boarding schools.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In every annual report of the Ombudsman acting as NPM a recommendation has been extended to **close down reform schools and introduce modern and effective measures for work with child offenders**, including restorative justice and prevention, and **establish a protected social system, including a network of services** (integrated services and correctional psycho-social and protection measures and support mechanisms) as regards children in conflict with the law.

In 2023, the Ombudsman teams from the NPM and the Rights of Child Directorate carried out three inspections of the reform schools and social boarding schools based on the same standardised methodology to assess the presence or absence of progress in the Third Thematic Report on the rights of children in reform schools and social boarding schools. At the Ombudsman's insistence, four boarding schools were closed, including the one in Dragodanovo, Sliven Municipality. The number of children accommodated in the remaining three was reduced to 88 children. Most of them are victims of circumstances in their lives – poverty, lack of basic living conditions, separated parents and/or parents who are economic migrants abroad. The infrastructure is in a poor condition despite the partial repairs. Investing resources, financial, technical or human ones, in reform schools and social boarding schools is inappropriate. Public authorities should instead focus their efforts entirely on the immediate closure of these institutions and establish instead a social protection system, comprising a network of services (integrated services and correctional psycho-social and protection measures and support mechanisms) as regards children in conflict with the law.

The third thematic report on the rights of children accommodated in institutions for children with disabilities found a series of chronic vices:

- Reform schools and social boarding schools do not meet international standards – they are of the so-called barracks type of buildings, i.e. sleeping quarters, bathrooms, toilets are shared. Children housed in them do not have access to quality education and medical care. Their relatives cannot visit them due to the remoteness of the institutions and the lack of funds;
- Correctional measures under Article 13 of the Juvenile Delinquency Act have the characteristics of criminal repression, i.e. their effect is in the imposition of a sanction or restriction.
- Lack of subsequent periodic judicial review and provision of legal assistance to the placed children in relation to the correctional measures imposed on them (the Bulgarian state has already been convicted in the European Court of Human Rights, case "D. L. v. BULGARIA" of 19 May 2016).
- The applicable legislation does not allow minors placed in a correctional centre to apply to the judicial authorities to have their detention reviewed.
- There is no periodic and automatic review in Bulgarian domestic law in respect of the detention in question.

Recommendations:

For another year, the Ombudsman as NPM emphasizes that **it is necessary to adopt a national policy and strategy for juvenile justice with a long-term horizon**. The efforts of the authorities should be fully focused on the rapid closure of institutions for children in conflict with the law and the creation of a protected social system, including the creation of a network of services (integrated services and correctional, psycho-social and protective measures and support mechanisms) in relation to these children:

1. Reform the juvenile justice system and assess the need of specialized court panels for children;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

2. Repeal the Juvenile Delinquency Act in force as of 1958 and adopt the Diversion and Educational Measures for Minors Act;
3. Close down immediately the boarding schools and introduce modern and effective modalities for work with children in conflict with the law, including restorative justice and prevention;
4. Establish a protected social system, including a network of services (integrated services and correctional psycho-social and protection measures and support mechanisms) as regards children in conflict with the law and their families;
5. The recommendation on the need to take effective legislative action to transpose EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings into the Criminal Procedure Code remains relevant.

3. RIGHTS OF CHILDREN AND ADULTS PLACED IN RESIDENTIAL SOCIAL SERVICES

In 2023, the Ombudsman as NPM carried out a total of 3 planned and 11 unannounced inspections in social care institutions for children and adults. **Over the years, the Ombudsman has repeatedly recommended that the process of deinstitutionalisation of adult care be accelerated, as the prolonged residence of people with disabilities in institutions violates fundamental human rights and the homes themselves can be defined as places of deprivation of liberty.** However, there are still seven institutions with a capacity of over 100 pax (one with 228 pax), located at a great distance from municipal administrative centres and hospitals, with a lack of specialists to care for them. So far only nine social care homes for mentally disabled persons and persons with mental disorders and dementia have been closed. Once again, it has been established that **the homes do not meet any criteria for providing a quality social service for people with disabilities.** Not only is the treatment of the people accommodated and their stay there poor and degrading, but their fundamental human rights are violated:

- the right to free movement and contact with the outside world;
- the right to quality psychological and medical care;
- the right to privacy and quality sanitary conditions;
- the right to individual care.
-

Recommendations:

1. Set forth clear criteria for removing children and adults and placing them in alternative residence care;
2. Children and adults in the course of deinstitutionalization must be prepared in advance about their pending deinstitutionalization;
3. Social workers and medical professionals in the places where children and adults will be placed after their deinstitutionalization must be aware in advance of their individual needs;
4. Children and adults whose relatives maintain contacts with them should be placed as close as possible to those relatives' place of residence;
5. Child Protection Departments with the Social Assistance Directorates should establish in-depth communication with the managers of the residential social services for children;
6. New generation of social services should not be launched in buildings where the old generation of social services used to be provided;

7. Carry out a comprehensive mapping to ensure that all buildings where social services for children and adults are provided comply with statutory requirements, especially as accessible environment is concerned.

4. PROTECTION OF PERSONS DEPRIVED OF THEIR LIBERTY IN PLACES FOR EXECUTION OF PUNISHMENTS WITH THE MINISTRY OF JUSTICE

In 2023, the upward trend of inspections in **places of detention with the MoJ** will continued. The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its eighth visit to Bulgaria was published at the end of October 2022. The CPT identifies as pressing and significant **the problems of inter-prisoner violence, the inadequate conditions in the country's prisons and detention facilities, the widespread infestation of bedbugs, cockroaches and other pests, and the lack of meaningful and constructive activities for prisoners.**

The above findings are confirmed by the inspections carried out by the Ombudsman in her capacity as NPM in 2023, which clearly demonstrates the continuing need to reform penal policy in the prison system. In 2023, the Ombudsman as NPM carried out planned inspections in three prisons (in Bobov Dol, Burgas and Varna), in six open and closed-type prison hostels and in five detention centres. The Ombudsman carried out five unannounced inspections upon signals received in Pleven and Burgas and three unannounced inspections in the Sofia Central Prison, including in the Specialised Hospital for Active Treatment of persons deprived of their liberty.

Following these inspections, the Ombudsman established a positive trend in the prison administration's efforts to improve the living conditions, expand prisons' capacity and reduce overcrowding in order to comply with European requirements and standards.

Nevertheless, a number of issues regarding the penitentiary system remain unresolved. The problems identified in the course of the inspections conducted in 2023 and the review of prisoners' complaints fall in several groups:

- **Complaints related to violations of the prohibition contained in Article 3 of the Execution of Punishments and Remand in Custody Act:** insufficient living area, food, clothing, heating, lighting, ventilation, medical care, opportunities for motor activities, continuous isolation without any opportunities for communication, unjustified use of handcuffs, and other similar actions or omissions that undermine human dignity or give rise to fear, vulnerability or inferiority.

- Complaints related to reserved bank accounts in relation to enforcement procedures against prisoners;

- Complaints related to the early conditional release;

- Complaints related to rejections by the prison administration to prisoners' requests to engage in studies or work.

The general critical finding in this sector continues **to be related to the lack of an effective solution to several major problems:**

- systemic deficits in the medical care of prisoners;

- continuing deficits with depreciated, severely outdated and hygienically unreliable bedding;

- unresolved cockroach and bedbug problems in detention facilities, etc.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman acting as NPM has repeatedly called for respect of the prisoners' right to work and to education, reiterating its significance for the correctional and educational effect of the imposed punishment and underscoring prisoners' statutory right to appropriate employment (Article 77, paragraph 1 of the Execution of Punishment and Remand in Custody Act): "While serving time in prison, inmates shall have the right to appropriate jobs." The Ombudsman paid special attention to Article 41, paragraph 1 of the Criminal Code that stipulates that **serving time in prison shall be accompanied by appropriate paid community service** thereby contributing to the re-education of the sentenced persons and the improvement of their professional qualification.

Recommendations:

1. Take action to permanently resolve the problems with bed bugs and cockroaches in prisons;
2. Increase prison schools' budgets since education and training of inmates is essential for their reintegration;
3. Continue efforts to ensure longer presence of medical specialists in prisons and identify new possibilities to that end;
4. Have a procedure in place for payment of medicinal products with prison budgetary funds in case the inmates avail of no funds in their personal accounts;
5. Place prisoners with established mental disorders in suitable medicinal environment to be monitored by qualified specialists.

5. RIGHTS OF PERSONS SEEKING PROTECTION

The Ombudsman acting as NPM conducts regular inspections **in the centres for temporary accommodation of foreigners** with the Ministry of Interior and the centres for accommodation of refugees with the State Agency for Refugees with the Council of Ministers. A major focus of all inspections is to assess the **living conditions for unaccompanied minors and the forms of support rendered to them**.

According to data of the State Agency for Refugees, a total of 5,702 applications for international protection were submitted in 2023 by unaccompanied minors (compared with 3,121 applications in 2022). Of these, 3,843 applications were submitted by children, including 1,416 by children under 14 years of age. A total of 49 unaccompanied minors were placed in centres for social services compared to 29 in 2022. It is worrying that quite often unaccompanied minors disappear after a week or two from the open-type reception centres with the State Agency for Refugees and continue their journey to Western Europe using organized and expensive smuggling channels.

The inspections carried out in 2023 established a **growing number of unaccompanied minors in the context of persistently unresolved fundamental problems**:

- The Ombudsman's recommendation of 2022 has not been implemented and still there is no security zone for minors seeking international protection in the Registration and Reception Centre in Harmanli;
- The Ombudsman's recommendation to introduce a sustainable policy for protection and integration of unaccompanied minors is still relevant – an assessment should be made of the possible actions to ensure protection and support through integration of unaccompanied minors in the community and alternative placement in residential social services upon request.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman of the Republic of Bulgaria is the only Bulgarian state institution that **monitors the removal of foreign nationals** who have been subjected to coercive administrative measures (CAM) under the Aliens in Bulgaria Act (ABA). Acting as NPM, she has extensive experience in the protection of human rights and fundamental freedoms related to the status of asylum seekers and foreign nationals placed in the special temporary accommodation facilities with the Ministry of Interior. In 2023, the Ombudsman monitored the implementation of 33 coercive administrative measures on return to the country of origin, country of transit or third country and expulsion. The monitoring teams found systematic problems in the verification of the personal files of foreign nationals: the practice of under-documentation continues, especially with regard to appeals against orders for the imposition of coercive administrative measures; lack of evidence that foreign nationals are aware of the content of the orders issued for them for the imposition of coercive administrative measures, as well as of their right to appeal against them under the Administrative Procedure Code; the lack of evidence that foreign nationals placed in special temporary accommodation facilities are aware of their right to legal assistance and that they have met with lawyers who have consulted them and informed them of their rights and legal options, etc.

Unfortunately, the Ombudsman's NPM Annual Report 2023 continues to highlight other unresolved problems:

- **Persistent underfinancing and chronic shortage of personnel to ensure quality medical service and health care for the persons placed in all categories of inspected facilities** – prisons, psychiatric hospitals, social boarding schools, centres for refugees and migrants as well as family-type residential centres for children and adults;

- **Lack of budget financing of social activities in prisons with the MoJ** – social work and reintegration of inmates remain questionable for many of the prisons in the country.

Recommendations:

1. Set up a security zone in the Registration and Reception Centre in Harmanli for unaccompanied minors seeking international protection;
2. Elaborate a consistent policy for the protection and integration of unaccompanied minors who have been granted refugee protection;
3. Endorse a sustainable policy for informing applicants for international or temporary protection about the conditions of residence in Bulgaria;
4. Develop a long-term strategy for the integration of displaced persons that permanently grants them access to social, health and education services;
5. Elaborate a comprehensive long-term strategy for accommodation of the growing number of unaccompanied minors on the territory of the Republic of Bulgaria, taking into account the specific needs of the target group;
6. Establish a mechanism for systematic control of the illegal push-backs of foreigners at the borders, including by means of seconding extra number of officers;
7. Establish a uniform format of orders for coercive administrative actions under the Foreigners in the Republic of Bulgaria Act, which must be countersigned by the concerned foreigner and by a sworn translator;
8. Set up a mechanism for systematically notifying the Ombudsman about upcoming enforcement of coercive administrative actions under the Foreigners in the Republic of Bulgaria Act;
9. Maintain full case files on foreigners placed in SCTAFs, including everything related to the enforcement of the coercive administrative actions under the Foreigners in the Republic of Bulgaria Act.

6. PROTECTION OF PERSONS DETAINED IN DETENTION CENTRES WITH THE MINISTRY OF INTERIOR

Another focus of the Ombudsman's work as NPM in 2023 is the protection of the rights of persons detained in detention facilities of the Ministry of Interior. The inspections covered the largest contingent of persons among all institutions inspected in 2023: a total of 2,509. Inspections were carried out to follow up on the implementation of recommendations made in 2022 in relation to the rights of minors and persons seeking or refused international protection. In 2023, the Ombudsman carried out inspections in four detention facilities for detainees in the Ministry of Interior system. The material conditions in police detention facilities continue to be poor, with insufficient day lighting and outdated infrastructure

There were separate rooms designated for the detention of minors in all inspected detention facilities, and the Ombudsman recommendation for compliance with Article 2 of the Child Protection Act was being followed. The amendments to the Ministry of Interior Instruction No. 81213-78 of 24 January 2015 on the Detention, Equipment in the Detention Facilities and the Order Therein implements the recommendation made by the Ombudsman as regards **the mandatory participation of an attorney in cases of detention of minors**.

The Ombudsman, as NPM, considers as a positive change that in all premises inspected, the telephone number of the National Legal Aid Bureau is prominently displayed, as well as an up-to-date list of lawyers on duty at the respective collegium, in order to guarantee the right to defence of detainees.

Recommendations:

1. In case a pupil has been detained in 24-hour police custody, officers must immediately inform a parent or guardian as well as the director of the school which the pupil attends;
2. Comply with the requirement for mandatory participation of a lawyer in case a minor is detained;
3. Comply strictly with Article 2 of the Child Protection Act in case a minor is detained;
4. Police officers working with children must receive mandatory tailor-made training.

XIV. AUDIT OF WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION ACTIVITIES

In 2023, the Ombudsman of the Republic of Bulgaria assumed a new role, expanding its multi-faceted activity in advocating for the rights and freedoms of citizens, i.e. to carry out an external audit of whistleblowing work and whistleblower protection under the Whistleblower Protection Act.

This new function became a fact with §5 of the Final Provisions of the Whistleblower Protection Act (promulgated in SG No. 11 of 2 February 2023), creating item 14 in Article 1 of the Ombudsman Act, which extends the powers of the Ombudsman to carry out external audits of whistleblowing and whistleblower protection activities under the Whistleblower Protection Act. Article 30, paragraph 1 of this Act lays down that the Commission for Personal Data Protection (CPDP) is subject to external audit with regard to the fulfilment of the obligations under this Act and the correct handling of signals and the protection of whistleblowers.

The audit is carried out by the Ombudsman of the Republic of Bulgaria. The Ombudsman shall carry out an on-site inspection of the work of the unit, i.e. an external

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whistleblowing channel, which shall include a review of compliance with the time limits for the processing of signals, the quality of interaction between the Commission for Personal Data Protection and the other competent authorities under Article 20 of the Act, the compliance of the registers with the Act and other aspects of the CPDP activities that allow for an assessment of its effectiveness in dealing with signals (Article 30, paragraph 2 of the Whistleblower Protection Act). Also, according to the provisions of Article 30, paragraph 3 of the Whistleblower Protection Act, the Ombudsman receives and examines complaints against the CPDP from whistleblowers, including for failure to protect confidentiality of the information contained therein or breaches thereof.

In connection with these new powers, a new Directorate for the Audit of Whistleblowing and Whistleblower Protection was established within the Ombudsman institution from the beginning of October 2023. Capacity has been built up and rules have been established for the independent external audit of the work of the Central External Whistleblowing and Protection of Individuals Authority established by Article 19 of the the Whistleblower Protection Act.

A methodology has been developed to provide a framework for conducting inspections that includes an assessment of the external channel's compliance with applicable law and procedures, as well as parameters for assessing the effectiveness of the CPDP's performance in receiving, handling, referring and providing protection to whistleblowers.

The subject matter of the audit of the CPDP is compliance with the requirements set out in Whistleblower Protection Act of the external complaints channel and includes various aspects of the activities related to whistleblowing, protection of personal data and handling of signals.

The scope of the audit includes:

- **Receiving reports:** Overview of the procedures and methods for receiving reports through the external channel.
- **Performing report verification:** Review procedures and report flow; verify report processing times and routing; perform independent checks.
- **Follow-up:** Assessment of the effectiveness of cooperation and interaction between the Commission and other competent authorities and organisations under Article 20 of the Whistleblower Protection Act, notification deadlines.
- **Whistleblowing register and protection of the confidentiality and identity of the persons concerned:** Overview of the measures and procedures taken to protect the personal data of whistleblowers and the persons concerned.
- **Support measures:** Verification of the procedures to ensure that comprehensive, independent, free and accessible information and advice is provided individually and confidentially on procedures and protection measures; procedures to provide assistance to any authority necessary to defend against retaliation by whistleblowers.

These aspects form the basis of the subject matter of the CPDP's external channel audit and focus on the effectiveness and compliance of the external channel's activities with applicable law. Each conducted audit concludes with a report containing findings, conclusions and specific recommendations to the audited organisation.

As part of the new Ombudsman's powers, the first audit of the external whistleblowing channel was launched in December 2023. The purpose of the audit is to assess the activities of the external whistleblowing channel of the CPDP. The external audit covered all key aspects of the activities of the CPDP as the central authority for external whistleblowing and for the protection of persons under the Whistleblower Protection Act. It included a review of the procedures and methods for receiving reports, an assessment of the methodology for referring

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reports to the competent authorities, and the mechanisms for providing protection to whistleblowers. The external audit also assessed the compliance of the Commission's activities with the specific Act and whether the confidentiality regime for whistleblowers was respected.

The inspection concluded with a report setting out findings and conclusions relating to the activities of the Channel for Whistleblowing External Reporting Directorate at the CPDP. Based on the findings, recommendations were made.

Recommendations to the Chairperson of the CPDP:

1. Establish internal rules, procedures and/or a methodology for the reception, handling and closure of reports, as well as clear rules for the application of the provision of Article 24, paragraph 3 of the Whistleblower Protection Act regarding independent inspections;
2. Draw up rules on the conditions and procedures for the priority handling of reports of serious violations in accordance with the provision of Article 27, paragraph 2 of the Whistleblower Protection Act;
3. Establish a methodology/procedure to ensure the effectiveness of the interaction with the control authorities with a view to the correct identification of the competent authority and to comply with the deadlines provided for in the law;
4. Establish clear rules and procedures for the implementation of the provision of Art. 35 paragraph 1, items 1 and 2 of the Whistleblower Protection Act;
5. Undertake a wider public awareness campaign on how to obtain support measures and on the modalities and procedures for obtaining immediate protection under Article 23, paragraph 3 of the Whistleblower Protection Act.



CHAPTER TWO IMPACT ON THE LEGAL FRAMEWORK

I. REQUESTS TO THE CONSTITUTIONAL COURT 2023

In 2023, the Ombudsman submitted a request to the Constitutional Court to declare unconstitutional Article 300, paragraph 3 of the Judiciary Act. Case No. 21/2023 was initiated on the request.

The provision challenged by the Ombudsman stipulates that, in the event of a failing grade, a trainee lawyer is entitled to sit for the legal capacity examination up to three times after an additional two-month period of training under Article 297, paragraph 2, item 1. According to the Ombudsman, such a restriction on the acquisition of legal capacity upon completion of legal education contravenes Article 4 (principle of the rule of law), Article 32, paragraph 1 (inviolability of private life), Article 48, paragraphs 1 and 3 (right to work and free choice of profession and place of work) and Article 53 (right to education) of the Constitution, as well as the fundamental right to freely choose and exercise a profession under the EU Charter of Fundamental Rights.

Restrictions that may be imposed on a fundamental right such as the right to work, or the right to free choice of occupation and the choice of place of work, must always be balanced, i.e. not only pursue a legitimate aim in the public interest, but also be appropriate and proportionate. According to the Ombudsman, there is no legitimate aim of the restriction established by Article 300, paragraph 3 of the Judiciary Act. The purpose of the legal capacity exam is to test and certify the practical skills of trainee lawyers and to prepare them for practice, not to test their theoretical knowledge of law, which is done through the semester and state examinations included in the discipline of law. The effect of the provision is to penalise prospective lawyers provided they have passed the test of theoretical knowledge acquired. After failing three legal aptitude examinations, a trainee lawyer who already has a law degree effectively ends up with an unrecognised degree, in breach of Article 53 of the Constitution. The third unsuccessful attempt to take the legal aptitude examination is a refusal to recognise the higher education passed for that profession and the graduate lawyer is placed in the position of any other person who has not undergone five years of law training at a higher institution and who is not entitled to sit for the legal aptitude examination. This renders the law graduate's higher education meaningless. It violates Article 48, paragraph 3 of the Constitution regarding the guaranteed right to work, to freely choose a profession and the place of work.

The contested provision of the rules on the acquisition of legal capacity is also contrary to EU law as it infringes the principle of proportionality. It may affect two of the fundamental freedoms established in the Treaty on the Functioning of the European Union: the freedom of establishment (Article 49) and the freedom to provide services (Article 56), since the acquisition of legal capacity does not affect only Bulgarian citizens, but also any other person who, as a lawyer qualified in another Member State, has the desire and intention to establish himself on the territory of Bulgaria and to provide legal services – Article 295 of the Judiciary Act. According to the Ombudsman, with the adoption of the contested part of Article 300, paragraph 3 of the Judiciary Act, the legislator violates the limits of the freedom of permissible restriction on the freedom of establishment and the freedom to provide services, not only to their unacceptable prejudice, but also to the prejudice of the fundamental rights to education and to the free choice of occupation guaranteed by Article 14 (right to education) and Article 15 (right to choose an occupation and right to engage in work) of the Charter of Fundamental Rights of the European Union.

By ruling of 16 January 2024, the Constitutional Court allowed the Ombudsman's request to be considered on its merits. At the time of completion of this report, there is no decision in the constitutional case.

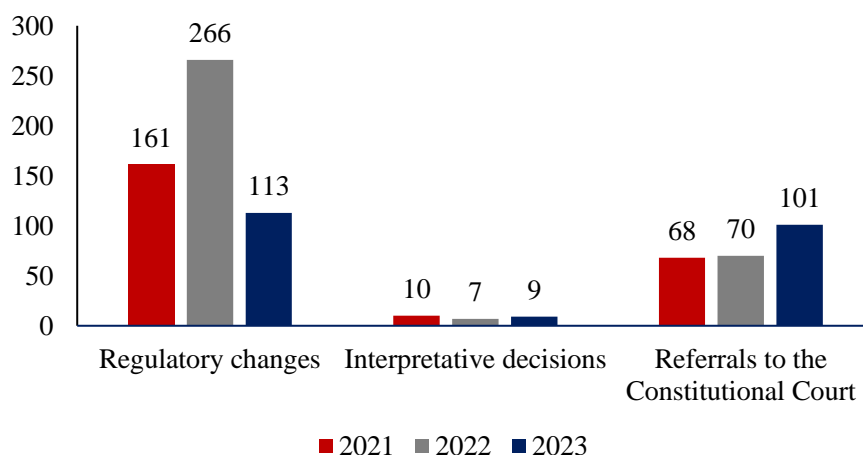
SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Following a request by the Ombudsman to the Constitutional Court to establish the unconstitutionality of a provision of the Road Act providing for the payment of vignette and toll fees as a condition for regular periodic technical inspection of a road vehicle (Constitutional Case No. 19/2022), the contested provision was repealed at a session of the 48th National Assembly held on 1 February 2023. The amending bill to the Road Act was promulgated in the Official Gazette, No. 14 of 10 February 2023. Following the legislative change, the Constitutional Court's ruling of 28 February 2023 dismissed the Ombudsman's request on the grounds that the subject matter of constitutional case No. 19/2022 became devoid of purpose and that there was no legal interest in examining it on the merits.

II. LEGISLATIVE PROPOSALS

In 2023, compared to 2022, there is a decrease in the number of complaints, suggestions and signals related to changes in the legal framework. The number of requests for referrals to the Supreme Courts to initiate interpretative cases remains low, and signals of unconstitutional legislation have increased slightly from previous years.

Chart No. 26. *Number of complaints, suggestions and signals related to changes in the legal framework*



Among the important highlights for 2023 continues to be the adoption of the **Personal Insolvency Act**, but so far the bill has not yet been voted on second reading.

In April 2023, the Ombudsman provided an opinion in relation to a **bill on amendment to the Tax and Social Insurance Procedure Code** published for public consultation, concerning the execution of transactions if the owner has no obligations to the state, including for unpaid fines.

A recommendation was sent to the Minister of Labour and Social Policy regarding the criteria for granting a supplement from the pension of a deceased spouse, according to which the survivor must have been in a civil marriage with his deceased partner – **Article 84 of the Social Insurance Code**, but not when it concerns cohabitation.

In 2023, the Ombudsman's legislative proposal to give matriculants a second chance if they do not pass the matriculation examination serving as entrance to higher education institutions was tabled again.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman also sent to the National Assembly a proposal for legislative changes to the **Criminal Code** to criminalise acts degrading human dignity by causing physical pain or suffering. The purpose of the proposed changes is to introduce a new offence which includes acts that meet the definitions of torture and degrading treatment. The purpose of the proposed changes is to introduce a new offence that includes acts that meet the definitions of torture, torment and degrading treatment.

A recommendation was sent to Minister of Health and the Minister of the Interior requesting that a list be drawn up of drugs that could show a false positive drug test, as there was no official list and there were drugs that had an effect when tested.

A recommendation was sent to the Speaker of the National Assembly on the **Representative Actions to Protect the Collective Interests of Consumers Bill** introduced by the Council of Ministers on 13 April 2023.

The Ombudsman expressed an opinion on **the bill for amendments and supplements to the Condominium Management Act**, as the Ombudsman institution received numerous complaints related to condominium management and demands for legislative changes in this regard.

In relation to the **bill for amendment to the Constitution of the Republic of Bulgaria**, the Ombudsman pointed out in her opinion that the amendments to the Basic Law should be carefully and thoroughly considered and a broad public consensus should be reached. Particularly important were the proposed changes to the provision of Article 150 of the Constitution, in particular in view of the envisaged possibility for citizens and legal entities to refer to the Constitutional Court a request to establish the unconstitutionality of a law, under the conditions and in accordance with the procedure laid down in the law and the rules of the Constitutional Court.



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

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The monitoring of the implementation of international human rights instruments is carried out by the Ombudsman of the Republic of Bulgaria on the basis of the UN Paris Principles and the Ombudsman Act. Pursuant to Article 19, paragraph 1, item 10 of the Ombudsman Act, the Ombudsman has the express power to monitor and promote the effective implementation of the human rights conventions to which the Republic of Bulgaria is a party.

On the basis of constant monitoring of how the State applies international human rights acts, the Ombudsman draws up opinions and formulates recommendations. Furthermore, in order to fulfil her mandate to promote and protect human rights, the Ombudsman includes in her Annual Report a separate section in which she assesses both the extent to which national legislation has been brought in line with the content of each convention and the implementation practices of national institutions.

For another consecutive year, the Ombudsman found that Bulgaria was lagging behind in the process of acceding to international legal acts, which allow citizens to lodge complaints with supranational (convention) bodies in case of their violated rights. **In 2023, Bulgaria did not take steps to accede to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and to the Third Optional Protocol to the Convention on the Rights of the Child.**

In addition, Bulgaria has not yet ratified Protocol 16 to the ECHR, which provides for a mechanism for cooperation between the national court and the ECtHR, similar to preliminary rulings before the EU Court. This mechanism will significantly facilitate the harmonisation of the case law of the Bulgarian courts with that of the ECtHR and will contribute to fewer convictions.

Once again the Ombudsman reminds that after the entry into force of the provision of Article 3 of the Statutory Acts Act at the end of 2016, the National Mechanism for the Review of the Compliance of Statutory Acts with the ECHR should be applied by both the executive and the legislature². A practice in which draft laws proposed by MPs are not reviewed for compliance with the ECHR and ECtHR jurisprudence could lead to violations of international human rights standards and further convictions of Bulgaria in Strasbourg. In this context, it is appropriate to consider legislative changes that provide for a prior assessment of the compliance of MPs' legislative proposals with the ECHR when they concern fundamental rights and freedoms of citizens

Unfortunately, the 49th National Assembly did not continue the positive practice of the parliamentary sub-committee established in the 47th National Assembly to monitor and analyze the legislation in accordance with the principles and norms of the EU and international norms for the protection of human rights and fundamental freedoms and for analysis of the legal implications of the decisions of the Constitutional Court.

² The obligation to review draft legislation for compliance with the European Convention is set out in paragraph 9 (c)(ii) of the Brighton Declaration in 2012 and is reaffirmed in the Declaration adopted at the High-Level Conference of the Member States of the Council of Europe in Brussels in 2015 (point C(1)(d) of the Action Plan to the Declaration).

I. EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

By its norms, the ECHR provides binding effects for most of the rights enshrined in the Universal Declaration. The ECHR is also the first Convention to establish a European supranational body of justice to monitor compliance by States Parties with their commitments. Citizens of states that have accepted the jurisdiction of the ECtHR therefore acquire a special partial legal personality under international law, which consists in the right to hold states accountable at European level when they violate their fundamental rights and freedoms

Undoubtedly, Bulgaria's accession to the ECHR means recognition of its commitment to increased attention to human rights – rights that cannot be taken away, but can be violated, trampled on and changed beyond recognition if we do not continuously defend them. The ECHR is dedicated to fundamental rights, and the rule of law is an absolute prerequisite for the protection of these rights, the foundation on which this protection rests.

Human rights, democracy and the rule of law are indivisible, unified and interconnected; the absence of any of the elements of this triad makes the existence of the other two impossible. The ECHR is a document with a rich history and content; it unites in a single legal instrument all the civil, personal, economic, political and social rights enjoyed by the citizens of European countries, clearly highlighting their indivisible nature.

Pursuant to Article 46, paragraph 1 of the ECHR, as a party to the Convention, Bulgaria is obliged to implement the final judgments of the ECtHR finding violations of the Convention, as well as those confirming the amicable agreements reached between the parties. Compliance with an ECtHR judgment consists of the State taking **individual measures** to restore the complainants to their position before the violation and includes **general measures** (e.g. changes in legislation, case law, etc.) aimed at avoiding such violations in the future.

The implementation of the final judgments of the ECtHR is placed under the supervision of the Committee of Ministers of the Council of Europe (Article 46(2)). The Bulgarian State has an obligation to implement these judgments and in this respect it should periodically send updates on the measures taken. The Committee of Ministers prepares an annual report with information on each State Party regarding the ECHR. The implementation of ECtHR judgments is not limited to the payment of the compensation ordered by the Court, but also includes other measures, such as the reopening of proceedings where relevant and the alignment of national legislation with the ECtHR case law. It is this approach that provides the opportunity to take measures of a general nature with a preventive effect in respect of similar violations, so that the ECHR is not violated in the future.

In the national context, the Ministry of Justice coordinates the implementation of ECtHR judgments. After 2012, on the basis of a decision of the 41st National Assembly, the Minister of Justice submits a summary annual report on the implementation of ECtHR judgments. In this way, Parliament has the opportunity to monitor the process of bringing national legislation in line with the ECtHR case law and to be informed of necessary legislative changes. Summary information on the status of cases against Bulgaria before the ECtHR and cases under enhanced monitoring can be found in a special document prepared by the ECtHR Enforcement Unit³. Information on judgments whose implementation has been completed is available in the Annual

³ The information on Bulgaria is available at: <https://rm.coe.int/1680709740>

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Report of the Committee of Ministers⁴, and in the Annual Report of the Minister of Justice. The implementation of the judgments against Bulgaria is concluded by a final resolution of the Committee of Ministers after an assessment that the State has fulfilled its obligations and has taken appropriate measures of an individual and general nature.

I.1. General findings on the implementation of final judgments of the ECtHR in 2023 within the meaning of Article 46 of ECHR

As in previous years, it can be concluded now that the individual execution measures laid down in ECtHR judgments are implemented and they usually do not pose problems. The process of payment of compensation and notifying the competent authorities about the possible need for additional individual measures (for example, reopening judicial proceedings and others) as well as the process of translation of the judgments and their dissemination is coordinated by the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate at the Ministry of Justice with strict monitoring that the respective deadlines are observed and that the judgments reach as wide a circle of competent authorities and persons as possible. In addition, all judgments are published on the Ministry of Justice website and on the portal: <http://humanrights.bg/>.

However, the general measures the Committee of Ministers requires with a view of executing the ECtHR judgments raise numerous serious questions. Some ECtHR judgments reveal systemic or structural problems related to the need for legislative amendments or changes in the case-law or administrative practice. It is the general measures which are under the supervision of the Committee of Ministers and which remain non-implemented for years by the national institutions. One of the main reasons is that the implementation requires active efforts on the part of different institutions which, in many cases, do not take on time the necessary measures to execute the judgments. The coordination role of the Ministry of Justice is insufficient to impose the adoption of measures which are within the competence of other institutions.

As regards Bulgaria's progress in executing the judgments under the supervision of the Committee of Ministers in 2023, the following main conclusions can be drawn

First of all, in 2023 the ECtHR ruled on 53 cases against Bulgaria. In 25 of them, the ECtHR issued judgments finding a violation. In 2 cases, the Court concluded that there were no violations of the Convention. Judgments of inadmissibility on various grounds were passed in 10 cases, 5 cases were struck out, in 3 cases there were unilateral declarations, 6 settlements were concluded and 27 judgments of conviction were ruled.

Statistics show that as of 2023, the total number of ECtHR judgments in the execution phase is **170**. Taking into account the data as of December 2022: 227 judgments, as of 31 December 2021: 173 judgments, as of 31 December 2020: 165 judgments, and as of 31 December 2019: 170 judgments, it is clear that at the moment there is no positive breakthrough in the country's policy regarding the execution of the judgments rendered.

Secondly, **in 2023, 30 new convictions were placed under the scrutiny of the Committee of Ministers**. When compared with the judgments under observation in previous years, it is clear that there was a steady increase since 2019, which is a negative trend that should be given particular attention.

Third, regarding the compensations paid by Bulgaria **in 2023, our country paid EUR 588,044 in compensations**, significantly less than in 2022, when it paid EUR 725,695, but

⁴ On the website for information on ECtHR judgments: <http://hudoc.exec.coe.int/eng>

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comparatively more than in 2021, when the amount of compensations was EUR 452,546, and nearly double the amount of payments in 2020 (EUR 320,393)⁵. However, Bulgaria's progress remains extremely unsatisfactory when compared to the progress of other countries in the region, e.g. the amount of due compensations paid by Northern Macedonia in 2022 is EUR 112,850.

In 2023, the conclusions made in the previous years are still valid, namely:

- a significant number of judgments remain under enhanced supervision for a decade;
- there is also a steady tendency of convictions, which are still under enhanced supervision and unfortunately concern a large number of ECHR texts, which requires a large number of complex measures to be taken;
- the number of leading judgments on which the general recommendations of the ECtHR have been implemented is still incomparably smaller than those on which no satisfactory progress has been made
- Bulgaria continues to pay extremely high compensations for violated rights. Although actions for implementation have been taken on almost all convictions in the years since they were issued, they are still not enough to close the monitoring, despite the efforts of various institutions and working groups. For this reason the recommendations of the Committee of Ministers on the implementation of such judgments has hardly changed.
- In 2023, Bulgaria continued to be in a situation of being sentenced in similar cases and will pay great amounts of compensation while the citizens' rights are not effectively protected. This situation is unacceptable and decisive actions need be taken to overcome it. As in previous years, the Ombudsman is committed to assisting and providing support to the Minister of Justice through recommendations to the responsible institutions to take specific actions in relation to the sentences against Bulgaria.

Main recommendations:

1. Strengthening the mechanisms of coordination between various institutions that are responsible for the execution of the judgments of the ECtHR against Bulgaria. The lack of progress in this regard in 2023 once again proves the need for general prevention measures to be taken by the State;
2. The Ombudsman's observation for 2023 again shows that measures should be taken to strengthen the role of the Ministry of Justice and the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate in coordinating the process of bringing the national legislation and the practice of the institutions in line with the decisions of the ECtHR;
3. For this reason, the Ombudsman proposes the creation of an interdepartmental coordination council, including representatives (experts) of all national institutions, which should be directly involved in the process of coordinating and monitoring the implementation of measures to execute ECtHR convictions;

⁵Current data as of 31 December 2023, source: Country Factsheet
<https://www.coe.int/en/web/execution/bulgaria>

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

4. Such a mechanism can ensure the effective execution of ECtHR judgments and contribute to a fruitful cooperation between the competent authorities and institutions in this area;
5. In addition, this body could significantly raise the awareness of the practice of the ECtHR and the standards of respect of fundamental human rights. This will actually lead to a reduction in convictions that have been under enhanced supervision by the Committee of Ministers for many years;
6. The alignment of national legislation and practice with the ECHR and the case-law of the ECtHR will also ensure a more effective safeguard of the fundamental rights and freedoms of Bulgarian citizens;
7. A similar interdepartmental coordination mechanism should include mostly representatives of the executive;
8. The mechanism would be effective, however, only if representatives of the judicial and legislative authorities are also present at its meetings;
9. It is good for the Council to meet periodically (at least four meetings a year) so that its members can discuss the measures that should be taken, commit to their implementation, ensure the coordination of the implementation in their own institution and provide information on the progress;
10. The Ombudsman should also be a part of this coordination process in her role as public defender who promotes the implementation of the conventions for the protection of fundamental rights and freedoms of individuals, as well as independent experts and representatives of non-governmental organisations.

II. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

In order to monitor whether the actions of the responsible authorities are in compliance with the requirements of the CRPD, the Ombudsman's activity of monitoring the implementation of the international instrument in Bulgaria is of decisive importance, on the basis of Article 12 of the Ombudsman Act and pursuant to Article 11 et seq. of the Persons with Disabilities Act (PDA) as part of the Monitoring Council.

Pursuant to the provision of Article 12, paragraph 4 of the PDA, from October 2023 the Presidency of the Council for the next two years is assumed by the institution of the Ombudsman of the Republic of Bulgaria.

Monitoring Council activities in 2023

The Monitoring Council held three meetings in the past year, and a possibility exists for the meetings to be held a hybrid format.

First meeting of the Monitoring Council in 2023

The meeting was held on 30 May 2023 and the draft Annual Report on the Council's activities in 2022 was discussed and adopted.

The Council's programme for 2023 was discussed and adopted.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Information was provided by the Commission for Protection against Discrimination in relation to the replies received from the Ministry of Health on the recommendations made by the Monitoring Council with regard to Ordinance No 16 of 30 July 2014 on the conditions and procedure for the registration of rare diseases and on expert centres and reference networks for rare diseases. The difficulties encountered in the treatment of people with spinal muscular atrophy in the country were discussed.

Members of the working group for the preparation of the Communication Strategy were elected.

Second meeting of the Monitoring Council in 2023

The second meeting was held on 1 September 2023.

Prof. Dr. Kostadin Angelov, Chairman of the Health Committee of the 49th National Assembly, was invited to the meeting to discuss issues related to the rights of people with rare diseases and Ordinance No. 16 of 30 July 2014 on the conditions and procedure for the registration of rare diseases and on the expert centres and reference networks for rare diseases.

Representatives of non-governmental organisations related to the problems of people with disabilities and people with rare diseases also participated.

The Retina Bulgaria Association presented a draft amendment to Ordinance No 16 of 30 July 2014, on which a team of experts in the field of rare diseases had worked in cooperation with representatives of people with rare diseases.

The Ombudsman stressed that she supported the need to amend Ordinance No. 16, as the problem with the registration of rare diseases was serious. Due to the lack of adequate action, the affected citizens do not receive timely diagnosis, adequate treatment, rehabilitation, aids and the necessary support from the State.

The issue of the limitations in the Health Act, which prevent all people with disabilities whose treatment started before the age of 18, from being able to continue treatment after their 18th birthday, was raised.

In connection with the meeting on 28 September 2023 representatives of the Monitoring Council participated in the conference organised by the Retina Bulgaria Association, which discussed the amendments to Ordinance No. 16 of 30 July 2014 and subsequently, in the joint meeting organised between the Commission on Health and the Commission on Labour, Social and Demographic Policy on the topic "Provision of comprehensive care for people with disabilities and rare diseases: challenges and possible solutions". The discussion also included representatives of organisations of and for people with disabilities who are directly involved in the rights of people with rare diseases, as well as responsible institutions, and steps were proposed and adopted to seek solutions to the problems.

Third meeting of the Monitoring Council in 2023

The last Council meeting for 2023 was held on 1 December 2023.

The meeting is the first one after the reassumption of the Presidency of the Council by the institution of the Ombudsman of the Republic of Bulgaria.

The meeting was attended by the MP, Mr. Andrey Runchev, Deputy Chairman of the Transport and Communications Committee in the National Assembly, in relation to the problems with the lack of uniform criteria for the issuance of preferential parking cards under Article 99a of the Road Traffic Act, as well as with the possibilities for disabled people to park near their homes.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Prof. Dr. Maurice Greenberg presented the challenges and perspectives of augmentative and alternative communication for children with communication disorders.

Possible actions in relation to the deadline for ratification of the Optional Protocol to the CRPD were discussed. It was decided to send a recommendation for the ratification of the international instrument as soon as possible.

The meeting was held in the light of 3 December, i.e. the International Day of Persons with Disabilities, in connection with which the photo exhibition "Mirrors of Love. About love from the first person" was opened.

Implementation of the Convention by the bodies of the executive

As in the previous Annual Reports, this report presents findings and recommendations of the Ombudsman on the implementation of the CRPD, which are based on inspections and analyses in relation to citizens' complaints, the institution's participation in organised public discussions, participation in interdepartmental working groups, reflecting the activities of public institutions directly responsible for the formation and implementation of policies related to people with disabilities.

In order to collect the necessary information for the fulfillment of the obligations under the CRPD, letters with questionnaires were sent to the Ministry of Labour and Social Policy and the Ministry of Health, in their capacity as bodies for the formation and implementation of such policies.

Ho Based on information from the Ministry of Labour and Social Policy:

In fulfillment of the activities of the National Council of Persons with Disabilities, as an advisory body to the Council of Ministers, for cooperation in the development and implementation of policy on the rights of persons with disabilities, a report was prepared for the period January – December 2023.

Concepts on bringing the Bulgarian legislation in line with CRPD

In response to the need for full implementation of the CRPD, within the implementation period of the Action Plan of the Republic of Bulgaria for the implementation of CRPD (Plan 2015-2020), concepts for changes in the regulatory framework were prepared to ensure the rights of people with disabilities. Detailed information on the question raised was provided in the Ombudsman's 2021 Annual Report

The Action Plan for the implementation of the concluding recommendations to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities (2021-2026) does not provide for the development of specific concepts and plans for their implementation within 2023.

In 2023, the First Report on the implemented measures and activities for the period 2021-2022 envisaged in the Action Plan for the implementation of the concluding recommendations addressed to the Republic of Bulgaria by the Committee was prepared.

For the consistent and targeted implementation of the National Disability Strategy 2021-2030, an Action Plan for the period 2023-2024 for the implementation of the Strategy was developed and adopted in 2023.

Measures taken under the Action Plan for the implementation of the Concluding Recommendations addressed to the Republic of Bulgaria by the UN Committee

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The activities to be implemented under the 2023 Action Plan are mainly related to recommendations on the implementation of Article 6 on Women with Disabilities, Article 23 on Respect for Home and Family, Article 24 on Education and Article 26 on Habilitation and Rehabilitation.

Application of Article 6 – women with disabilities

Pursuant to §18 of the Recommendations, point "a" on the insufficient implementation of measures to combat intersectional forms of discrimination, gender-based violence and ill-treatment of women and girls with disabilities in the country, a National Policy on Gender Equality is being implemented, which is supported by the adopted in 2016 Gender Equality Act.

The National Action Plan for the Promotion of Gender Equality for the period 2023-2024 has been developed in accordance with the Gender Equality Act and the National Strategy for the Promotion of Gender Equality 2021-2030, adopted by Decision No. 969 of the Council of Ministers of 30 December 2020. This Action Plan follows the principles, objectives and priorities of the National Strategy and covers the two-year period 2023-2024.

Bulgaria continues to implement its commitments to promote gender equality in line with the Beijing Declaration and Platform for Action, the UN Convention on the Elimination of All Forms of Discrimination against Women, the Sustainable Development Goals and the 2030 Agenda for Sustainable Development, the European Pillar of Social Rights, etc.

On Article 23 "Respect for Home and Family"

In order to create a sustainable policy to increase the human, technical and financial resources at national and local level to provide primary support services for children with disabilities, and in response to § 46 of the Recommendations of the UN Committee on the Rights of Persons with Disabilities, a policy to eliminate institutional care for children is being implemented in Bulgaria.

With the adoption of the National Strategy "Vision for the Deinstitutionalization of Children in the Republic of Bulgaria" in 2010, Bulgaria initiated a systematic change towards the abolition of the institutional care model for children and the closure of institutions for children, including children with disabilities.

The process of deinstitutionalization of child care is also supported by the Social Services Act adopted in 2019, which is effective from 01.07.2020.

Mobile services for children with disabilities and chronic diseases are also provided in the children's centre or in the children's home.

The development of comprehensive policies and measures to ensure comprehensive care and protection of children and comprehensive support to families with children is also at the core of the Action Plan for the implementation of Council Recommendation (EU) 2021/1004 on the establishment of a European Child Guarantee (2030) (adopted by Council of Ministers' Decision No. 879 of 09.11.2022).

The Ministry informs that, in addition to the state budget, the implementation of the plan is expected to receive substantial financial support from the European Social Fund+ through the Human Resources Development Programme and the Education Programme for the period 2021-2027.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Application of Article 24 – "Education"

Following the enactment of the Pre-School and School Education Act in 2016, special schools have adopted new functions that are in line with the inclusive education policy

In order to replace the practice of segregated systems with quality inclusive education; to develop the new functions of special schools aimed at supporting the inclusion of children and pupils with sensory impairments, 5 special schools for pupils with sensory impairments – hearing impaired and visually impaired – are functioning in the system of pre-school and school education in the country, with a total number of 711 children and pupils.

Under the "Education for Tomorrow" project, financed under the Operational Programme "Science and Education for Smart Growth", with the Ministry of Education as the specific beneficiary, funds in the amount of BGN 250,000 are earmarked for the special schools for hearing impaired and visually impaired pupils for the provision of assistive technologies: FM systems, reading cameras, eye-control systems, etc. By the end of 2023, special schools are to be equipped with the envisaged assistive technologies.

In 2023, the now traditional international conference on "Augmentative and Alternative Communication" was held for the fifth time by the Assistive Technology Foundation in partnership with and with support from the Ministry of Education.

Application of Article 26 – "Habilitation and Rehabilitation"

To ensure the long-term vision for the development of the health sector, the strategic goals and priorities, as well as the specific policies for their implementation, the National Health Strategy 2030 was developed and adopted. It addresses the existing challenges related to the health of Bulgarian citizens and the functioning of the Bulgarian health system in order to ensure its sustainability and create conditions for achieving economic growth and social well-being through optimal investments for better health. The overall health sector policy includes programmes set out in the Action Plan 2023-2026 for the implementation of the National Health Strategy 2030. These aim to modernize and develop the long-term care, rehabilitation and geriatric care system. This is in line with Paragraph 56 of the Committee's Recommendations.

Application of Article 27 – "Work and Employment"

Activities related to addressing the limited employment opportunities of people with disabilities are implemented in a phased and targeted manner.

Under the National Programme for Training and Employment of Persons with Permanent Disabilities, priority is given to persons with and above 71% reduced working capacity; persons with military disabilities; persons with sensory disabilities; persons with mental disabilities. In 2023, the Programme provided employment to 1,468 persons, with 494 unemployed persons with permanent disabilities included in new employment. On average, 176 persons were employed per month. The State budget funds spent amounted to BGN 15,672,901.

Under Article 51, paragraph 2 of the Employment Promotion Act employers are encouraged to create jobs for unemployed persons with permanent disabilities.

Under Article 52 of the Employment Promotion Act to encourage employers to create full-time or part-time jobs for unemployed persons with permanent disabilities. In 2023, the employment of 45 persons with permanent disabilities was secured, with 1 person with a permanent disability newly employed.

The employability of the unemployed is improved by including them in a dual training system (training through work under Article 46a of the Employment Promotion Act).

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

As a result, and despite a number of challenges faced by persons from vulnerable groups on the labour market, 6,352 persons with disabilities found employment in 2023. During the year, with the active support of the labour offices, 5,105 people with disabilities started work on the primary market.

To improve the general digital skills of inactive and unemployed persons, including young people, by involving them in digital competence trainings, a "Digital Skills" operation is foreseen under HRDP 2021-2027.

Under the National Programme for Employment of Persons with Disabilities, following the call for proposals of employers/recruitment bodies, 38 projects were funded in 2023. 127 jobs for people with permanent disabilities were created, adjusted and adapted, which represents a 2.5-fold increase compared to the previous year. The total amount of funding allocated is BGN 1,700,000, which is 5 times more than in the previous year.

Under the Programme for Start-up and Development of Self-employment for People with Disabilities in 2023, two calls for projects were held. 18 projects of people with disabilities for starting and developing self-employment were financed, for a total amount of BGN 330,817.37. 18 new jobs were created.

Until February 2024, 4 projects under the Programme for the financing of projects for the establishment of sheltered employment centres are still being implemented. In 2023, 1 project was funded, worth BGN 700,724.04.

Under the Programme for financing targeted projects of specialised enterprises and cooperatives of people with disabilities, contracts were concluded with 13 beneficiaries in 2023 for projects with a social focus, worth BGN 462,746.

The Register of Specialized Enterprises and Cooperatives of Persons with Disabilities, which is maintained by the Agency for People with Disabilities, lists 197 enterprises and cooperatives employing about 1,757 people, of whom 863 (49%) are persons with disabilities. In 2023, 6 new specialised enterprises were registered.

The Ministry informs that a new Employment Promotion Act is being developed

Establishing a State Agency for People with Disabilities

The People with Disabilities Act provides for the establishment of the State Agency for Persons with Disabilities (SAPD), a legal entity under the budget of the Council of Ministers with its seat in Sofia, to coordinate the implementation of the policy on the rights of persons with disabilities.

In implementation of a specific measure of the Programme of Governance for the period June 2023 – December 2024, an inter-ministerial working group in the MLSP is developing a Concept and proposals for normative changes to increase the effectiveness of disability rights policy (the Concept). In order to achieve efficiency as a result of the envisaged structural change for the succession of APA to a state agency, the relevant functions and powers need to be clearly defined. The need to amend the APA to regulate the status and functions of the SAPA to serve as a cross-sectoral platform for coordination in the development and implementation of policies, programmes, legislative and institutional changes pertaining to persons with disabilities is recognized.

An inter-ministerial working group was established by Order of the Minister of Labour and Social Policy to develop proposals for amendments to the People with Disabilities Act on the conversion of the AHU to the SAHU.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

International Classification of Functioning, Disability and Health in needs assessment

In recent years, the MoH, in collaboration with the MLSP, has taken steps to develop a new model of disability expertise, applying an approach based on the World Health Organization's (WHO) International Classification of Functioning, Disability and Health (ICF), focusing on functionality, potential and social inclusion measures for people with disabilities. The activities in this direction are implemented within the project BG05M90P001-3.010 "Expertise of the working capacity", financed under the Operational Programme "Human Resources Development" 2014-2020 with the beneficiary MLSP and MoH and National Social Security Institute as partners. As a result of the project activities, Bulgaria has an official translation of the ICF and a Guide for the Implementation of the WHO Disability Assessment Schedule (WHODAS 2.0).

The methodology for carrying out an individual assessment of support needs for people with disabilities, adopted by the Council of Ministers, is based on the bio-psycho-social model in line with the ICF.

The Concept of Work Capacity Assessment under preparation highlights the fundamental proposals for normative changes and guidelines for the subsequent development of disability policy to improve its effectiveness.

The need for changes in the People with Disabilities Act to regulate an additional component in the individual assessment to assess the person's capacity for work, according to their residual functionality, is recognised. This should lead to a change in the Individual Needs Assessment Methodology.

National Map of Social Services

The proposal for the National Map of Social Services has been developed by the APA in accordance with the Regulation on the planning of social services based on the analyses of the needs for social services prepared by the municipalities and the proposals for the planning in each municipality of the social services at municipal and regional level, which are fully or partially financed by the state budget.

The official proposal for the National Map of Social Services was sent by the APA on 19 January 2024. Once the procedure is completed, the proposal for a National Map of Social Services should be submitted to the Council of Ministers for adoption.

Ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities

At present, the ratification of the Optional Protocol to the CRPD by Bulgaria is foreseen in the Action Plan for the implementation of the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities (2021-2026), in relation to the defence of the first national report on the implementation of the CRPD (CRPD/C/BGR/CO/1). According to the set of possible solutions/measures for implementation, by 2025, the state authorities, nationally representative organisations of and for persons with disabilities, as well as all stakeholders, should draft the necessary additional legislative changes to regulate the implementation of the Optional Protocol to the CRPD. Once this has been implemented, it is envisaged that the Ministry of Foreign Affairs will undertake the overall preparation of the ratification process of the Optional Protocol, to be completed before the submission of the next national report to the Committee on the Rights of Persons with Disabilities, in 2026. There is currently no change in the timelines for ratification of the Optional Protocol to the CRPD.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

On information from the Ministry of Health:

Medical expert examinations

In order to align the assessment of medical expertise more fully with the needs of people with disabilities, the following activities were carried out in 2023:

In the State Gazette No. 10 of 31 January 2023, Decree of the Council of Ministers No. 13 of 26 January 2023 amending and supplementing the Ordinance on medical expertise adopted by Decree No. 120 of the Council of Ministers of 2017 was promulgated.

The most significant is the change in the Methodology for the application of reference points for the assessment of permanently reduced working capacity (type and degree of disability) in percentages. What is essential in this change is the consideration of each disability in the overall assessment, regardless of the percentages corresponding to it, and regardless of the percentage of the leading (most severe) disability.

Another inequity related to the inability to determine someone else's assistance for persons with mental illness who are determined to have less than 90% permanent impairment was eliminated.

The percentages of certain reference points for the assessment of permanently reduced capacity for work and of the type and degree of impairment were increased, which should lead to fairer assessment under these conditions.

Pursuant to the recommendations of the Ombudsman, persons who were certified or recertified in the period before the entry into force of this Decree and for whom it establishes more favourable conditions for the assessment of disability are entitled to submit an application-declaration for recertification outside the cases provided for in Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers, and no time limit is set for such recertification.

In the period from March 2023 until the end of the year, the work and the procedure for amending the Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers continued.

By the end of 2023, the amending act had undergone public consultation and inter-ministerial coordination, with only the opinion of the Ministry of Finance missing, as well as the approval of the financial justification to submit the package of documents to the Council of Ministers.

The procedure for the adoption of the changes continued in 2024.

So far, actions have been taken on regulatory changes in medical expertise which are more organisational in nature.

According to MoH information, there is no clear vision at the political and inter-ministerial level for the introduction of ICF in medical and work capacity expertise, and the issue has not been discussed between the MoH and the MLSP, which are the lead bodies on the issue.

It is noted that within various inter-ministerial groups this issue is commented on, but not with the necessary depth and expertise. The shortcomings of the current system of medical expertise are noted, as well as the lack of incapacity assessment bodies, which medical expertise bodies cannot be in terms of the required level of competence. Various organisations of people with disabilities have raised the issue of the need for a comprehensive reform in this area, but a concrete vision and proposals in this direction are lacking.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The IT system for control of medical expert examinations

In 2024, the implementation of Activity 2 of the Technical Specification to the project proposal on the optimisation of existing functionalities in the Electronic System for Medical Expert Examinations started, including activities for upgrading with new functionalities and continuing the process of optimisation of existing ones in the Electronic System for Medical Expertise, such as: development of a module for expertise on temporary incapacity for work; improvement of the functionalities on appeal of the decisions of REMC and NEMC; development of the public part of the system, which is used by citizens; development of supplementary reports; processing of complaints of interested parties in relation to issued expert decisions; automated creation of documents; sending messages from the system to interested parties and authorities, access to electronic documents; provision of the possibility to retrieve data for user and statistical reports and control, etc.

Assistive devices, devices, equipment and medical devices for people with disabilities

With changes to Ordinance No. 7 of 2021, promulgated in No. 105 of the State Gazette of 2023 and entered into force on 19 December 2023, the possibility has been regulated, when it is reasonably proposed to include in the specification new groups/subgroups or individual aids, devices, equipment and medical devices beyond the funds provided for by the State Budget Act and the NHIF Budget Act for the respective calendar year, to separate them in a separate section and not to include them in the procedure for negotiating the value for the upcoming calendar year. They will be automatically included in the specification for the following calendar year if financial resources are provided by the State Budget Act and the NHIF Budget Act

A committee has been constituted by an order of the Director of the NHIF to prepare a draft specification of aids, devices, equipment and medical devices and repairs for 2024.

In the course of its work, the committee will consider how it can regulate the limits to which aids, devices, equipment and medical devices are funded and the inclusion of new groups of them in the NHIF 2024 specification.

Findings:

- The responsible authorities make efforts to overcome the existing problems in the individual areas of the rights of people with disabilities;
- Measures taken in the field of employment of people with disabilities are not sufficient to respond to all jobseekers with disabilities;
- The measures needed are not sufficient to overcome the difficulties for people with disabilities to be certified/recertified by the medical expertise bodies and the significant delays in issuing expert decisions;
- Actions are being taken to improve the organisation of the work of the medical expertise bodies, but not to carry out a comprehensive reform in the field;
- Measures to update the lists of aids do not contribute to the inclusion of devices tailored to the needs of those in need;
- Insufficient action is being taken to overcome the delay in ratifying the Optional Protocol to the CRPD.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Main recommendations:

1. To seek additional mechanisms to support the employment of people with disabilities, especially by increasing resources under the National Programme "Employment and Training of People with Permanent Disabilities";
2. To take action to continue the reform of medical and disability expertise, including through the implementation of international standards, with the active involvement of representatives of people with disabilities in broad public discussions and publicity;
3. Actions to be taken to adequately update the lists of aids and medical devices and to improve their quality;
4. Speed up the ratification procedure of the Optional Protocol to the CRPD.

III. UN CONVENTION ON THE RIGHTS OF THE CHILD

The National Human Rights Institution (NHRI) is mandated to promote and protect the rights of children. This has been highlighted by the UN Committee on the Rights of the Child, which notes the key role that the NHRI has to play in its establishment, organization and activities to promote respect for the views of children on all issues that affect them. The existence of an independent mechanism dedicated to the protection of children's rights sends an important message to children: that they have rights and that there are means within their means to ensure that these rights are respected.

The defined objectives of the ombudsman are focused on monitoring the situation and protection of children's rights in Bulgaria, working on complaints alleging rights violations, drafting special reports, organizing initiatives and other events related to the topic, which is carried out for the benefit of Bulgarian society. Emphasis is placed on defending the rights of the most vulnerable groups of children, as well as working with children themselves and protecting their right to participation. The work of the Ombudsman is based on the provisions of the UN Convention on the Rights of the Child (the Convention), the ratified Optional Protocols, the EU Charter of Fundamental Rights and all international and European documents governing children's rights. The Ombudsman monitors the implementation of the standards of the instruments by sending special questionnaires to the protection authorities. Monitoring the implementation and enforcement of international treaties is an obligation that derives from the UN Statute A, which the Ombudsman institution received as an independent human rights organisation that complies with the Paris Principles relating to the status of NHRIs adopted by the UN General Assembly. The minimum standards for the work of human rights institutions established by these Principles commit the Ombudsman not only to propose the ratification of international human rights instruments, but also to monitor and promote their effective implementation by the competent national authorities

In connection with this commitment, this year, the Annual Report of the institution for its activities in 2023 again includes the part that refers specifically to the effective implementation of international human rights instruments, one of which is the UN Convention and its Optional Protocols. An important aspect for the Ombudsman's assessment is the extent to which national legislation has been brought in line with the requirements of the Convention, as well as the implementation of the recommendations of the Committee on the Rights of the Child addressed to Bulgaria.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Convention is a legal document with clear obligations on how rights are to be respected and fulfilled, and many of its articles refer to the conditions, resources, protection and freedoms that a child needs to achieve his or her full developmental potential. The Convention does not offer children more rights than other human beings, but recognises that additional safeguards may be needed to make sure that children have access to the human rights that everyone has. It stands out among other international agreements in that it contains the full spectrum of human rights: civil, political, social, economic and cultural rights.

The Convention is based on three categories of rights – participation, protection, and provision – and is guided by four core principles: non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child. The implementation of the Convention and the Optional Protocols is monitored by the Committee on the Rights of the Child (CRC), and every five years Bulgaria reports to the monitoring body on its progress in implementing the rights of the child. The CRC then makes recommendations on how to improve the protection of children's rights and often highlights where the government has done well or failed to fully realise children's rights. These recommendations are an effective mechanism for the Ombudsman institution in conducting monitoring, as well as for advocacy and campaigning to raise public attitudes towards children's rights.

According to the UN Convention, children are real actors in the transformation of our communities, and each one of them, with their abilities and talents, their faith and capacity, is part of the change. Every child has a unique potential and it can be developed in the right conditions, in a safe and secure environment, if they are loved and supported by their parents and the adults who care for them. He or she must have secure access to quality education, health care and an adequate social sector. Children's well-being is influenced by a range of factors, including their actions and relationships, the networks and resources of those who care for them, and public policies and the national context. Children need to feel that they are listened to, that the state supports their parents, and that it allocates the necessary resources for a happier childhood. It is important how national strategies consider children in different social, educational, financial and natural contexts.

The Ombudsman notes that promises can only be fulfilled if the voice of those to whom they are addressed is clearly heard. That is why the national human rights defender is an important part of the authorities that must first listen to children and people, amplifying their voice. Children and young people must be supported in their development for change to happen, for civic energy to have a way.

Noting with appreciation the measures taken to implement the Convention, including amendments to the Child Protection Act, the Family Allowances for Children Act, the Pre-School and School Education Act, the Family Code, the Protection from Domestic Violence Act, the Asylum and Refugee Act, the Criminal Procedure Code, the adoption of the National Child Abuse and Prevention Programme 2023-2026, the National Strategy for Child, Adolescent Health and Pediatric Care 2030, the Ombudsman would like to draw the attention of public institutions and the public to the recommendations relating to areas of child well-being and in respect of which urgent action must be taken.

Indicators for monitoring the Convention

In order to ensure the sustainability of the Ombudsman's monitoring and to measure the implementation of the Convention more effectively, qualitative and quantitative indicators are proposed since 2019. The purpose of the indicators is to highlight systemic rights problems created by actions or inactions of the responsible state and local authorities and to address recommendations on problem areas more clearly. Ongoing measurement through indicators

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

enables the importance of the process of assessing the impact on children and young people's rights, needs and interests of legislation, policies, practice and resources to be brought to the attention of decision and policy makers. The measurement of a country's progress through data collection is being phased in, with only a subset of information collected from competent authorities for 2023. Data on the different indicators are collected through both annual questionnaires and official data sources in Bulgaria. The indicators have been systematically completed in order to cover all the rights set out in the Convention.

In order to collect data, the Ombudsman prepared special questionnaires which were sent to the following protection bodies: the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Health, the Ministry of Youth and Sports, the Ministry of the Interior, the Ministry of Justice, the State Agency for Child Protection, the Commission for Protection against Discrimination, the State Agency for Refugees, as well as to one civil organisation, and this year the Community Bridges Association was chosen.

Implementation of the Convention by the executive

General implementing measures

The Ombudsman shall review the implementation of the General Measures of Implementation of the Convention and of the recommendations of the CRC, examining actions taken in the area of:

- Legislation;
- Strengthening the capacity of the judiciary in the field of children's rights;
- Policies and strategies;
- Coordination.

In 2022-2023, the Ministry of Justice drafted a **Amendments and Supplements to the Code of Civil Procedure (CCP Amendments)**. This creates conditions for the implementation of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters and Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, and on international child abduction.

A **draft amendment to the Criminal Code** has been prepared in order to fully transpose into national legislation certain provisions of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA.

ECtHR judgments against Bulgaria concerning children's rights

In 2023, several legislative initiatives were taken in relation to ECtHR judgments concerning children's rights.

Some of the leading ECtHR judgments concerning children's rights are: *A. and Others v. Bulgaria*, Application No. 51776/08 (in force since 29/02/2012), *D.L. v. Bulgaria*, Application No. 7472/14 (in force since 17/10/2016) and *I.G.D. v. Bulgaria*, Application No. 70139/14 (in force since 07/09/2022). With a view to their implementation, these judgments have been grouped together under *A. and Others*, the implementation of the latter judgment being under enhanced monitoring by the Committee of Ministers of the Council of Europe.

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In the case *A. and Others v. Bulgaria*, the ECtHR found violations of the Convention, mainly due to imperfections in the regulation of the Juvenile Delinquency Act. The ECtHR found a violation of Article 5, paragraph 1 of the Convention in respect of the placement of the applicant A. in the Children's Crisis Centre between September 2007 and May 2008, under the Juvenile Delinquency Act, for failure to comply with domestic law.

The case of *D.L. v. Bulgaria* concerned the lack of judicial control over the continued placement of the applicant, a minor child at risk, in a boarding school and the automatic and comprehensive surveillance of her correspondence and telephone calls.

The case of *I.G.D. v. Bulgaria* concerned the lack of direct access to judicial review and of automatic and periodic judicial review of the placement of the applicant, a minor at risk, in a boarding school between 2012 and 2015 (violation of Article 5, § 4).

Another ECtHR decision concerning children's rights is the case of *H. and Others v. Bulgaria* (Application No. 22457/16). In that case, the five original applicants, spouses and their minor children, complained under Article 3 (prohibition of torture, inhuman or degrading treatment), Article 8 (right to private and family life), Article 6 (right to a fair trial) and Article 5 (right to a fair trial), Article 13 (right to an effective remedy) of the Convention against the sexual violence to which the three children were allegedly subjected during their stay in an orphanage in Bulgaria and by the lack of an effective investigation in this respect.

The judgment is part of the group *S.Z./Kolevi v. Bulgaria* and is under enhanced monitoring. As far as individual measures are concerned, the investigation into the case has been reopened and appropriate action is being taken. Among the general implementation measures, key amendments to the legal framework concerning the effectiveness of the investigation should be mentioned.

In the field of education

One of the fundamental rights enshrined in the CRC is the right of the child to education, promoting the development of different forms and methods of work that are accessible and available to every child and the implementation of measures to support regular attendance in schools to reduce drop-out rates.

Changes have been made to **Ordinance No. 10/01.09.2016** on the organisation and activities of school education. The new proposals allow pupils in Grades 4, 7 and 10 whose health condition does not allow them to take the national external assessment exam due to sickness, quarantine or death in the family to take the national external assessment exam on a new date to be determined by the Minister of Education.

In the field of internal affairs

- Instruction No. 8121z-250/16.02.2023 amending and supplementing Instruction No. 81213-78 of 24.01.2015 on the procedure for detention, the equipment of premises for housing detainees and the order in them in the Ministry of Internal Affairs.

- Prepared Methodological guidelines for dealing with cases of domestic violence, including cases involving children. Sent for approval.

In the field of social activities

At the end of December 2023, on the initiative of MPs from the 49th National Assembly of the Republic of Bulgaria, the amended **Family Code** was adopted (SG No. 106 of 2023). The main part of the amendments to the Family Code concerns Chapter Eight "Adoption".

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In 2023, through the Transitional and Final Provisions of the **Protection against Domestic Violence Act** (promulgated in SG No. 66 of 2023), amendments were made to the Child Protection Act, effective from 01.01.2024. The amendments to the Child Protection Act relate to the regulation of the commitments of the Ministry of the Interior to establish and maintain a National Information System for prevention and protection from paedophilia and a National Register of paedophilia cases (new Article 43a of the Child Protection Act).

As of 1 June 2023, the amendments to the **Social Assistance Act** of 2022 are in force, according to which the basis for determining access to and the amount of social benefits is the poverty line for the country and not the guaranteed minimum income. For 2023, the Council of Ministers set the poverty line for the country at BGN 504 and for 2024 the poverty line is BGN 526 (Council of Ministers Decree No. 212/02.11.2023).

At the beginning of 2023, a **Mechanism for work and cooperation between institutions in cases of children involved in parental conflicts** was implemented, with the State Agency for Child Protection playing a lead and coordinating role in developing and monitoring the implementation of the mechanism.

Coordination

An inter-agency expert working group was formed within the National Council for Child Protection to develop a *mechanism for implementing the recommendations of the UN Committee on the Rights of the Child*. In connection with the submission of the 6th and 7th Consolidated Periodic Reports on the implementation of the UN Convention on the Rights of the Child in 2022, letters were sent and constant liaison and communication was maintained with the members of the expert group. The information received from the institutions involved was compiled, summarised and analysed prior to the submission of the combined sixth and seventh periodic reports of the Republic of Bulgaria, which also included an annex with statistical information and data in response to the questionnaire.

The Coordination Mechanism for Interaction between Institutions and Organisations in Cases of Unaccompanied Alien Children or Alien Children Separated from their Families on the Territory of the Republic of Bulgaria, including children seeking and/or granted international or temporary protection was established in order to ensure effective coordination and coherence in the implementation of the specific obligations of all the entities involved in the care and work with unaccompanied alien minors established on the territory of the country, with a view to ensure respect of children's rights.

Control and monitoring

In 2023, a total of 243 observations and controls were carried out, including 213 inspections and 30 observations. The number of inspections carried out was: 94 alert inspections; 87 planned inspections in 3 thematic areas; 32 follow-up inspections to follow up the implementation of mandatory prescriptions issued after inspections. 75 of these inspections were for violence.

Violence against children

Freedom of the child from all forms of violence

The active participation of victims of crime in the criminal process constitutes an important guarantee for the respect of their fundamental rights in the context of the State's obligation to conduct an effective criminal investigation and increases the victim's involvement in the proceedings.

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In this regard and with a view to the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA, an Act amending and supplementing the Criminal Procedure Code was promulgated in Official Journal, No. 48 of 2 June 2023, which also makes amendments to the Assistance and Financial Compensation to Victims of Crime Act.

The Assistance and Financial Compensation to Victims of Crime Act provides for an **individual assessment of the victim** without undue delay after the first contact of the competent authorities with the victim. It should determine his/her physical and mental state as a result of the crime suffered and establish the existence of specific protection needs within the meaning of § 1, paragraph 4 of the additional provisions of the Criminal Procedure Code. Pursuant to Article 7a, paragraph 2 of the Assistance and Financial Compensation to Victims of Crime Act, where the victim is a child, it must be presumed that there are special protection needs and a so-called "extended individual assessment" must be carried out.

National hotline for children 166 111

The National hotline for children of the SACP has a harmonised telephone number 116 111 and provides information, counselling and assistance to children. The helpline operates around the clock through the maintenance of a Call Centre at the SACP.

A comprehensive analysis of the effectiveness and efficiency of the 116 111 national hotline for children was carried out in 2023 and its findings have been taken into account by the SACP. The purpose of this analysis is to plan adequate measures and management decisions to improve the effectiveness of the national hotline for children and ensure its sustainability.

In 2023, there were 25,860 calls to 116 111. The number of support consultations carried out was 7,891, 31% of the total calls received. One interesting aspect of the service is the test calls made by the children themselves, 8,613 or 33% of the total calls, and the silent calls, 1,252 or 5% of the calls.

Alerts for a child at risk. The number of alerts in 2023 received through the hotline was **1,191, 107 of them from children and 1,074 from adults**. The data shows that the highest number of whistleblowing reports occurred in March, June, July, August, October and November, with 9% for each month of the total number of whistleblowing reports, with the lowest number recorded in May at 6%. This data shows that, compared to 2022, there is a 2.5% increase in alerts for children at risk and compared to 2021 there is a nearly 17% increase in alerts. This is worrying data as the line is a place to share reports and support children, and in the last two years there has been an apparent rise in reports of children at risk.

Ministry of Interior data on crimes against children and reports of violence

When a report of child abuse is received, the police officers report it to the social workers of the Child Protection departments of the Social Assistance Directorate. When the Coordination Mechanism for interaction in cases of child victims of or at risk of violence and interaction in crisis intervention is convened under Article 36d of the Child Protection Act, the same officers participate in it.

Table No. 8. *Number of crimes against children and reports of violence*

Number of recorded criminal offences against children (total)	1,799
Number of detected crimes against minors (total)	876
Child victims – total number	1893
<i>Including:</i>	

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

aged under 14 years	824
minors	1,069
Premeditated murders (completed), minor victims	3
Premeditated murders (attempted), minor victims	1
Robberies	111
Thefts	294
Drug-related crimes	3
Fornication (Articles 149-150 Criminal Code)	129
Rape (Article 152 Criminal Code) (completed)	16
Bodily injury (Articles 128-135 Criminal Code)	311
Hooliganism (Article 325 Criminal Code)	53
Crimes against marriage, family and youth (Articles 176-179, 181-193 Criminal Code)	485
Domestic violence crimes	45
<i>Including:</i>	
murder	1
bodily injury	37

Police protection

In 2023, 391 requests for police protection were received and implemented. Not always does the police protection last 48 hours. The distribution of placements of children is as follows:

Family environment and alternative care

Children entered in the national adoption register and adopted children in 2023

In 2023, **683** children were registered in the register of children who can be adopted under full adoption conditions. As of 31 December 2023, 919 children, of whom 443 are healthy and 476 are disabled, are registered in the register of children who can be adopted under full adoption conditions. The number of nationally adopted children in 2023 was 377, of which 363 are healthy and 14 are disabled.

The number of nationally adopted children in 2023 was 377, of which 363 healthy and 14 with disabilities.

In 2023, **164 children** were entered in the register under Article 113, paragraph 1, item 1 of the Family Code of children who can be adopted by persons with a habitual residence abroad under the conditions of full adoption.

Children deprived of family care

In 2023, **870** children were placed in residential care services.

The total number of children accommodated in social and integrated health-social services for residential care as of 31 December 2023 is **3,002**.

As of 31 December 2023, there are 734 social services for children and families, delegated by the state. The total capacity of social services is 18,989 places. The number of residential social services is 308 with a total capacity of 3,667 users.

- 22 Transitional housing for children, with a total capacity of 174 users;
- 20 Crisis centers for children, with a total capacity of 212 users;

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

- 266 Family-type accommodation centers for children/youths, with a total capacity of 3,281 places.

There are also 426 social services for children and families in the community, with a total capacity of 15 322 places, including:

- 162 community support centres, with total capacity of 7,446 places;
- 9 community support centres/community centre for children and families, with a total capacity of 538 places;
- 28 centres for work with street children, with a total capacity of 624 places;
- 124 day centres for children and young people with disabilities, with a total capacity of 3,451 places;
- 13 day centres for children and adults with disabilities; children and/or adults with disabilities; children and/or adults with severe multiple disabilities, with a total capacity of 395 places;
- 57 social rehabilitation and integration centres for children, with a total capacity of 2,003 places;
- 5 centres for social rehabilitation and integration for children with disabilities (Early Intervention of Disabilities Programme); for children (Early Intervention of Disabilities Programme) with a total capacity of 265 places;
- 1 centre for social rehabilitation and integration for children aged 0-7 with intellectual disabilities, with a capacity of 30 places;
- 1 centre for social rehabilitation and integration for children and young people, with a capacity of 25 places;
- 14 centres for social rehabilitation and integration; for children and individuals, with a capacity of 470 places;
- 12 mother and baby units with a capacity of 75 places.

Foster care

As of 31 December 2023, the number of children placed in professional foster families is 1,587.

The cases of terminated placements of children in foster care since the beginning of the calendar year as of 31 December 2023 are as follows:

- The total number of children for whom placement in a foster family was terminated was 760 (including 44 with the Social Assistance Directorate as provider and 716 with a municipality provider).

Financial support for children and families

The benefits under Family Allowances for Children Act and the Child Protection Act are financed solely with funds from the state budget under the "Support for children and families" budget programme. For 2023, the funds under the programme amounted to BGN 629,428,000, of which BGN 594,083,000 under the Family Allowances for Children Act and BGN 35,345,000 under the Child Protection Act.

Children with disabilities

On the problems of children with disabilities and the implementation of the UN Convention on the Rights of the Child, the Ombudsman addressed specific questions to the 'Community of Bridges' Association. The main challenges identified by the Association are:

- the right of children with disabilities to access health facilities and services;
- children with disabilities have difficulty accessing adequate health services, and

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

in some locations are even denied any access to medical care;

- lack of a national children's hospital;
- lack of a strategy to ensure the inclusion of children with disabilities;
- limited information and data on children with disabilities; lack of information on both the profiles of children by illness/functional deficits and the support they need;
- reforming the social support system for children with disabilities and their families, changing only financial support;
- ensuring that all children with disabilities have the right to inclusive education, regardless of parental wishes;
- training and recruiting specialist teachers and professionals in integrated classes to provide individual support;
- undertaking awareness-raising campaigns to combat stigma and prejudice against children with disabilities.

Standard of living

According to NSI data as of 31 December 2022, in Bulgaria there are **1,099,696 children aged 0 to 17 years** inclusive, or 17.1%. Bulgaria is among the countries where the share of children at risk of poverty is significantly higher than the EU average: **25.9% or about 314 thousand children**. Their share is also higher compared to the total share of the population at risk of poverty: 22.9%. Compared to 2021, there is a slight increase in the share of children at risk of poverty by 1.7 percentage points.

The factors causing poverty among children are many and of different nature: low educational status and unemployment of parents, low income, household composition, etc. In 2022, eight out of ten children (78.4%) whose parents have primary or no education are living in poverty. Approximately 18 times fewer, or 4.3%, are children whose parents have a university education living at risk of poverty. In 2022, the proportion of children living with severe material and social deprivation is 19.2% (deprivation 7 out of 13 indicators), a decrease of 0.8 p.p. compared to 2021. Children's risk of poverty and material deprivation is also determined and influenced by their ethnicity. According to the NSI, in 2022 the relative share of children with material deprivation (deprived of at least one of the 13 indicators) is as follows: 23.0% of the Bulgarian ethnic group, 33.0% of the Turkish ethnic group, 76.2% of the Roma ethnic group and 33.2% of other ethnic groups. In terms of the combined indicator for risk of poverty or social exclusion, which has registered steady improvements in recent years, there is a slight increase in the proportion of children at risk of poverty or social exclusion in 2022: 33.9% compared to 33.0% in 2021.

Civil rights and freedoms

Antidiscrimination

In 2023, the special working group of the Commission for Protection against Discrimination (CPD) advised parents and children in connection with the filing of complaints and reports, as well as during the proceedings. They cannot be tied to a specific number as complaints are not always filed with the Commission after counselling. In addition, the CPD seeks to take a multidisciplinary approach in specific cases, involving lawyers, psychologists and other professionals, in order to provide effective support to those who have sought assistance from the equality body.

In 2023, 15 cases related to children were opened at the CPD. Of the 13 decisions issued, 9 found direct and indirect discrimination against children.

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Educational activities

- high dropout rates;
- poor quality of education, inequalities in educational performance and outcomes for disadvantaged children, and the segregation of pupils on ethnic grounds;
- insufficient support for inclusive education;
- insufficient access to education for refugee and asylum-seeking children;
- the prevalence of bullying, including cyber-bullying in schools, and school violence.

According to the updated medium-term budget estimates for the period 2023-2025, adopted by Council of Ministers' Decision No. 459/05.07.2023, the expenditure on education for 2023 amounted to BGN 7,509.7 million or 4.1% of 2023 GDP.

2,681 children and pupils of compulsory pre-school and school age dropped out during the second school term. A number of actions and measures have been taken to overcome the difficulties in the work under the Mechanism for joint work of institutions on the coverage and inclusion of children and pupils in compulsory pre-school and school form.

- Educational mediators – 1,117, with 79 in Sliven, 93 in Stara Zagora, 64 in Pazardzhik, 21 in Sofia and 92 in Burgas.

- Number of children in a nursery group – 7,711;
- Total number of pupils with SEN – 1st to 12th grades – 20,725;

Of them:

- in basic level: 8,792
- lower secondary level: 6,615
- first high school level: 3,755
- upper secondary level: 1,563.

Asylum seekers, refugees and migrant children

On the territory of the Registration and Reception Centre in Sofia, Voenna Rampa and Ovcha Kupel residential areas **two safe zones for accommodation of unaccompanied foreign children with a total capacity of 288 places** have been established. The zones are administered by the International Organization for Migration and have separate security and video surveillance to ensure the safety of the children, offering daily 24-hour care and specialized services for the children accommodated there.

In 2023, 43 children were placed in social services. In the past 2023, 43 children were placed in a residential service.

Administration of justice in relation to children

Already in 2019, a working group in the Ministry of Justice drafted a law on correctional measures against persons who have committed a crime or administrative offence as minors. In view of the lack of consensus on the scope of the bill for the correctional measures against persons who have committed a crime or administrative offence as minors, which currently excludes children aged under 14, and in this regard is the potential need to further develop appropriate counselling and support services in relation to them, as well as on the correctional measure "special supervision by a foster family" proposed in the bill, and due to the impossibility of forming a regular government in 2021 and the early termination of the 45th, 46th and 47th National Assemblies in 2022, there was no development by 2023.

In 2023, 26 persons were sent to the **Correctional Home for Juveniles** attached to the prison in the city of Vratsa, of whom three were released and one was transferred to the prison in the city of Vratsa. The amount of the penalty is as follows:

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- up to 1 year – 12 persons;
- up to 2 years – 7 persons;
- up to 7 years – 1 person;
- from 7 years and 6 months – 1 person;
- 10 years – 2 persons.

Table No. 9. *Number and type of crimes and anti-social acts committed by children in 2023*

Number of solved crimes committed by minors and children aged under 14 (total)	4,796
<i>Of these:</i> by children aged under 14	1,317
by minors	3,479
Identified perpetrators (suspect minors and children aged under 14) – total	4,051
<i>Of these:</i>	
children aged under 14	1,230
minors	2,821
Premeditated murders (completed)	2
Premeditated murders (attempts)	2
Robberies	2,981
Thefts	2,264
<i>Of these:</i>	
Break-ins	160
Pickpockets	43
From homes	290
From stores	919
Of motor vehicles parts and items	85
Of agricultural products, livestock and poultry	387
Drug-related crimes	501
Fornication (Articles 149-150 Criminal Code)	14
Rape (Article 152 Criminal Code) (completed)	3
Bodily injury (Articles 128-135 Criminal Code)	219
Hooliganism (Article 325 Criminal Code)	141

The number of juveniles convicted for the production, possession, distribution, carriage of drugs (Article 354a of the Criminal Code) is 442, for incitement to use drugs (Article 354b of the Criminal Code): 2 minors and for growing plants (Article 354 of the Criminal Code): 3 minors. The transport crimes with victims who are minors or children aged under 14 (Articles 340-344 of the Criminal Code) include 220 transport manslaughter (Article 343, paragraph 1, point (c), paragraph 2, point (b), and paragraph 3 of the Criminal Code).

Findings:

- The responsible institutions are making efforts to address the existing problems in the different areas of children's rights;
- measures have been taken to implement the Convention, including through changes in legislation, plans and strategies;
- the Statutory Instruments Act is not effectively implemented with regard to prior impact assessments of new or amended legislation on children's rights;

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- reforms in the area of juvenile justice and protection of disadvantaged children, including Roma, refugees, migrants, have not been completed;
- a mechanism for monitoring and evaluating the adequacy, efficiency and fairness of the allocation of resources to implement the Convention has not been established and implemented;
- a sustainable system of mandatory training on the rights of the child, on the Convention and on the Optional Protocols for all professionals working for and with children has not been established;
- insufficient capacity of professionals to apply the principle of the best interests of the child;
- children's views are not systematically taken into account in decisions affecting them;
- children's access to fair and just justice is not ensured;
- adequate legal representation is not provided to children whose parents are abroad and support is not provided to their caregivers;
- no effective support for children in cases of parental conflict;
- no resources are provided and regulated to support families in vulnerable situations to prevent child abandonment, especially for Roma children and children with disabilities;
- the foster care system is not strengthened through sustainable funding;
- the child mental healthcare system has not been developed and a child mental health strategy has not been elaborated;
- health and sexual education is not included in compulsory school curricula;
- anti-poverty measures are not aligned with a child rights-based approach.

Main recommendations:

1. Ratify the Third Optional Protocol to the UN Convention on the Rights of the Child;
2. Introduce a mechanism to involve children in the development and implementation of the 2030 Agenda for Sustainable Development policies;
3. Adopt a National Strategy for the Child;
4. Develop a specific child rights impact assessment procedure for every policy, regulation and administrative decision related to children;
5. Establish a mechanism to monitor and evaluate the adequacy, efficiency and equity of the allocation of resources for the implementation of the Convention and its Protocols;
6. Improve data collection to cover all areas of the Convention;
7. Ensure all children have access to independent complaints mechanisms in schools, detention and custodial settings, residential services, foster care;
8. Establish mechanisms for monitoring the quality of inclusive education and ensuring that children with special educational needs are recognized as a target group by the National Inspectorate of Education, thus making inclusive education subject to quality assurance standards;
9. Develop targeted measures to address the problem of high drop-out rates of children with disabilities from the education system and ensure the right of all non-verbal and special needs children to inclusive education in mainstream schools;
10. Provide systematic and compulsory training on the rights of the child, the UN Convention and the Optional Protocols for all professionals working with children and introduce special classes in higher education;
11. Implement systematic reforms in the areas of juvenile justice, protection of disadvantaged children, including Roma, refugees, migrants;

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12. Improve the coordination of the work of institutions in the implementation of the Coordination Mechanism for Unaccompanied Refugee Children and the recognition of the Mechanism as a working instrument of a binding nature. Encourage the signing of the CM by all actors involved in the process;
13. Establishment of a model and practices for the placement of unaccompanied foreign national children in children's social services and the implementation of a holistic support method reflecting their special needs.

IV. UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) was adopted by the General Assembly on 10 December 1984 and entered into force on 26 June 1987.

The Convention is the most significant international human rights treaty to insist on the universal abolition of torture and completes the process of codifying the fight against torture.

The main idea of the Convention is to unite States in their fight against torture by taking positive action to prevent it at both national and international levels. Specifically, the Convention requires States Parties to criminalize torture as a form of offence in their national legislation. In addition, the Convention establishes an international mechanism to monitor the implementation of its provisions, the UN Committee against Torture.

The Convention introduces two types of obligations on States: positive and negative. Negative obligations require each State to refrain from all forms of ill-treatment. **All acts containing the characteristics of torture should be criminalized and prosecuted as crimes in the domestic law of each State.**

Positive obligations are linked to the adoption of concrete measures to prevent torture (legislative, administrative, judicial, provision of training for staff in places of deprivation of liberty or others). In cases where a violation of the prohibition of torture has occurred, States should ensure that victims are fairly and adequately compensated.

On 18 December 2002, the UN General Assembly adopted the Optional Protocol to the Convention. The purpose of the Optional Protocol, in force since 22 June 2006, is to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment and to establish a preventive system. One element of the preventive system is the **establishment and maintenance of an independent NPM** for the prevention of torture and ill-treatment at national level.

With the amendments to the Ombudsman Act in 2012, the Ombudsman of the Republic of Bulgaria began to perform the functions of the NPM in accordance with the Optional Protocol to the Convention. In this role, the Ombudsman carries out annual monitoring of places for serving imprisonment under the Ministry of Justice, places of detention of persons in the structures of the Ministry of the Interior, special homes for accommodation of foreigners under the Migration Directorate and registration and reception centres of the State Agency for Refugees under the Council of Ministers, residential social services for children and adults, public psychiatric hospitals.

The main recommendations made by the Committee against Torture in the framework of the 6th Periodic Report continue to be valid in 2023.

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The Committee notes that **the Bulgarian legislation still does not contain a legal definition of “torture”**, in the meaning of Article 1 of the Convention. According to that provision, torture should be understood as **any act by which severe physical or mental suffering or pain is intentionally inflicted on a person** in order to obtain from him or her or from a third person information or a confession in order to punish him or her for an act which he or she has committed or is suspected of having committed, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, or with the explicit or implicit consent of, an official or other person acting in an official capacity.

In 2023, the Ombudsman submitted a proposal to the National Assembly to amend the Criminal Code to criminalize acts that have the characteristics of torture by introducing a new offence. The basic composition of the proposed wording provides for the criminalization of acts in which a person knowingly uses force against another person or inflicts physical suffering or pain on him in a manner or by means which manifestly humiliate the human dignity of the victim, oppress him or cause him severe stress, mental pain or a feeling of inferiority, helplessness or fear, or places another person in a position or holds him in a position which manifestly degrades the victim's human dignity, oppresses him, causes him severe distress, mental pain or a feeling of inferiority, helplessness or fear. More serious offences are also provided for in cases where the act was committed by an official in the course of or in connection with the performance of his or her duties or functions or with his or her express or tacit consent; in respect of a pregnant woman, a minor or more than one person; in a manner which is particularly distressing to the victim; or under conditions of domestic violence. **To date, there is still a legislative gap with regard to this type of acts and there is still no legal definition of "torture".**

Next, the Committee draws attention to the problems with 24-hour detention. The Bulgarian State should ensure that all basic legal guarantees for detainees are provided in practice, not just in law.

Every detainee must be given access to a lawyer from the outset of detention. The Committee expresses its concern that, in a large number of cases, detainees do not have access to a lawyer from the outset of the criminal proceedings against them, and that even if they are provided with a lawyer during the 24-hour detention, the meetings take place in the presence of a police officer. Another problem is that very often arrested persons are not informed of their rights. Medical examinations are often carried out in detention facilities and are not reflected in medical records.

In 2023, the Ombudsman carried out inspections in **4 accommodation facilities for detainees in the Ministry of Interior system**. Material and living conditions in detention facilities continue to be **unsatisfactory, with poor access to daylight and depreciated facilities**.

As a positive change can be noted the amendments introduced in Instruction No. 8121z-78 of 24 January 2015 on the procedure for detention, the equipment of detention facilities and the order in which they are used in the Ministry of the Interior, which implemented the Ombudsman's recommendation on the **mandatory participation of a lawyer when the detainee is a minor**.

The Ombudsman, as the NPM, considers as a positive change the fact that the telephone number of the National Bureau of Legal Aid is placed in a prominent place in all inspected premises, together with an up-to-date list of the lawyers on duty at the relevant college, which guarantees the right of defence of detainees.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Committee also notes the problem of excessive use of force (in particular in prisons in Sofia and Burgas) and in police detention premises. The Committee also identifies the poor conditions in places of detention, specifically pointing to problems related to infrastructure, overcrowding, lack of hygiene and proper sanitation facilities, insufficient access to water, inadequate heating, as well as the lack of trained staff. The Committee stresses the problems of healthcare in prisons, in particular: **shortage of medical staff; difficult access to medicines; poor quality of medical examinations; limited access to psychiatric care; lack of special care regarding prisoners with physical and/or mental disabilities; lack of measures to address widespread drug use and related problems such as HIV and hepatitis.**

In 2023, the Ombudsman, in her capacity as NPM, carried out planned inspections in 3 prisons (Bobov Dol Prison, Burgas Prison and Varna Prison), in 6 open and closed prison dormitories and in 5 detention facilities. The Ombudsman carried out 5 unannounced inspections in the prisons in Pleven and Burgas and 3 unannounced inspections in the Sofia Central Prison, one of which was carried out in the Specialized Hospital for Active Treatment of Prisoners. In the course of the checks, **systemic deficits in the medical care of prisoners were found; continuing problems with depreciated, highly outdated and hygienically unreliable bedding; the presence of pests in places of deprivation of liberty, etc.**

Key recommendations made by the Ombudsman in relation to systemic problems in prisons are:

- To undertake efforts to solve the problem with cockroaches and bedbugs in places of deprivation of liberty;
- The budget for schools in places of detention should be increased, as the training and education of prisoners is an important part of their reintegration;
- Continue efforts and seek new opportunities to ensure a longer presence of medical professionals in places of detention.
- Arrangements should be made for the payment of medicines from prison funds where it is found that there is a shortfall in prisoners' personal accounts;
- Prisoners with identified mental disorders should be placed in an appropriate medical environment, under the supervision of qualified professionals.

Another important topic reflected in the Committee's report is related to the **problems of social institutions**. The Committee expresses its concern that persons with mental and psychosocial disabilities in public and municipal medical institutions continue to have limited legal capacity and lack adequate procedural and substantive safeguards. Another problem reflected in the Committee's report is **the lack of sufficient independent monitoring** of these types of institutions, as well as the remote areas in which the institutions are located. The Committee also addresses the problem of **the excessive use of medication to restrict movements**, the forced application of irreversible psychiatric therapies, and violence among patients, including self-harm. Lastly, the Committee draws attention to **the problem of material conditions** in some institutions, which amount to inhuman and degrading treatment (poor hygiene, poor access to sanitary facilities, etc.).

Between 2022 and 2023, the Ombudsman carried out a total of **25 unannounced inspections in psychiatric facilities and residential social services centres**. The issue of protecting the rights of persons with mental illness is particularly acute. The Ombudsman, in the exercise of her functions as NPM, carries out annual monitoring of public psychiatric hospitals (PPH), mental health centres (MHC) and social care facilities for persons with mental disorders. For the purposes of the Convention, **public psychiatric hospitals are places of deprivation of liberty**, as some patients are placed there by court orders and cannot leave

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

voluntarily. The Ombudsman, as the NPM, therefore takes particular care to ensure that torture and other forms of inhuman or degrading treatment are not committed in these places.

During the inspections carried out, the Ombudsperson found systemic problems in the PPHs that were incompatible with the basic standards for protection from torture and other cruel, inhuman or degrading treatment or punishment, such as:

- degrading material living conditions in public psychiatric hospitals;
- chronic patient malnutrition due to a flawed funding model;
- deteriorating quality of medical care;
- lack of staffing and sustainable policies to address it;
- lack of social services to help reintegrate PPH patients.

With regard to the excessive use of restraining measures, the Ombudsman, as the NPM, recommended that the Ministry of Health review Ordinance No 1 of 28 June 2005 on the procedure for the application of temporary physical restraint measures to patients with established mental disorders and draw up a protocol for the application of the coercive measures of 'immobilization' and 'isolation', clearly indicating the duration and frequency with which patients may be isolated and fixed for a period of 24 hours and specifying the grounds on which these measures are applied.

The Committee also draws attention to issues relating to the situation of asylum seekers and migrants. The Committee stresses that States parties should ensure that persons seeking international protection are not subjected to arbitrary detention, that judicial review of detention should be ensured and that alternatives to detention should be provided. Another major problem identified in the Committee's report is the registration of unaccompanied children as "accompanied" by adults to whom they are not related. The Committee draws attention to the need to improve material conditions in reception centres in order to ensure an adequate standard of living, and to reduce overcrowding in detention centres for migrants, in particular in Busmantsi and Lubimets.

Each year the Ombudsman, in her capacity as NPM, carries out inspections in the **temporary accommodation centres for foreigners** under the Ministry of Interior and in the refugee accommodation centres under the State Agency for Refugees with the Council of Ministers. The main focus of each inspection is an assessment of the conditions under which **unaccompanied minors live and the forms of support provided**. Inspections in 2023 identified an **increasing number of unaccompanied minors**. The Ombudsman's recommendation on the need to introduce a systematic policy for the protection and integration of unaccompanied children remains relevant.

In 2023, the Ombudsman monitored the implementation of 33 coercive administrative measures on return to country of origin, transit or third country and expulsion. The monitoring teams found systematic problems in the verification of the personal files of foreigners:

- incomplete documentation, especially as regards appeals against orders imposing coercive administrative measures;
- the lack of evidence that foreign nationals are aware of the content of the orders issued to them for the imposition of coercive administrative measures, as well as of their right to appeal against them under the Administrative Procedure Code;
- the lack of evidence that foreign nationals placed in special temporary accommodation homes are aware of their right to legal assistance and that they have met with lawyers who have advised and informed them of their rights and legal options.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In view of the ongoing military conflict in Ukraine, the Ombudsman, in her capacity as NPM, closely monitors the rights of persons granted temporary protection. In 2023, in a letter to the National Assembly, the Ombudsman expressed her support for the proposal made by the MPs to carry out a study on the needs, social and financial status of displaced persons from Ukraine, on the basis of which different groups of needy persons would be defined for which a specialized support mechanism would be developed. The introduction of such a mechanism is of utmost importance insofar as it would contribute to the durable and sustainable integration into Bulgarian society of vulnerable groups of persons and facilitate their access to a range of social services and medical care.

V. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and has been in force in Bulgaria since 1982. By accepting the Convention, our country undertakes to include the principle of equality of men and women in the Constitution of the Republic of Bulgaria or other relevant legislation; adopt appropriate legislative and other measures prohibiting any discrimination against women; to establish legal protection of the rights of women on an equal footing with men and to ensure, with the help of the courts and other state authorities, the effective protection of women against any act of discrimination, etc.

In fulfillment of the international and European commitments undertaken, the principle of equality has been introduced in the Bulgarian legislation. Yet, differences still exist in women's and men's employment, in the amount of remuneration and pensions received, in decision-making, in the distribution of household duties and in caring for dependent family members. For the Ombudsman, the current Equality between Women and Men Act is rather formal and does not propose new arrangements that correspond to the level of development of social relations and does not regulate the basic mechanisms for gender equality. It is rather declaratory in nature, with no significant practical effect.

Equality between women and men is important for achieving national objectives of higher economic growth and employment levels, equal opportunities and social cohesion. Implementing the right to work, ensuring equal access to employment and empowering women are among the priorities of the Republic of Bulgaria.

The response of the Ministry of Labour and Social Policy states that the National Action Plan for the Promotion of Equality between Women and Men for the period 2023-2024 has been developed in accordance with the Equality between Women and Men Act and the National Strategy for the Promotion of Equality between Women and Men 2021-2030, adopted by Decision of the Council of Ministers No. 969 of 30 December 2020. This Action Plan follows the principles, objectives and priorities of the National Strategy and covers the two-year period 2023-2024. It aims to implement the unified policy on gender equality through the measures included by various institutions and organisations, structured around five priority areas: gender equality in the labour market and equal economic independence; reducing gender pay and income gaps; promoting gender equality in decision-making processes; combating violence and protecting and supporting victims; and overcoming gender stereotypes in various areas of public life and sexism.

The National Action Plan sets out measures for better reconciliation of work and private life and for providing employment to unemployed persons by providing childcare opportunities, encouraging employers to hire unemployed persons, developing the skills of unemployed

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

women through vocational training to increase their participation in the labour market, etc. Measures aimed at reducing gender gaps in income and promoting an equal degree of economic independence are included. Taking into account the importance of combating violence as one aspect of gender equality policy, measures are envisaged relating to the provision of social services to victims of violence. Awareness-raising measures, media monitoring, etc. are planned to overcome existing gender stereotypes in various spheres of public life.

Implementation of the Plan is ensured within the limits of the appropriations approved in the budgets of the responsible institutions, as well as by alternative funding from other sources. The Plan is an open document, and institutions and organisations can implement additional measures to promote equality between women and men. The reporting was done through a report on gender equality.

In a communication from the European Commission, Bulgaria ranks 18th in the EU on the gender equality index with a score of 60.7 out of 100, which is 7.9 points below the EU average.

In our country, a serious problem emerges that women more often than men are employed part-time, work more at home or are engaged in other atypical forms of employment. This in turn leads to lower pay levels. There is also an uneven concentration of women and men in the different sectors of the labour market, for the regulation of which adequate measures have not been taken.

Women are still mainly responsible for childcare, elderly and dependent family members, which directly reflects the fact that women have less free time than men. Women have to be absent from work more often for family reasons, which also has a negative impact on their career development and growth. More women are employed in the health and education sectors, unpaid care and domestic work, making them more vulnerable to the effects of the pandemic. In many areas, women are still earning less than men for the same work, and this has a direct impact on the pensions they receive. For example, data in a report of the National Statistical Institute on the poverty line and social inclusion for 2022 shows that the highest relative share of the poor is among one-person households with a person aged 65 or over (61.3% in 2022) and one person in the household who is female (56.2% in 2022). Among single-person households, the risk of poverty for women is 21.9 percentage points higher than for men. It is undeniable that increasing women's participation in the labour market contributes to a positive impact on the economy, enables women to shape their own lives, play a role in public life and be economically independent.

Unfortunately, the principle of gender equality is also violated by public statements that are sexist, incite hatred, and most often lead to blocking action to combat gender-based violence and gender stereotypes. Existing gender stereotypes are a major cause of gender inequality and affect all areas of society. Stereotypical expectations that are based on norms about women and men, about girls and boys, limit their opportunities to participate in public life, restrict their freedom of choice for decisions in their own lives and must therefore be eliminated. This includes as measures educating boys and girls from an early age on gender equality issues, and supporting the building of non-violent relationships.

THE OMBUDSMAN IN PROTECTION OF THE RIGHT OF ACCESS TO HEALTHCARE OF PREGNANT WOMEN

For years in our country there has been a problem of the right of access to healthcare of uninsured women whose pregnancies are not monitored by specialists, they give birth without monitoring their pregnancies and without the necessary examinations. Resolving this problem has been a priority for the Ombudsman in the work of the institution over the years, and in view

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

of the problems identified and in order to protect the right of pregnant women to access quality healthcare, the Ombudsman recommends that the Minister of Health take action to regulate the possibility of conducting a greater number of examinations and tests during pregnancy, also covering the beginning of pregnancy, which would be of great benefit for the prevention of complications, their timely diagnosis and treatment; discuss different options to ensure that uninsured pregnant women have access to medical care, with at least four examinations and basic tests included in their package.

The changes in Ordinance No. 26 of 2007 entered into force on 1 January 2023 and include: providing inpatient medical care, increasing the number of preventive examinations during pregnancy monitoring to four and providing a package of medical-diagnostic tests.

According to the information of the Ministry of Health, in 2023, 3,925 examinations were reported under Ordinance No. 26, and 728 doctors worked during the year under it. The funds paid by the NHIF with transfer funds from the MoH for obstetric care provided to uninsured women amounted to BGN 11,189,727. BGN 8,789,000 were approved in the NHIF Budget Act for 2024 for activities of uninsured persons. The number of cases reported by hospital care institutions under Ordinance No. 26 under clinical pathway POO5.2 "Normal delivery" is 3,573 and under clinical pathway POO5.2 "Caesarean section": 1,394.

After the amendments came into force, the Ombudsman was aware that a team of NGOs carried out a survey on attitudes to the changes, and only two of the doctors surveyed were not aware of them. Most of them also expressed positive attitudes towards the new measures, but some of the doctors said that for them the problems were deeper and lay in "the lack of information about Roma", "the attitude of the state towards doctors and the lack of health education in schools".

Doctors who have refused to work under Ordinance No. 26 cited as reasons for their refusal: long delays in payments from the NHIF; problems with the software that does not allow reporting on activities under the Ordinance; and serious bureaucracy and administrative obstacles in reporting.

Based on these findings, the following recommendations are made:

- an analysis of the implementation of Ordinance No. 26 be carried out, taking into account the difficulties in its implementation.
- it is necessary to prepare information materials to reach women at risk, and to facilitate bureaucratic and administrative activities for doctors working under the Ordinance, by easing the procedures for reimbursement for activities carried out under the Ordinance;
- resolve software problems with the issuance of referrals to uninsured pregnant women, and discuss the possibility of increasing the number of examinations to 8 and expanding the package of tests.

On the recommendation of the Ombudsman, the NHIF sent a letter to the directors of the Regional Health Inspectorates to carry out inspections of outpatient medical facilities in 2024 regarding the scope and procedure for providing preventive examinations and tests to uninsured women in accordance with Ordinance No. 26. Draft leaflets, posters, stickers and videos have been prepared focusing on maternal and child health and conducting health information campaigns among risk groups.

THE OMBUDSMAN IN DEFENCE OF VICTIMS OF DOMESTIC VIOLENCE

The Ombudsman has repeatedly insisted on the adoption of more decisive measures to combat domestic violence, including at the legislative level. After several attempts to amend

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

legislation in this area, amendments to the Protection against Domestic Violence Act became a fact in 2023. Already during the discussion of the bills, the Ombudsman supported the proposal to establish a national body to coordinate, monitor and evaluate policies and measures to prevent domestic violence and improve interaction between the various state bodies and organisations involved in the problem.

According to data from NGOs and media publications (official statistics is not yet available), in 2023 at least 21 women were killed by men in Bulgaria.⁶ It is undeniable that in recent years, especially in the context of the global pandemic of COVID-19, cases of domestic violence have been on the rise and it is therefore imperative that more efforts are made to understand why and how violence occurs and to take the necessary measures to address it. Such measures are all the more necessary now to counter the growing problem, and the adoption of legislative changes was imperative.

In her opinion, the National Ombudsman has repeatedly expressed support for the proposed amendments to the legal framework, which:

1. Broadens the range of victims of domestic violence who may seek protection under the Protection against Domestic Violence Act;
2. Facilitates access to justice;
3. Provides for new measures for protection from domestic violence, and introduces mechanisms to prevent abuse of the law;
4. Proposes the establishment of a national body to coordinate, monitor and evaluate policies and measures to prevent domestic violence and improve interaction between the various state bodies and organisations involved in the problem. Its functions, its composition, the institutions and persons who will be able to participate in its meetings are regulated;
5. Provides for the establishment of a coordination mechanism, which establishes rules of action and coordination between the competent authorities and organisations, thus ensuring reliable, timely and adequate protection of persons who suffered violence;
6. Provides for the establishment and maintenance of an information system and, as part of it, a national registry;
7. Sets forth prevention and protection programmes, as well as specialised services providing protection and support to victims of domestic violence;
8. Expands the range of persons who may initiate court proceedings for a protection order;
9. Regulates the possibility of providing free legal aid to victims, strengthening the court's duty of care, and introducing the requirement for the court to carry out a risk assessment;
10. Increases the time limit for applying for protection from domestic violence, which under current law is one month.

The Ombudsman insists that the condition of systematicity for the qualification of an act committed in the context of domestic violence should be abolished. The condition of systematicity means that the victim of domestic violence must, in at least three separate cases

⁶ http://spasena.org/bg/media_monitoring

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

of domestic violence, take legal action and obtain protection from domestic violence. However, it is undeniable that domestic violence can manifest itself as a single act and that extremely serious harm to the victim can follow. This creates difficulties in protecting the rights of the victim, as she is in a vulnerable position, dependent on the perpetrator, and may not always be able to take action to protect herself.

The Ombudsman's opinion was taken into account during the deliberations on the bill for amendments and supplements to the Protection against Domestic Violence Act and in the latest amendments to the Criminal Code the condition of systematicity was removed, as the legislator gave due importance to the effective fight against all forms of domestic violence and a clear signal to society about the social importance of the problem and that it will not tolerate domestic violence.

It should be noted that after the adoption of the amendments to the Protection from Domestic Violence Act, promulgated in SG No. 66 of 2024, a specialised permanent collective and advisory body for the implementation of the state policy on prevention and protection from domestic violence, i.e. the National Council for Prevention and Protection from Domestic Violence (National Council) is created.

The National Council is a collective body whose composition is explicitly specified in the DPAA and includes, in addition to the representatives of the executive and the judiciary, representatives of non-profit legal entities (NGOs) that carry out activities for the prevention and protection from domestic violence. The administrative, technical, organisational, expert and financial services of the National Council are provided by the Administration of the Council of Ministers (ACM) and in this regard the ACM has taken action to prepare and adopt by the Council of Ministers the Regulations on the Structure, Organisation and Activities of the National Council. A new unit was established under the Secretary General of the Council of Ministers, the Department for Prevention and Protection from Domestic Violence, Cooperation on Ethnic and Integration Issues and Interaction with Civil Society, to act as the Secretariat of the National Council.

At the time of writing, the procedure for selecting the NGOs whose representatives are members of the National Council has already been completed.

By Decision No 606 of the Council of Ministers of 11 September 2023, Ms. Maria Gabriel, Deputy Prime Minister and Minister for Foreign Affairs, was appointed Chairperson of the National Council. The first meeting of the National Council was held on 21 February 2024.

Technical documentation for the development and maintenance of the National Information System for Victims of Domestic Violence is in the process of being developed, which is of particular importance for the implementation of the interaction between the National Council, the different responsible institutions and NGOs in the implementation of the policy for prevention and protection from domestic violence and the Coordination Mechanism for Assistance and Support to Victims of Domestic Violence.

For the development of the Coordination Mechanism, a working group was formed by order of the Minister of Justice, which completed its work and submitted the draft document to the National Council for consideration and approval.

A working group was formed by order of the Prime Minister to prepare proposals for amendments to the Regulations by 30 April 2024 to bring them in line with the changes to the Protection from Domestic Violence Act.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The preparation of the National Programme for Prevention and Protection from Domestic Violence is to be preceded by the identification of priority activities for funding, in accordance with Article 6f, paragraph 6 of the Protection against Domestic Violence Act, and stakeholders are expected to submit proposals for priority activities to be considered and approved at the National Council meeting. Information is to be gathered to establish a list of specialised services to provide protection, assistance and support to victims of domestic violence.

Last but not least, the Ombudsman stresses that an important aspect in the fight against domestic violence is to take measures and actions to create a social environment of intolerance towards this offence against the person. Unfortunately, it is a worrying finding, which has been drawn up by a number of experts working in the field of protection from domestic violence, that our society is tolerant of domestic violence.

Domestic violence and its effects on people's lives must be talked about openly and expertly in order to realise that violence in the home is not just one person's problem, one couple's problem, one family's problem, but society's problem. In the fight against domestic violence, more resources and efforts must be put into prevention, because even the practice of other countries shows that increasing the amount of punishment for perpetrators has not had a positive result in the fight against domestic violence and has not led to a reduction in the incidence of domestic violence.



CHAPTER FOUR INTERNATIONAL COOPERATION

Actions of the Ombudsman to protect the rights and interests of Bulgarian citizens before international institutions

20 February – Working meeting of the Ombudsman Prof. Diana Kovacheva with Claudia Luciani – Director of "Human Dignity, Equality and Governance" at the Council of Europe.



14 March – Geneva, General Assembly of the Global Network of National Human Rights Institutions (GANHRI)



21 March – Working meeting with the mission of the Committee Against Torture (CAT) of the Council of Europe on the rights of people with mental illness, social services for dementia patients.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

2 May – Ombudsman Diana Kovacheva presents online to the UN Committee on the Rights of the Child the problems of adolescents in Bulgaria during the preliminary session to consider the Sixth and Seventh Periodic Reports on Bulgaria



23 May – Meeting at the institution of the ombudsman for Roma access to justice with Marek Jurek – representative of the European Center for Roma Rights.



11 September – Meeting on migration issues with representatives from the Council of Europe.



19-21 September – Participation in the 27th Annual Conference of the European Network of Ombudsmen for Children (ENOC) on "The Strength of Independent Children's Rights Institutions: Upholding Children's Rights in Europe", Brussels, Belgium.

Multilateral cooperation

27 April – Ombudsman Diana Kovacheva hosted a meeting with the ambassadors and representatives of diplomatic missions in the country of the Member States of the European Union, the United States, the United Kingdom, Norway and Switzerland. In front of the diplomats, Kovacheva presented the institution's activities and highlights from the 2022 Annual Report.



21 March – Online participation of the Ombudsman on the topic "Improving the use of the EU Charter of Fundamental Rights by National Human Rights Institutions"

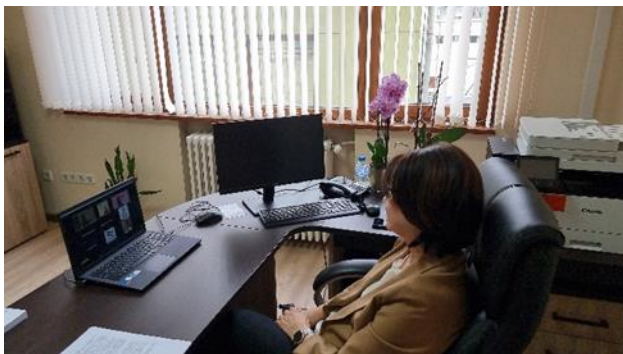
22-24 March – Participation of the Ombudsman's team in training of the European Agency for Fundamental Rights in Vienna.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

10 May – Greeting of the Deputy Ombudsman Elena Cherneva-Markova at the presentation of the study "Read between the lines. The experience of civil organisations in the Black Sea region in dealing with intertwining crises", organized by the Bulgarian Fund for Women.

The study was prepared by non-governmental organisations from three countries: Bulgaria, Ukraine and Georgia, which, based on first-person interviews, examine the series of crises in the Black Sea region.



12 May – Meeting on the topic of refugees and NPM.



1 June – Ombudsman Diana Kovacheva, Acting Minister of Justice Krum Zarkov, magistrates, lawyers and representatives of the academic community at the XXX Congress of the International Federation of European Law (FIDE) in Sofia.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

9 October – At a meeting of the ENNHRI Board in Brussels, on the initiative of the Bulgarian Ombudsman, a declaration was adopted in support of Israel, which strongly condemns the attacks of the Palestinian paramilitary political group Hamas.



Cross-border cooperation

1 February – Delegation from the Republic of Albania on the initiative of the chairperson of the CPD officially visited the Ombudsman institution.



27 April – Working meeting with the Ombudsman of Kosovo.



Bilateral cooperation

5 April – On the initiative of UNICEF, a government representative delegation from Turkmenistan visited the Ombudsman institution for the exchange of experience.



24 July – Working meeting with the Ambassador of the Federal Republic of Germany H.E. Irene Plank.



26 July – Working meeting with the Ambassador of the Kingdom of the Netherlands H.E. Simon van der Burg.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

21 August – Ombudsman Prof. Diana Kovacheva met with the American Ambassador to Bulgaria H.E. Kenneth Merten. The national public defender familiarized His Excellency with the activities of the institution and the most common problems for which tens of thousands of people seek support, related to violated human rights. Prof. Kovacheva and Ambassador Merten also discussed the alarming trend of increasing cases of hate speech, domestic violence, violated rights of people with disabilities and other vulnerable groups.



24 October – Ombudsman Diana Kovacheva presented the institution's activities to Prof. PhD Josef Höchtl, chairman of the Forchtenstein Circle of the Austrian People's Party and his colleagues. The working meeting was organized at the request of the Austrian Ambassador.



18 December – Working meeting with the ambassador of the Kingdom of Belgium H.E. Frédéric Meurice on the occasion of the upcoming rotating presidency of the EU.





CHAPTER FIVE. RESOURCES

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

I. EXPENSES IN 2023

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

The Ombudsman institution has developed and applies Rules for Building Systems of Financial Management and Control. The double signature system, the rules for access to assets and information, and a prior control for legality, which is carried out by a financial controller, apply. The double signature is applied after checking the documents before making a decision to assume an obligation or make an expenditure.

The accounting policy of the Ombudsman institution is developed and based on the Accounting Act, the National Accounting Standards, the Chart of Accounts of Budgetary Enterprises, the Institution's Chart of Accounts and other normative acts. As of 2017, depreciation has been applied to fixed assets and will continue in the future. Annual inventory was carried out.

The annual cash execution report, the annual trial balance and the accompanying reporting information for 2023 are drawn up in accordance with DDS No. 08 of 21.12.2023 of the Ministry of Finance.

With the State Budget of the Ombudsman of the Republic of Bulgaria Act for 2023, a budget in the amount of BGN 4,112,000 was approved. During the year, corrections were made and it was increased with a total amount of BGN 487,700 and the specified plan is BGN 4,599,700.

Income reported for 2023 by line items amount to BGN 850.

The institution of the Ombudsman of the Republic of Bulgaria, in carrying out its activity as a supreme constitutional body for the advocacy of the rights and freedoms of citizens, spends funds from the state budget, observing the principles of economy and efficiency.

Expenses reported for 2023 by line items amount to BGN 4,044,575.

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

Maintenance expenses are intended to provide for the institution's activities with office supplies, office equipment and consumables, water, fuel, electricity and heat, telephone and internet services, hardware and specialised software maintenance, translation, prepress and print processing, routine repairs, security, travel, insurance, anti-epidemic supplies and materials, etc. To a significant extent, these costs are related to contractual commitments and obligations with corresponding regular payments. The largest relative share (41.8%) of Maintenance is the share of lease for the building (private property) where the institution is housed.

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

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The due state and municipal taxes and fees were paid.

The capital expenses of the institution amount to BGN 80,514. Computers and hardware were acquired for the amount of BGN 69,858, and other equipment, machines and facilities of BGN 10,656.

On the basis of the Public Procurement Act, performance guarantees from non-budgetary legal entities amounting to BGN 5,463 were received during the period.

The Ombudsman institution completed the project “Electronic work management system for the administration of the Ombudsman” under Priority Axis No. 2 “Effective and Professional Management in Partnership with the Civil Society and Businesses” under Operational Programme Good Governance, No. 03-01/18.02.2019 pursuant to Administrative Contract No. BG05SFOP001-2.001-0011-C01 for a direct financial grant. The project was implemented and the costs were incurred by 30 September 2022.

In 2023, no costs were reported for the project. A final verification of the costs incurred in August and September 2022 and the final closure of the project is pending.

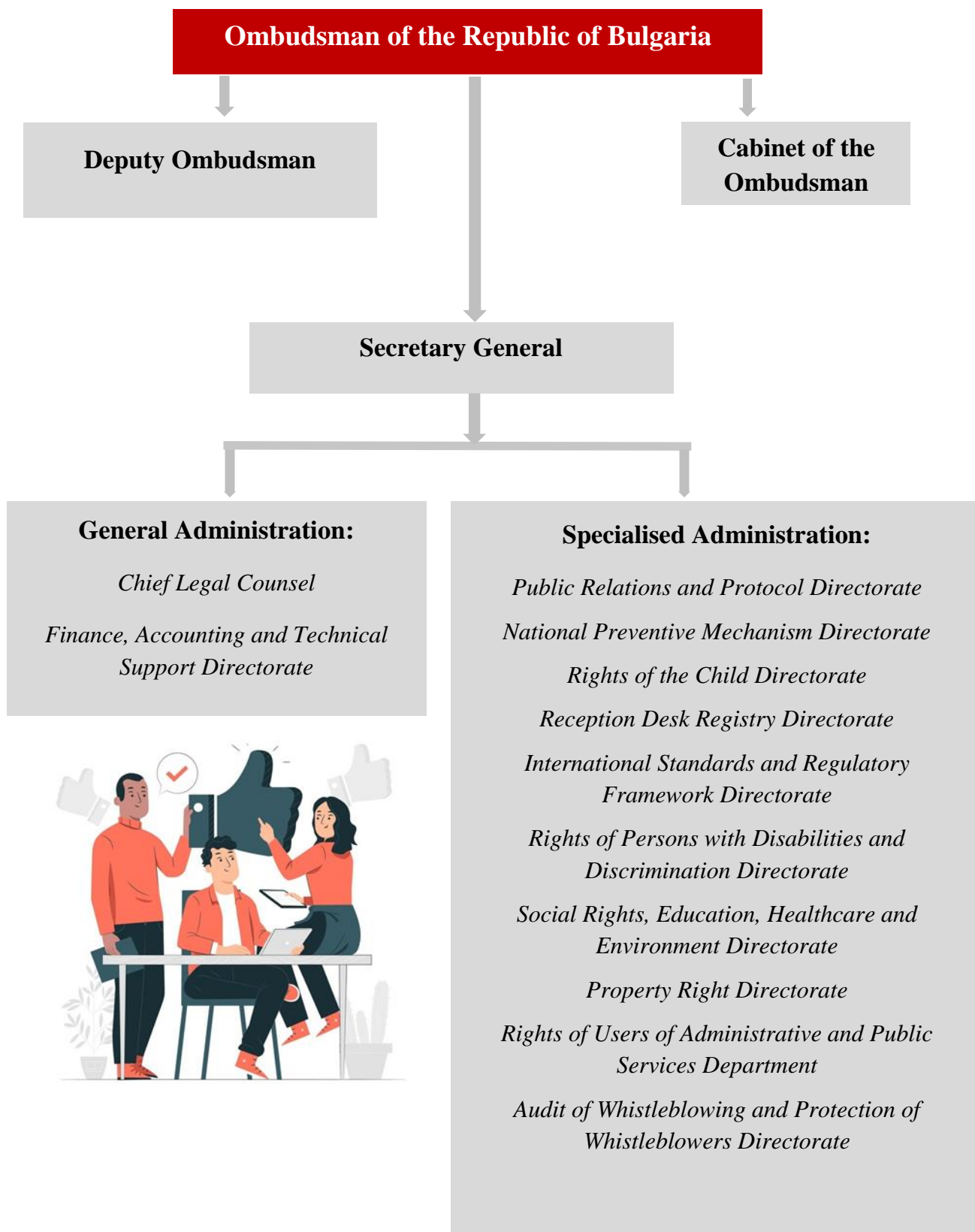
Under №2018-1-1440 (6) 02-01/18.02.2019 the Ombudsman of the Republic of Bulgaria launched the Project Contract "Support to National Human Rights Institutions in Monitoring Fundamental Rights and Aspects of the Rule of Law". The contract is between the Ombudsman institution and the operator of the EEA and Norway Grants through the Regional Cooperation Fund, represented by ECORIS Polska. The contract is 100% grant.

The income of BGN 224,456 was generated by an advance received (on the basis of the contract) in the amount of EUR 113,865, equivalent to BGN 222,701, and interest of BGN 1.55.

The expenditure incurred on the project until 31.12.2023 is only 3.5% of the total cost or BGN 7,954 – salaries, social security and maintenance. The project is to be completed in 2024.

II. TEAM

Structure of the Institution of the National Ombudsman



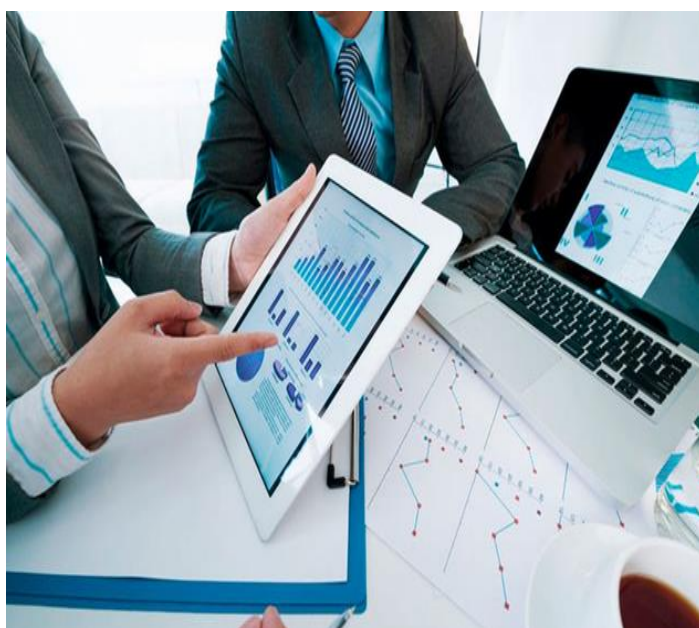
III. PRIORITIES FOR 2024

A **lead priority** for the Ombudsman institution in 2024 is **the effective protection of citizens' rights by sustainably addressing key issues** with a special focus on:

- ✓ Rights of consumers in their relations with monopolies;
- ✓ Citizens' rights in their relations with private entities in conditions of over-indebtedness;
- ✓ Children's rights in their relations with the judiciary and the introduction of modern juvenile justice;
- ✓ Rights of persons with mental illness.

Specific priorities by categories of rights in 2024

- Advocacy for the rights of vulnerable groups regarding access to quality social services and social support;
- Ensuring the rights of patients, providing equal access to healthcare for all citizens in compliance with the principles of timeliness, sufficiency and quality;
- Effective protection of the pension and social security rights of the Bulgarian citizens;
- Ensuring equal access to education for children with SEN;
- Ensuring the right of persons with disabilities to access disability pensions guaranteeing the right to a dignified life;
- Support to young people leaving residential and foster care;
- Support for children whose parents live or work outside Bulgaria and children at risk;
- Rights of victims of domestic violence;
- Assistance to workers or employees in protecting their employment and social insurance rights;
- Overcoming systemic problems with address registration of citizens and registration of registered offices of companies;
- Advocacy for the implementation of a systematic approach and addressing the problems with road infrastructure;
- Access of citizens to integrated administrative services and e-services
- Spatial protection of the living environment in settlements;
- Overcoming systemic problems related to spatial planning;
- Overcoming the status quo in land relations of inequality between small and medium-sized owners and farmers and finalisation of restitution.



APPENDICES

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

I. STATISTICS

Table No. 10. *Number of complaints and alerts registered with the Ombudsman institution for the 2009-2023 period*

Year	Number
2009	2,686
2010	3,687
2011	5,530
2012	5,331
2013	7,320
2014	5,010
2015	6,202
2016	10,640
2017	12,635
2018	12,890
2019	12,916
2020	13,244
2021	13,536
2022	15,189
2023	15,425
Total:	142,241

Table No. 11. *% complaints and alerts by type of violated rights for 2023*

Violated rights	%
Consumer rights – electricity supply	11.04
Consumer rights – water supply	9.60
Right to property and economic freedom	9.30
Right to education	7.01
Rights of persons with disabilities	6.23
Right to good administration and good governance	5.50
Right to healthcare	5.03
Consumer rights – central district heating	4.71
National preventive mechanism	4.45
Children's rights	3.81
Access to justice	3.80
Social rights – social security and benefits	3.03
Right to a healthy and enabling environment	2.98
Consumer rights – telephones	2.91
Consumer rights – other disputes	1.91
Consumer rights – transport	1.88
Social rights – labour rights and employment	1.66
Consumer rights – banks	1.65
Social rights – other	1.13
Consumer rights – Internet and TV	1.12
Civil and political rights	1.08
Request for legislative changes	0.73
Request for referral to the Constitutional Court	0.65
Fundamental rights and freedoms	0.58
Consumer rights – waste collection companies	0.53
Consumer rights – quick loans companies	0.52
Consumer rights – debt collection companies	0.41
Right to protection against discrimination and hate speech	0.36
Consumer rights – insurance rights	0.29
Lack of affected rights	0.26
Consumer rights – gas supply	0.23
Consumer rights – postal	0.12
Request for an interpretative decision	0.06
Other affected rights	5.43
Total:	100

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Table No. 12. % closed complaints and reports according to offender referred to in them for the 2021-2023 period

Offender	2021	2022	2023
Public authorities and their administrations	34.93	40.77	40.72
Municipal authorities and their administrations	21.80	17.78	17.79
Persons entrusted with the provision of public services	33.67	33.10	32.36
Private legal entities	9.60	8.35	9.13
Total:	100	100	100

II. COOPERATION WITH CIVIL SOCIETY AND THE ACADEMIC COMMUNITY

The cooperation with the civil society, with the representatives of the NGOs and with the academic community is of key importance for the activities of the Ombudsman institution of the Republic of Bulgaria, accredited with **the highest status "A" of the United Nations to work in accordance with the Paris Principles as a national institution for the protection of human rights**. This is not only because it is an essential element of the Ombudsman's functions, but also because of the shared common principles and vision of human rights and the protection of fundamental freedoms in a pluralistic and democratic society. Civil society organisations have established themselves as key third sector actors in the context of human rights development, humanitarian action, gender equality, the environment and many other areas of public life.

In her work, the Ombudsman is in constant contact with and receives referrals throughout the year from more than 300 civil society organisations working in various areas for the protection of human rights. The institution's partnership with civil society is enshrined in Article 11 of the EU Treaty and in the International Covenant on Civil and Political Rights. In this European context, the Ombudsman actively conducts an open, transparent and regular dialogue with representative organisations and civil society. The institution is regularly approached by non-governmental organisations as a mediator or a key forum for civic participation on a range of pressing public issues. The Ombudsman regularly contributes his positions, recommendations and expert opinions to forums and initiatives of civil society organisations. On issues raised by NGOs, the Ombudsman prepares reasoned requests to the Constitutional Court to declare unconstitutional legal texts.

It is important to note that civil society structures in Bulgaria are a generator of social change and play an important role in promoting, protecting and defending fundamental human rights and freedoms. Through their work and research they create opportunities for different groups in society to express their views on issues that directly affect them. Particularly important is their role in working with socially excluded and vulnerable groups whose communication with the state authorities is difficult, often formal and unproductive due to a bureaucratic approach on the part of the institutions. In many cases, these people rely on civil society organisations to improve their situation, including through assistance to the relevant authorities. The Ombudsman has observed a rapid and adequate response of the NGO sector to the changing social realities and the implementation of causes to improve the lives of vulnerable groups. There are frequent cases where the public defender supports members of NGOs who

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

assist citizens in various administrative and judicial procedures in order to protect their rights, including as volunteers in unforeseen crisis or disaster situations.

NGOs also play an important role in the Monitoring Council under Article 11 of the Persons with Disabilities Act, which monitors the implementation of policies to protect the rights of persons with disabilities in Bulgaria in accordance with the requirements of the UN Convention on the Rights of Persons with Disabilities. In addition to representatives of the Ombudsman and the Commission for Protection against Discrimination, the Council also includes four representatives of organisations of and for persons with disabilities and one representative of the academic community. The establishment of a transparent and public procedure allowing NGOs to elect their own representatives to the Council is essential.

In October 2023, the Ombudsman assumed the Chairmanship of the Council for the next two years. This is the monitoring body for the implementation of the UN Convention on the Rights of Persons with Disabilities.

The Ombudsman is also facilitating the process of expanding the role of civil society representatives in the drafting and discussion of legislation, which is essential for the quality of the laws. In the context of this understanding, in 2023, the Ombudsman held a number of joint events, trainings and partnership initiatives involving non-government organisations.

A BRIEF OVERVIEW OF THE OMBUDSMAN'S INVOLVEMENT IN NGO INITIATIVES

13 January – Little survakari – pupils from 1st to 4th grades from the "Georgi Stoykov Rakovski" primary school in the village of Turnak (Vratsa region) visit the Ombudsman institution and use decorated sticks calling for health, success and prosperity on the eve of the Roma New Year on 14 January. The initiative is of the **Amalipe Center for Interethnic Dialogue and Tolerance**, which traditionally organizes Vasilitsa in the institutions as the Day of Roma Culture.



6 February – Ombudsman Diana Kovacheva sent a recommendation to the interim Minister of Health Dr. Asen Medjidiev, to the acting Director of the National Health Insurance Fund (NHIF) Dr. Yordanka Penkova and to the President of the Bulgarian Doctors' Union Dr. Ivan Madzharov, recommending that the package of health activities covered by the budget of the National Health Insurance Fund should include annual reproductive tests – for women this is the assessment of the ovarian reserve, and for men this is the examination of the spermogram.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The reason for this recommendation is a **signal from the "I want a baby" foundation**, which alarms that more and more young people between the ages of 25–35 have a seriously impaired reproductive function in our country.

9 March – Amnesty International Bulgaria Leadership Presentation.



9 March – Meeting of the Deputy Ombudsman with the Ekaterina Karavelova Foundation in connection with the publication of the analytical report "Women's Voices in Bulgaria."



5 April – At the initiative of UNICEF, a government delegation from Turkmenistan visited the Ombudsman institution to exchange experience.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

19 April – Meeting with the leadership of the **Civic Organization for Just Rights and Cultural Cooperation in the Balkans** from Turkey on the return of names from the so-called revival process.



11 May – Ombudsman Diana Kovacheva supports the "Nutrition Revolution" campaign of the "For Food" Foundation, organised for the sixth time with the aim of introducing adolescents to the healthy benefits of proper and balanced nutrition.

In 2023, the focus of the initiative is on children with food allergies and intolerances, as well as the problems their parents and teachers face every day.

During the campaign on 12 and 13 May 2023, more than 6,000 children will take part in many children's cooking workshops organised by more than 1,000 volunteer parents and teachers from large and small towns across Bulgaria.

4 June – The ladies of **Zonta Club Sofia** managed to raise more than BGN 28,000 during the 17th traditional charity "Ball of the Yellow Rose", which took place on 4 June 2023.

In 2023, the cause was dedicated to support the Lyubomir Pipkov National School of Music. The donated amount is used to provide new musical instruments for the pupils, and part of the funds is used to finance a summer workshop for the children.

The ball is under the patronage of the National Ombudsman Diana Kovacheva. Around 200 guests gathered to celebrate the 28th year of the Zonta Club Sofia and to unite efforts for the talented graduates of the Music School.



10 June – *"Being a graduate of this university is a privilege that obliges. The expectations on you will always be high. And you will have to protect not only your own reputation, but also the reputation of Sofia University and the Law Faculty"*, said Ombudsman Prof. Diana Kovacheva at the ceremony of awarding the diplomas of the graduates of the 2022 class from the **Law Faculty of Sofia University "St. Kliment Ohridski"**.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023



10 June – Deputy Ombudsman Elena Cherneva-Markova welcomed the participants in a national meeting of Roma women – educational mediators and leaders in their community, held in the Hall of Arms of the Regional Administration of Veliko Tarnovo, within the 18th edition of the Children's Roma Festival "Open Heart", organised by **Amalipe Center for Interethnic Dialogue and Tolerance**.



15 June – *"Every time a woman comes forward with her story of domestic violence, she stands up on behalf of all victims. This not only takes courage, but it means that the woman is up against the wall."* This is what Ombudsman Diana Kovacheva said at a round table "Measures to combat domestic violence in Bulgaria: together against violence", organised by the **Animus Association Foundation**. The occasion for her speech was the shocking story of Tanya, a victim of domestic violence, who dared to speak in front of the attendees of the event.



SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

25 October – The Ombudsman welcomed Acad. Hristo Grigorov on the occasion of the celebration of the 145th anniversary of the **Bulgarian Red Cross**.



7 November – Meeting with a delegation from Ukraine – **Association of Ukrainian Women Lawyers JurFem** from Lviv, Bulgarian Gender Research Foundation, where good practices in the field of domestic violence prevention were discussed with the aim of improving women's rights and safety.



24 November – Address by Deputy Ombudsman Elena Cherneva-Markova at the opening of the **5th International Conference "Complementary Alternative and Communication"**.



1 December – *"It is a great pleasure, joy and satisfaction for me, together with two smiling and nice people – Vanya and Svetlio, to say welcome to the Ombudsman institution. Dear friends, I have no hesitation how we should celebrate 3 December, the International Day of Persons with Disabilities, this is the way – beautifully and lovingly to address all those whom*

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

*we should support. This photo exhibition is very beautiful, very real – about love, about the mirrors in which we look, where the true self is reflected. I think this is the way to beautifully and lovingly address all the people with disabilities that we need to support because they support us with their smile and their love. I am happy when we are able to help people with disabilities, because the meaning of the Ombudsman institution is to give support" – with these words Prof. Diana Kovache opened the photo exhibition **Mirrors of Love. About love from the first person**, organised jointly with the **Bulgarian Mothers' Movement Foundation** and the **Down Syndrome – Bulgaria Association**.*



18 December – Young pupils from the first and second grades of the 76th “William Saroyan” Primary School visited the Ombudsman institution. Together with Mrs. Maria Manolova they congratulated Prof. Kovacheva on the eve of the upcoming holidays and thanked her for helping to preserve their beloved school, also known as the Armenian School.

In May 2022, management, parents, children and teachers turned to the Ombudsman for help because the former mayor of the capital's "Vazrazhdane" district, Savina Savova, had decided to close the school and relocate the nearly 100 children to the neighbouring 32 Secondary School “Kliment Ohridski”.

After the intervention of the Ombudsman, the case ended safely and the children remained in their beloved school with traditions and 65 years of history.



III. CASES FROM OMBUDSMAN PRACTICE

1. CONSUMER RIGHTS

9669/2023.

Residents of Kalo residential quarter in the village of Rudartsi sought the assistance of the Ombudsman due to illegal actions of Pernik Water and Sewerage Company – a mandatory condition for opening an account was the signing of a declaration to waive any claims against the water operator regarding the quality of the service provided (continuity of water supply and mandatory pressure for the address). The Ombudsman recommended that the manager of Pernik Water Supply and Sewerage Company should stop this vicious practice, reminding that the continuity of water supply is one of the main indicators of the quality of water and sewerage services that were assessed by the EWRC.

As a result, the manager of the water operator informed the Ombudsman that no declaration will be required as a basis for concluding a contract for opening an account.

The Chairman of the EWRC addressed the Ombudsman for an opinion (September 2023) in relation to an application received from "Toplofikatsia-Gabrovo" EAD for termination of the license for the activity "production of electricity and heat" and the license for the activity "transmission of heat" issued to the company. The licensee plans to discontinue the heat supply to all customers in the town of Gabrovo, including about 41,00 households.

In this regard, the Ombudsman draws attention to the fact that over the last few heating seasons citizens have constantly sought assistance regarding frequent unscheduled shutdowns of the heating supply in the town of Gabrovo and deteriorated quality of service. This problem was brought to the attention of the regulator at the beginning of 2023 as well. In April, an extraordinary inspection of the company was carried out on the fulfilment of its licence obligations and specifically on the compliance with the quality indicators for heat supply, but the EWRC found no significant violations.

For its part, "Toplofikatsia-Gabrovo" EAD took a decision to grant financial compensation to the affected household customers.

An extraordinary inspection of the EWRC only a few months later (in September 2023) found that the company was technically unable to operate during the 2023-2024 heating season. During a closed session of the regulator on 28 September 2023, the Chairman of the EWRC pointed out the radically opposite results of the two inspections at "Toplofikatsia-Gabrovo" EAD, and that it was not clear why the EWRC inspection team had not identified the problems in the company already during the first inspection.

On this occasion, the Ombudsman questions to what extent the application of these indicators is effective and to what extent they meet their purpose in protecting the interests of the end consumers.

The public defender draws attention to the legal provisions according to which "Toplofikatsia-Gabrovo" EAD, as a licensee, is obliged to continue to carry out the licensing activity until a new licence is issued to another person in accordance with Article 56, paragraph 3 of the Energy Act or until the appointment by the EWRC of a special commercial manager (pursuant to Article 56, paragraph 4 of the Energy Act).

The Ombudsman stated her opinion that the possible termination of the licence of "Toplofikatsia-Gabrovo" EAD for the activity "heat transmission" should not lead to the termination of the heat supply to the customers.

By its decision the EWRC terminated the district heating supply in the town of Gabrovo.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

2. HEALTHCARE

209/2023

The complaint is from a citizen regarding his medical examination and his right to a pension. He states that he has acquired the right to a retirement pension and at the same time had a date for certification by REMC. He adds that the chairman of the Medical Commission of the regional office of the National Social Security Institute appealed the decision of REMC and that complainant did not receive his pension for 15 months due to the delay in the REMC expert examination.

Following the Ombudsman's recommendation to the Regional Health Inspectorate and the regional office of the National Social Security Institute, information was received that the examination by the REMC had been carried out, the expert decision had entered into force and his suspended invalidity pension had been reinstated and the amount due for the past period had been transferred to the individual's bank account.

The complainant expressed his gratitude, confirming that he received his money and the decision.

2630/2023

A woman sought assistance, reporting that her daughter had been diagnosed with a salivary gland tumour four years ago, for which she had undergone two operations in Bulgarian hospitals. She added that a second recurrence had been detected at a follow-up examination. She mentioned that she had submitted documents to the NHIF for treatment abroad, "and they tell me that they will consult Bulgarian specialists – they have already done it twice and informally tell me that they cannot do anything more".

The NHIF informed the Ombudsman that it requested opinions from external experts, and the reports received were opinions for treatment abroad, for which a hospital in Switzerland was recommended. The NHIF had requested an offer but the mother refused this hospital. The external experts were informed again and another hospital in France was recommended. The NHIF immediately sent a letter requesting an offer and a treatment plan for the child.

The mother thanked the Ombudsman, noting that only the Ombudsman, in an institutional and personal capacity, had engaged with the case and had provided assistance.

7955/2023

A woman with cancer approached the Ombudsman for assistance, noting that there was a delay in having a PET scan imaging test.

In connection with the complaint, the Ombudsman addressed the Director of the RHI with a recommendation to carry out an inspection of the case as soon as possible and, if deficiencies were found, to take appropriate measures, discussing the possibilities and providing assistance to the citizen.

The reply did not refer to any violations found, but detailed the reasons for the delay and stated a date for the test.

RIGHT TO EDUCATION

2758/2022

In connection with the problems that citizens refer to the Ombudsman, faced by pupils from the first year graduating from secondary education under the new Pre-School and School Education Act in 2022, the Ombudsman acquainted the MPs with the citizens' dissatisfaction.

Citizens find it unfair to restrict high school graduates in their choice of profession and specialisation in higher education to continue their studies after completing secondary education, as the scores of the state matriculation exams in a subject studied as a specialised subject and as a general education subject are not equal. They point out that there are universities which require a matriculation assessment in certain subjects, and that pupils do not always have the opportunity to study the subject

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

they want for reasons beyond their control. For example, when the school concerned does not give a choice for such a subject because it is not designated as a profiling subject.

In this regard, the Ombudsman recommends to the MPs to regulate the possibility of introducing a test of the pupil's choice in specialised or general education. The Ombudsman believes that the proposed possibility for pupils from specialised schools to take an additional matriculation exam if they wish, choosing the type of study – specialised or general education – will lead to a level playing field when applying to higher education, and will also prevent a possible outflow of those wishing to study in one of the most topical fields at the moment, i.e. that of STEM sciences. Moreover, this change does not lead to an increase in exam topics.

In 2023, the National Assembly adopted the proposed changes to the Pre-School and School Education Act, concerning the state matriculation exams in a profiling subject at the end of 12th grade, which is already a fact.

The adopted changes to the Pre-school and School Education Act mean that pupils who want to take a matriculation exam in a subject on the content of the second secondary school stage, without having studied the subject as a profiling subject, will have this opportunity. They will be able to choose whether to take the exam on the content of their general education up to 10th grade or on the content of the compulsory modules of the profiling subject of the second upper secondary stage (11th and 12th grades).

8696/2023

A citizen turned to the Ombudsman for assistance, expressing concern about the lack of places in kindergartens in "Ovcha Kupel-1" residential district. He points out that his child, who was born in 2019 and will turn 4 in 2023, has not been admitted to kindergarten, and the family does not have the financial ability to enroll him in a private kindergarten. At the same time, the child is subject to compulsory pre-school education and the family is subject to a fine if it does not enroll its child in kindergarten.

The citizen was informed of the necessary actions to take in order to enrol his child in a kindergarten.

In a letter of thanks to the national Ombudsman, the citizen points out that "thanks to the attention given by the Ombudsman and the advice provided, admission to a kindergarten is a fact".

3. SOCIAL AND LABOUR RIGHTS

494/2023

Application for assistance in the granting of a retirement pension on the basis of Article 68, paragraph 3 of the Social Insurance Code (SIC). The problem arose following the refusal of an official of a territorial subdivision of the National Social Security Institute to recognise the period of conscription as actual service.

Following the intervention of the Ombudsman and with the active participation of citizens, an amendment to the Social Insurance Code was adopted, according to which the scope of the concept of "actual service" was broadened. According to the amendment, the actual calendar time served under an employment or service relationship, the time during which a person worked under another legal relationship and was compulsorily insured for invalidity, old age and death, the period of conscription or peacetime alternative service, the periods referred to in Article 7 of the Political and Civil Reinstatement of Repressed Persons, as well as the time during which a person was subject to compulsory insurance at his/her own expense and paid the due insurance contributions are now recognised as actual length of service.

The citizen was informed of the amendment to the SIC and was advised of the procedure and the ways in which he could benefit from the change made.

9106/2023

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

Request for assistance in expediting the procedure for granting a retirement pension to a person entitled to a retirement pension from the Republic of Bulgaria and the Republic of France.

In order to carry out a thorough investigation and to resolve the problem as soon as possible, the Ombudsman turned to the director of the competent territorial division at the place of residence. Unfortunately, as in almost all cases such as this one, it turned out that at the time of the verification, despite the time that had elapsed since the request for confirmation of the periods of insurance, no concrete reply had yet been received from the competent institution of the other State.

Nevertheless, the official of the territorial branch of the National Social Security Institute, in accordance with the provisions of Bulgarian legislation, undertook, upon receipt of the P5000 form from the competent institution of the other EU country, to give a decision in accordance with the legal provisions.

RIGHTS OF CHILDREN

4455/2023

The Ombudsman was approached by a father whose children live with their mother in Poland. The parents had separated and the children's residence had been assigned to the mother. The father had been granted a regime of access and maintenance. The father sought the support of the Ombudsman to arrange meetings with the children, stating that they lived with the mother's parents, who had gone to the USA and lived there on a long-term basis. He has repeatedly tried to find legal assistance in Poland so that the court order can be enforced, but has not received the necessary understanding.

In view of the fact that the children were in the territory of another country, the Ombudsman turned to the Polish Ombudsman for Children, presenting the case and asking for support, within the framework of her powers to protect the rights of children, to contact the two parents.

The Polish Ombudsman took up the case, arranging a special meeting with the father and legal assistance was provided due to the fact that there were no enforcement proceedings in Poland for the surrender of the children. As a result of these interventions, the father was granted contact with both children and regular contacts.

12653/2023

A mother of a pupil with cerebral palsy asked the Ombudsman for assistance in providing an accessible environment at her child's school. She wrote that the pupil could not get around on her own and until the fourth grade it was easier to carry her from the entrance to the classroom, but after the fifth grade she had difficulties due to the change of classrooms. She has repeatedly contacted the Municipality of Sliven and the Ministry of Education and Science, but has not been understood due to the small size of the school. She was advised to move her daughter to another school.

Following the Ombudsman's recommendations, it was found that the Municipality of Sliven had made a nominal allocation of capital expenditure for 2024, including the financing of the implementation of the facility "construction of an accessible architectural environment at "Yordan Yovkov" Secondary School". A study has been carried out on the technical parameters and the cost of manufacturing an electric hoist for 5 stops at the school.

13940/2023

The Ombudsman institution received a complaint from the mother of a child with a disability, who was studying in the first grade at the Special Educational Support Centre (SESSC) "Prof. Dimitar Katsarov". The complaint states that the child has Down's syndrome and the mother says she is quiet and gentle, but according to the management and teachers at the centre she is hyperactive. They said the child should be examined by a psychiatrist to prescribe medication to calm her down. The mother had already taken the child for examination in early September but was denied prescription of such medicines on the ground that the child was not mentally ill. However, a medication was prescribed which was Clofazolin, which made the child apathetic, flaccid, but the mother still gave it because she was afraid the child would drop out of the education system. After the medication was stopped again

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

due to a risk to the child, the mother was served with an application to transition the child to online education.

In November, the mother found out that the BGN 150 support had also been stopped because the child had unexcused absences in the electronic school register. With great concern the mother notes that the child has no chance to integrate, she falls into the category "does not go to school, anti-social, invisible to society and the system". For these reasons, she insists that an inspection be carried out at the Centre, a school where good conditions are created for children with disabilities, great facilities, but in her opinion this is only on paper.

Following the Ombudsman's inspection and the recommendations made, the necessary support measures have been provided.

4. RIGHTS OF PEOPLE WITH DISABILITIES

8793/2023

The Ombudsman of the Republic of Bulgaria was approached by an elderly woman with a severe health impairment, as a result of which she was certified by the REMC and determined to have 100% permanently reduced working capacity with the right to external assistance. She lives alone, has a low income, and for almost 30 years has had no record of her husband, who is missing. In view of her difficult social situation, in 2022 she applied to the competent Social Assistance Directorate and was approved for targeted heating assistance. The woman shares her concern that, without any change in her social situation, she will be refused assistance for the last heating season on the grounds that she has not provided details of her husband.

In order to guarantee the rights of the woman, a statement was sent to the Director of the Directorate of Social Assistance, in which it was emphasised that during the previous year the woman had received the necessary support. It was recommended that the admissible actions be taken to resolve the case appropriately.

The recommendation was implemented and the woman was granted targeted heating assistance.

7944/2023

The institution of the Ombudsman of the Republic of Bulgaria received complaints from persons with disabilities regarding the accessibility of the building of the Palace of Culture and Sports in Varna. In the complaints it is noted that for people with reduced mobility there are no appropriate conditions for reaching the halls and the events, as well as no toilets that meet the accessibility requirements. Citizens point out that due to the lack of accessible environment they are discriminated against as they are deprived of the opportunity to attend organised events and to participate equally in the cultural, sporting and social life of the Municipality of Varna. The lack of adequate information on the Palace's website about reasonable facilities for people with disabilities to reach the ticket offices and halls, as well as about the possibilities of receiving assistance from the Palace's staff when visiting the complex by people with reduced mobility, also proved to be a serious problem.

In order to ensure the necessary accessibility, a recommendation was made to the Executive Director of the Palace of Culture and Sports EAD.

The recommendation was implemented and information on the access possibilities for people with reduced mobility was published on the website of the Palace of Culture and Sports EAD of Varna and the construction of a toilet for people with disabilities was planned.

9917/2023

In a complaint to the Ombudsman, a disabled citizen noted that his expert decision from the REMC had expired on 1 October 2023, and he had applied for re-certification on 4 September 2023. He states that he has not complied with the requirement of Article 101b, paragraph 2 of the Health Act to submit documents no later than 3 months before the expiry of his medical expert decision, as he did not receive notification from the Regional Health Inspectorate of Stara Zagora of the need for regular re-certification, in view of the provision of Article 101b, paragraph 2 of the Health Act. The applicant states

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

that the REMC decision of Stara Zagora did not comply with the provision of Article 103, paragraph 3 of the Health Act (State Gazette, No. 8 of 2023) for the expert examination to be carried out within three months of the submission of the application to the regional medical files, and that he was given a date for re-certification on 19 March 2024, or more than six months after the submission of the application and the necessary documents. The citizen expressed his concern that, as a result of the above, he would be left without a disability pension and without the means to cover the medical expenses incurred.

A recommendation was made to the Director of the Regional Health Inspectorate in Stara Zagora to ensure the rights of this citizen. The response described the staffing problems in the Stara Zagora REMC that caused delays. A commitment was made to re-certify the citizen by mid-November 2023, which was fulfilled.

RIGHT TO A HEALTHY AND ENABLING ENVIRONMENT

5657/2023

In connection with the consequences of the floods in June 2023, the Ombudsman made a self-inquiry and on 21 June 2023 representatives of the institution visited the town of Berkovitsa. On the territory of the municipality by order of 1 June 2023 of the Mayor of the Municipality of Berkovitsa a partial state of disaster was declared, which was extended by subsequent orders until 7 July 2023. During the visit, a meeting was held with the Mayor of the village of Borovtsi, Municipality of Berkovitsa, and assistance was sought regarding the serious condition of the bridge connecting the village with the national road to Montana and Sofia. The condition of the bridge had deteriorated, but after the floods it was damaged to the point of being unusable. An aggravating circumstance was that the village's water supply pipeline, which was also at a risk of collapse, passed under the bridge and had been temporarily secured by manual means. There was a serious risk of people being left without water. The population of the village is over 600 people.

The inquiry found that in January 2023 the Municipality of Berkovitsa submitted an application to the Interdepartmental Commission for Reconstruction and Assistance to the Council of Ministers for the allocation of funds to carry out repair and reconstruction works on the bridge, in March the bill of quantities and costs were updated, but no decision was adopted by the Commission.

The Ombudsman has referred the matter to the Chairman of the Interdepartmental Commission for Reconstruction and Assistance. The Council of Ministers approved the funds for the repair of the road structure by Decree No. 222 of 19.11.2023.

5. RIGHT TO PROPERTY AND ECONOMIC FREEDOM

12923/2022

By petition 195 residents of the village of Chargan, Tundzha municipality, Yambol region, objected to the auction sale scheduled for 8 December 2022 of over 522 acres of municipal land in the village, near the "Bakadzhik" forest park. The properties are in common use by the public for herb and mushroom gathering, livestock raising and other common activities.

The Ombudsman found a discrepancy regarding the status of the property – public municipal property (according to the cadastral register) and private municipal property (according to the municipal property register).

The Ombudsman made two recommendations for an urgent inspection and for exercise of the control powers of the Governor under Article 31, paragraph 1, item 5 of the Administration Act, Article 11 of the Municipal Property Act and Article 45, paragraph 4 of the Local Self-Government and Local Administration Act with a view to declaring the acts of the Municipal Council and the Mayor of Tundzha municipality on the disposal of the properties null and void in the presence of statutory prerequisites. The Ombudsman proposed suspension of the auction until the legal status of the land is clarified.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Mayor informed the Ombudsman that the tender was terminated by Order No. RD-07-1817 of 5 December 2022. The Chair of the Municipal Council (letter No. 155 of 19.12.2022) confirmed the termination of the tender.

The Regional Governor expressed an opinion on the legality of the decisions of the Municipal Council on the disposal of the properties and on the lack of grounds for challenging them as null and void.

At the same time, in the cadastral register the ownership of the properties was changed from "public municipal" to "private municipal".

In a detailed reasoned opinion, the Ombudsman proposed that the prosecution authorities exercise their powers under Article 145, paragraph 6 of the Judiciary Act in conjunction with Article 16, paragraph 1, item 3 of the Administrative Procedure Code to declare null and void the above-mentioned decisions of the Municipal Council of Tundzha municipality, Yambol region, due to contradiction with the prohibition of disposal of public municipal property pursuant to Article 7, paragraph 2 of the Municipal Property Act.

On the appeal of a prosecutor from the Regional Prosecutor's Office of Yambol, before the Administrative Court of Yambol, an administrative case No. 296 of 2023 was initiated against Decision No. 903 under item 15 of the agenda of Minutes No. 46/28.10.2022 of the meeting of the Municipal Council of Tundzha, Yambol, Decision No. 906 under item 18 of the agenda of Minutes No. 46/28.10.2022, Decision No. 907 under item 19 of the agenda of the Minutes No. 46/28.10.2022 of the meeting of the Municipal Council of Tundzha, Yambol, and Decision No. 908 under item 20 of the agenda of the Minutes No. 46/28.10.2022 of the meeting of the Municipal Council of Tundzha, Yambol (all decisions made by the General Assembly subject to the Ombudsman's recommendation). The request of the regional prosecutor was for declaring the nullity of the decisions taken on the grounds that essentially there was a disposal of public municipal property – the decisions were taken for the sale of four municipal properties in the village of Chargan, Tundzha municipality, Yambol region, in the presence of an imperative prohibition under Article 7, paragraph 2 of the Municipal Property Act for alienation public property.

In the course of the court proceedings, by application No. 53/08.01.2024, the Chairman of the Municipal Council of Tundzha, Yambol, submitted a certified copy of a new Decision No. 33 of 28.12.2023 of the Municipal Council of Tundzha municipality, Yambol region, by which the decisions in the case were cancelled. On this basis, by Ruling No. 67 of 15.01.2024 the Administrative Court of Yambol dismissed the case.

7335/2023

On a signal for incorrectly charged local tax for co-owned real estate and household waste fee for a property in the city of Haskovo, the Ombudsman found that Article 17, paragraph 5 of the Ordinance on the determination and administration of local fees and prices for services on the territory of the municipality of Haskovo provided for the cases where the owners or users of the property were more than one person, the declaration to be signed by each of them or by an authorised representative.

The Ombudsman recommended to the Municipal Council of Haskovo to cancel the provision as contrary to Article 71, item 2 of the Local Taxes and Fees Act, arguing that such a condition is not contained in the Act and the Ordinance unlawfully restricts the rights for tax relief of the owners, citing the case law – Decision No. 12431 of 8.10.2020 in administrative case No. 2808/2020, Eighth Department of the Supreme Administrative Court

The Chairman of the Municipal Council of Haskovo assured the Ombudsman that in connection with the proposal to bring the provision of Article 17, paragraph 5 of the Ordinance in line with the Act and with the case law of the Supreme Administrative Court, the necessary actions had already been taken.

15457/2023

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

On a signal of the owner of a residential property in the city of Plovdiv regarding an unreasonable requirement to indicate the numbers of the electricity and water meters in the declaration form under Article 71, item 1 of the Local Taxes and Fees Act the Ombudsman's administration contacted the head of the Collection and Control Department, Local Taxes and Fees Directorate of Plovdiv Municipality. A proposal was made to simplify the content of the declaration template, including by removing the requirement to indicate the numbers of water meters and electricity meters in order to reduce the administrative burden for citizens.

As a result of the good cooperation with the municipal officials, on 25 April 2023 the Ombudsman's administration was informed that a working group of experts from the Local Taxes and Fees Directorate of the Plovdiv Municipality had been set up. After discussing options and comparing them with the declaration templates used by some of the larger municipalities, a new declaration template under Article 71, paragraph 1 of the Municipal Tax Act was approved by Mayor's Order No. 230A-735 of 29 March 2023. In the new template, the requirement to indicate the numbers of water meters and electricity meters is abolished. According to information from the municipal administration, the new template has been brought to the attention of the employees of the Directorate and has been published on the website of the Municipality of Plovdiv. The Ombudsman expressed her gratitude for the proposal, which would reduce the administrative burden on citizens and would ease the work of the municipal tax administration.

4255/2023

A second complaint was lodged for the failure to comply with the procedure for forest compensation following a revision of the map of the restored property to correct an apparent factual error – plotting the actual coordinates of the existing route of the road III – 534 "Elena-Tvarditsa" for the land of the village of Buinovtsi, Elena municipality, Veliko Tarnovo region. A part of a field with an area of 1,884 ha and a forest of 8,356 ha were affected. It is established that for more than 10 years the procedure for the compensation with forest has not yet started.

The Ombudsman assessed the complaints as justified and found that the competent administrative authorities, by their inaction, had violated the constitutional principle of inviolability of private property and Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Following the recommendation to expedite the completion of the property compensation procedures, the Ministry of Agriculture and Food explained that there had been a delay by the State Forestry Department in identifying the areas in which the affected owners would be compensated with forest and forestry land. The forest area to be provided as compensation to all the owners affected by the manifest error of fact was 36,233 hectares. The land ownership authorities had taken action to have the State Forestry Service identify the State Forestry Fund land for restitution of ownership by way of compensation to the affected owners, and the North-Central State Enterprise of Gabrovo had been notified of the initiated proceedings. Instructions had also been given to the land ownership authorities to complete the procedures as soon as possible.

14640/2022 – development in 2023

The complaint is about a regulatory non-compliance caused by the amendments and additions to Ordinance No. 4 of 24 February 2015 on the implementation of Measure 11 "Organic Farming" of the Rural Development Programme 2014-2020 (Ordinance No. 4), promulgated in the State Gazette No. 21 of 12 March 2021. The Ordinance authorises, without restriction, the addition of areas for which the conversion to organic production started before 1 January 2021. At the same time, however, farmers are required to submit documents certifying organic production from these areas "by the end of the commitment", which will be at the end of 2022. The condition is judged to be objectively unworkable given the required 3-year transition period. Non-compliance would leave costs uncovered in meeting the requirements for applicants and would deprive farmers of compensation payments.

The Ombudsman found a violation of Article 9, paragraph 1 of the Statutory Acts Act: (i) the Ordinance does not replicate the restriction in the Rural Development Programme (RDP) that the period

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

of transition to organic production should not be longer than the duration of the commitment; where the transition period exceeds the duration of the commitment, farmers find themselves objectively unable to produce a certificate or written proof of organic production; (ii) the omission in the text of Article 6, paragraph 5 of Ordinance No. 4 makes the provision unclear. The Ombudsman recommended that the Minister of Agriculture amend Ordinance No. 4 accordingly.

The Minister of Agriculture and Food took action to change the texts in Ordinance No. 4 of 24 February 2015 for the implementation of Measure 11 "Organic Farming" of the Rural Development Programme for the period 2014-2020, whereby the inconsistency was removed. The amendment was published in the State Gazette No. 63 of 25 July 2023.

The Ombudsman was referred to by many citizens and their associations in connection with unfulfilled activities under contracts concluded within the framework of the National Programme for Energy Efficiency of Multi-family Residential Buildings, adopted by Decree No. 18 of the Council of Ministers of 2 February 2015 (DMC No. 18/2.02.2015). Due to unconfirmed financial resources, 52 buildings could not be renovated with funding under the programme. The procedures are in different phases, for 13 of the total number of multi-family residential buildings a public procurement procedure was carried out for the selection of an external contractor for the activity "engineering", but subsequently the procurement contract with the selected contractor was not concluded.

The Ombudsman urged the Prime Minister, the Minister of Regional Development and Public Works, the Minister of Finance to urgently settle the disputed relations in a normative way.

The Ombudsman expressed her opinion on the proposed draft of the Council of Ministers' Decree for amendment and supplement of Decree No. 18 of the Council of Ministers of 2015. She stated that the only purpose of the draft was to prevent the financial resources of the Programme from being exceeded and to implement it within the approved budget. According to the Ombudsman, the project unjustifiably affected the legitimate expectations of the citizens for the completion of the renovation procedure with the commissioning of the buildings concerned, after the owners had made considerable efforts to meet the necessary requirements. In violation of the principle of equal treatment, the owners' associations were also deprived of the possibility to apply within the foreseen deadline of 31 May 2023 in the procedure "Support for sustainable energy renovation of the residential building stock - stage I" of the National Recovery and Sustainability Plan through the selection of proposals for implementation of investments by final beneficiaries of the sub-measure "Support for sustainable energy renovation of the residential building stock", the first stage of which provided for 100% grant of eligible costs.

The Ombudsman's recommendation is to provide an appropriate financial mechanism for the legal and fair settlement of the rights of the owners of the affected buildings, meeting not only their legitimate expectations, but also the public interest with the full implementation of the positive economic, social and environmental impacts of the programme.

By a decree of the Council of Ministers, intra-ministerial changes to the approved expenditures of the Ministry of Regional Development for 2023 in the amount of BGN 29,241,900 were approved. In addition, another BGN 28,876,000 was foreseen in the Ministry's draft budget for 2024 for the energy renovation of 48 of these buildings. The total estimated cost of renovating the residential buildings within the deadline is expected to reach BGN 95,989,490. By the end of 2025, the agreements to improve their energy efficiency should be implemented and these buildings should be commissioned.

6. RIGHT TO GOOD GOVERNANCE AND GOOD ADMINISTRATION

5329/2023 and No. 5659/2023

A citizen points out that since 2021 she has alerted the Mayor of Blagoevgrad and the Regional Governor of Blagoevgrad that there is a danger of collapse of the bridge on the Harsovska river. After the intense rainfall on 14 June 2023 the bridge was destroyed, making it impossible to access the properties in the Akatsiite hamlet of the village of Gorno Harsovo, Blagoevgrad Municipality.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

In the course of the Ombudsman's correspondence with these institutions, the following factual situation emerged:

In 2021 and 2022, the Municipality of Blagoevgrad commits to strengthen the existing bridge and to undertake actions for the construction of a new one. In 2023, however, the municipality of Blagoevgrad changed its position, arguing that the bridge is located outside the urban area and was built without the necessary construction permits, and that the complainant is not registered as resident of that village.

However, according to the Regional Governor, who also referred to minutes of 16 June 2023 of a commission appointed by his order and which ascertained the damage and the condition of the bridge, the existing bridge was built by the Municipality of Blagoevgrad at the insistence of the Mayor of the village of Gorno Harsovo, i.e. the Municipality of Blagoevgrad should be blamed for the lack of construction documents for the bridge. The condition of the bridge makes it impossible for people, animals and vehicles to cross the riverbed. At the same time, about 15 people live in buildings on the left bank of the river and many domestic animals are kept there as well. He proposed to restore human and vehicular access to the above-mentioned properties in the lands of the village of Marulevo and the village of Delvino and to connect two municipal roads to the houses built in them: land property with identifier 17004.10.1 – local, and land property with identifier 20540.45.208 – field.

In a new letter to the Mayor of the Municipality of Blagoevgrad and to the Regional Governor of Blagoevgrad, the Ombudsman emphasized that regardless of the ownership of the properties, as well as whether the citizens had address registration there, it was the duty of the administrative authorities to provide access to these properties, particularly in view of the fact that in this case there were obviously at least two possibilities to do this. She also pointed out that, for the years 2021 and 2022, the municipality had not carried out any action to strengthen the existing bridge.

The Ombudsman made recommendations to discuss and assess the existing options and take all necessary actions to ensure both temporary and permanent access to the properties in the area.

On the recommendation of the Ombudsman, a meeting of representatives of the municipality of Blagoevgrad and the Regional Administration with people from the hamlets was organised on 15 December 2023.

On 15 January 2024, a meeting was held with the participation of all concerned, including mayors and citizens. The Municipality of Blagoevgrad also requested a written opinion from the Regional Administration and from the State Forestry Fund of Blagoevgrad, because in order to resolve the issue they had to cross its property.

7116/2023

The Ombudsman received a complaint, signed by 138 owners and users of properties on Hristo Smirnenski street in the city of Dobrich, which was addressed to various institutions, including the Mayor of the Municipality of Dobrich. The citizens seek assistance in improving the condition of the street and changing the traffic organisation in the area, detailing their arguments for doing so. They propose: to build a sidewalk on at least one side of the street for safe pedestrian crossing; to restrict the access of cars, as well as their stopping and parking, with appropriate traffic signs; to exercise systematic control over the observance of traffic rules. As early as 2020, they have addressed the Mayor with the above requests, but have received no response.

On 25 August 2023, the Ombudsman sent a letter with recommendations to the Mayor of the Municipality of Dobrich, requesting an investigation and an opinion on the case. She also insisted that, after discussing the arguments and suggestions of the citizens with the other competent institutions and, if necessary, with the complainants themselves, action be taken to resolve the problems outlined.

To date, nearly six months later, the Ombudsman has still not received a response.

9922/2023

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

The Ombudsman received a complaint from citizens of Gorna Banya district in the city of Sofia regarding the plot chosen for the construction of a buffer parking lot next to the last metro stop in Gorna Banya quarter. In 2021, an objection addressed to the Mayor of Sofia, to the Chairman of Sofia Municipal Council, to the Mayor of Ovcha Kupel district, to the Chief Architect of Sofia and the Chairman of the Sofia Transport Commission, supported by the signatures of 335 citizens from Gorna Banya quarter, opposed to the chosen location for the parking lot, justifying themselves with the following arguments:

- designing and announcing it were done in the dark;
- concerns that the side streets would become a parking lot for cars from Pernik and the nearby villages;
- proposal to build the car parking lot on another municipal plot that is adjacent to the following streets: Nikolay Hrelkov, Planinitsa and Lotus;
- insisting that the Sofia Municipality should carry out a comprehensive study and analysis of the traffic and noise environment in the area, including the effect of the parking lot;
- requesting information on the cost of the project.

In the meantime, however, by Decision No. 646/14.10.2021 of the Sofia Municipal Council, item 8 of Minutes No. 41, on report No. COA21-BK66-6793/16.07.2021, a draft detailed development plan was approved, amending the zoning plan for quadrants 17, 18 and 63 and the street regulation plan for the buffer parking lot at metro station No. 18 of Gorna Banya quarter, Ovcha Kupel district of Sofia Municipality and the water supply plans of the plumbing part in the scope of the project.

By the opinion of 26 October 2021 of the "Architecture and Urban Planning" Department of the Sofia Municipality the citizens' objection was rejected.

Nevertheless, citizens continued to object to the construction of a buffer parking lot at the selected location.

In a proposal in 2023 to the Mayor of Sofia Municipality and to the Mayor of Ovcha Kupel district (ref. No. POK23-HIQ62-9/25.08.2023) the community of Gorna Banya quarter again insisted on choosing another location for the buffer parking lot.

Moreover, the detailed development plan adopted by the decision of the Sofia Municipal Council was appealed by the property owners in accordance with Article 215, paragraph 4 of the Spatial Development Act before the Sofia City Administrative Court within the statutory 30-day period.

In regard to the complaint, which shows that the chosen location for the construction of the buffer parking lot is not accepted unequivocally by the citizens and the resistance against it continues, as well as in view of the protection of the public interest, the Ombudsman asked the Mayor of Sofia Municipality to order an inspection and to inform her about the current factual situation on the case, the opinion of Sofia Municipality on it and the actions taken. In response, she was informed that the court cases, with the exception of one, had been concluded and the applications had been dismissed. Therefore there was no basis for a change.

7. PROTECTION AGAINST DISCRIMINATION

14/2023

A disabled woman who lives in an old building in the centre of Sofia turned to the Ombudsman institution. She has not left her home for years because the entrance has a narrow wooden staircase and there is no possibility of building a lift or hoist. The only possibility is to build an external one. In spite of having invested money to obtain a building permit from the municipality and with personal funding to realise this possibility, she was not entitled to build such a facility under the National Programme for Accessible Environment and Personal Mobility due to the following circumstances:

- she is not eligible to apply as an individual;
- the building has a mixed-purpose use – no condominium ownership has been established between the private owners (22%) and the public institutions (66%);

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

– the land on which the facility is to be constructed is privately owned by the state, although the woman had paid for the right to build the facility on state land and the continued "silent refusal" of the Regional Governor of Sofia to purchase ideal parts of the state-owned land.

A recommendation was made to the Minister of Labour and Social Policy to consider introducing additional flexibility and administrative relief in case of applications for funding under Component 1 of the National Programme for Accessible Environment and Personal Mobility, based on of the complaint received, as well as a number of other complaints from citizens with the same problem.

In response to the recommendation, the institution was informed that a change in the conditions of the National Programme without a substantial justification in principle and in purpose, but only to resolve single cases or to meet individual requests, could not achieve the desired effect of supporting the accessibility of people with disabilities in meeting their needs in terms of creating conditions for independent living, and therefore the recommendation would not be taken into account.

13499/2023

In a complaint, a citizen states that he is a disabled person and has difficulty getting to his home, which is why he has contacted the municipal authorities in the city of Burgas. He has requested that the sidewalk in front of the entrance where he lives be bevelled. After repeated applications and meetings with the municipality of Burgas, a partial repair was carried out with the explanation that a complete bevelling of the pavement would be carried out after a major road repair, but this has not taken place to date.

Following a recommendation to the Mayor of Burgas Municipality, the necessary measures were taken to bevel the sidewalks throughout the area, thus creating reasonable facilities for people with reduced mobility. The citizen thanked the Ombudsman institution for the timely intervention, which ensured that people with disabilities receive the necessary support through an accessible environment, thus being able to lead a more fulfilling life.

8. NATIONAL PREVENTIVE MECHANISM

In the course of the inspection carried out in the prison in Varna, the Ombudsman team found that for a week a prisoner had been handcuffed and isolated in the Medical Centre of the prison.

After discussions with the doctor, the inspector-psychologist and the management of Varna Prison, the inspection team found that the person had been examined and issued an express psychological conclusion on 3 September 2020. According to the conclusion, the person has been diagnosed by the Public Psychiatric Hospital "Dr. Georgi Kyosev" in the town of Radnevo with schizophrenia-like psychotic disorder due to combined use of psychoactive substances. The person's behaviour since his admission to prison gives an indication of engaging in suicidal or self-injurious behaviour. There are problematic maladaptive behaviour, adjustment problems, impulsivity, unpredictability of behaviour. Aggression and self-destructive behavior is not excluded, also towards other inmates and staff. It is noted that the person should be under the attention of the administration and under medical supervision.

On 17 October 2023, the prisoner failed to comply with an order of a supervisory security officer and was physically aggressive towards him. It was found that the person was over-excited, with inconsistent behaviour, disoriented for time, verbally aggressive. Therefore, and on the basis of Article 114, paragraph 1, item 5 of the Execution of Punishments and Detention in Custody Act due to the presence of danger as a result of mental disorder or depression the prisoner to harm himself or the life and health of another person, the person had been handcuffed. The prescribed therapy for the person was 200 mg of hedonin daily. The person subsequently refused to take it.

On 10 October 2023, he punched another inmate in the face without apparent provocation. In a report of the same date it is reflected that the person behaved strangely, inadequately, did not speak coherently and entered into conflicts with the staff and other prisoners, thereby endangering their life and health.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

A report dated 23 October 2023 reflected that his confrontational behaviour persisted, at times he had inappropriate behaviour.

The Ombudsman as the NPM is of the view that immobilization that lasts for consecutive days (in this case a whole week) cannot be justified and constitutes a form of maltreatment.

On this occasion, a recommendation was made to the head of the prison in Varna that in all cases where, due to the presence of a mental disorder, the person poses a danger to himself and/or to others, necessitating the application of an immobilisation measure, the person should be ordered to be removed for treatment in an appropriate medical environment as a matter of urgency.

After the intervention of the Ombudsman and in coordination with the psychiatrist of the prison in Varna, the prisoner was ordered to be transferred to the psychiatric ward of the specialized hospital for active treatment of prisoners in Lovech on an urgent basis for therapeutic treatment in a secure environment.

In regard to media publications about the detention of an Iranian citizen in the Special Home for Temporary Accommodation of Foreigners in Sofia and his possible deportation back to his homeland, the Ombudsman team addressed the State Agency for Refugees under the Council of Ministers and the Migration Directorate of the Ministry of Interior. A team from the institution also carried out an on-site visit to the Special Home for Temporary Accommodation of Foreigners in Sofia, where it met and spoke with the foreigner and his legal representative.

The foreigner was sentenced to death in his native Iran, the reason for this sentence being that he had converted to the Christian faith and did not want to renounce it. The check revealed that the Iranian national was forcibly placed in the Special Home for Temporary Accommodation of Foreigners in Sofia for the purpose of execution of a coercive administrative measure "return to the country of origin". On this occasion, the Ombudsman institution received calls from concerned citizens, who expressed their support and solidarity with the Iranian citizen, stating their readiness to join protest actions. The procedure for obtaining international protection and refugee status has ended with the refusal.

The Ombudsman, in her capacity as NPM, made a recommendation to the competent authorities, in which she pointed out that it was unacceptable to return a foreigner to a country where his life is in danger.

Moreover, following a meeting with the Iranian national's lawyer, it was established that the Iranian national was not familiar with the content of the order imposing the coercive administrative measure "return to the country of origin". At that time, no interpreter was present to translate the content of the order and his possibility to appeal against it under the Administrative Procedure Code.

When the foreigner left the Islamic Republic of Iran, he had not yet been proceeded against under Iranian law. Later, his brother was informed by the Iranian authorities that he should appear before an appropriate public authority in connection with a criminal case. His brother was able to photograph the first page of the death warrant issued against the foreigner with his phone. The photograph had been attached to the second application to the State Agency for Refugees under the Council of Ministers, but it had not been taken into consideration.

After the Ombudsman's intervention, no action was taken against the foreigner to enforce the coercive administrative measure, he was released from the Special Home for Temporary Accommodation of Foreigners in Sofia, his subsequent application for international protection was granted and the Iranian national is currently residing in the country with refugee status.

3896/2023

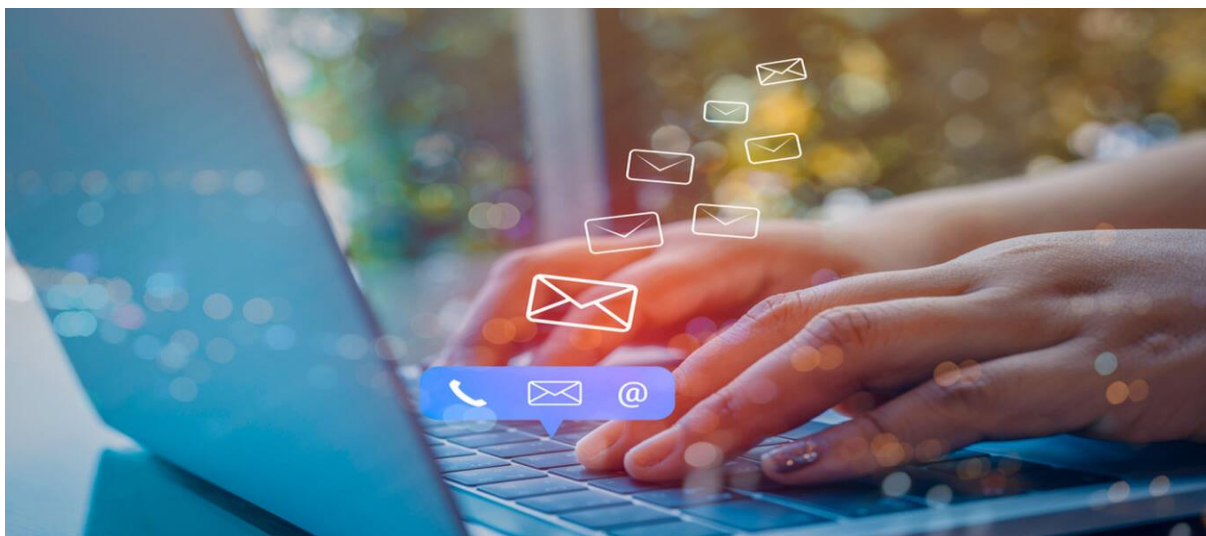
The Ombudsman was approached by an NGO regarding the neglect of a prisoner's health condition by the prison administration. The prisoner had serious dental problems (periodontal disease) and an even more serious problem with high prolactin levels due to a pituitary adenoma – ten times

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

above the norm, but no treatment had been prescribed to him. Recommendations were made in relation to the complaint, information was requested and copies of all documents relevant to medical care were requested.

In connection with the delay in treatment, further discussions were held by an expert of the institution with the director of the prison medical centre where the prisoner was serving his sentence. Following the Ombudsman's intervention, the necessary documents were prepared and the interruption of the prisoner's sentence was carried out in accordance with the procedure laid down for this purpose, during which an imaging examination, hospitalisation, consultation with an ophthalmologist (eye doctor) and a periodontist were carried out.

IV. LETTERS FROM CITIZENS



1.

Dear colleagues,

We would like to sincerely and with great respect express our gratitude to you for the incredible support and commitment you have shown in supporting the celebration of Vasilitsa – the Roma New Year. Your assistance allowed the pupils of Amalipe Network to experience incomparable moments in your institutions.

For many of them, it was their first experience outside the familiar environment of their locality. Your hospitality and diligence created not only positive emotions and unforgettable memories, but also opened new perspectives for them. These visits showed them that the world is big, full of possibilities, and that they themselves can be the creators of their own destiny.

With the help of your institutions, we are not only expanding our pupils' horizons, but also motivating them to build solid study habits. These visits are like a catalyst that helps our students believe in themselves and their potential. They become not just witnesses to knowledge, but part of the education process.

Together, let us continue to be an inspiration to our pupils and encourage them to be active participants in their educational journey. We believe that with such initiatives we can produce not only excellent pupils but also future leaders and motivators in society.

Thank you for your support and assistance!

Sincerely, Amalipe Centre Team

2.

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

From:.....com>
To: priemna@ombudsman.bg
Sent: Sunday, 23 April, 2023 2:40:44 PM
Subject: Thank you

Hello!

I am writing this email to thank PhD Diana Kovacheva, Ombudsman of the Republic of Bulgaria, for the assistance and help in reimbursing the costs incurred for medical examination in Bulgaria by the UK Health Fund. Thank you for your responsiveness, empathy and professionalism. I wish Ms. Diana Kovacheva and her entire team good health, longevity and many more professional successes.

Sincerely:

3.

With this e-mail, I would like to express my sincere thanks and best wishes to Ms. Eva Zhecheva, who was so kind and good and assisted in the protection of the rights of a young child in Bulgaria!
Mrs. Zhecheva, be safe and healthy and keep inspiring faith and hope that the state institutions can work and protect our children in Bulgaria!
YOURS SINCERELY

4.

To: priemna@ombudsman.bg **Sent:** Wednesday, 31 May, 2023 2:18:29 PM
Hello, I am Avevyazha Sniivaa, the mother of I wrote to you earlier for assistance with my child's treatment abroad. Thank you, only you as an institution and a person took up the case. I am hoping for your advocacy before the NHIF. With respect and gratitude.

Dear Ms. Prof. PhD Diana Kovacheva, With this letter I would like to express my GRATITUDE and APPRECIATION of YOUR WORK (on complaint No. 309/2023).
I appreciate your ATTENTION, commitment and HIGH PROFESSIONALISM and PLEASE accept my DEEPEST THANKS as there is not a shred of doubt in my mind (a small landowner) that the solution to the problem I have been dealing with over the past months could only have been resolved through the courts. Thank you for your contribution and trouble to help me in my search for a lawful and just outcome.
THANK YOU for helping the LAW to win!
Greetings

5.

**TO Prof. DIANA KOVACHEVA
OMBUDSMAN OF THE REPUBLIC OF BULGARIA
22, GEORGE WASHINGTON STREET
SOFIA 1202**

**Subject: Your intervention in my case with the municipality of Cherven Bryag
DEAR PROF. KOVACHEVA,**

This letter is to express my sincerest gratitude for your intervention and for the work of your team in relation to my complaint regarding the violation of the boundaries of my property.

I am delighted with your lawyers and their commitment and assistance. It is rare to find such people these days and I am very grateful to have had the opportunity to interact with them.

Thank you very much for all your efforts.

Stay alive and well and keep being on our side.

Sofia 31.08.2023

V. SHORT CALENDAR OF EVENTS IN 2023

JANUARY

9 January – Ombudsman Diana Kovacheva sent a letter to the Chairman of the Sofia Municipal Council Georgi Georgiev and the Mayor of Sofia Yordanka Fandakova, in which she alerted about a large number of complaints related to the changed conditions for public transport travel, effective from 1 January 2023.

11 January – With 14 votes in favour, the MPs from the Committee on Regional Policy, Public Works and Local Self-Government unanimously adopted at first reading the legislative proposal of the Ombudsman for the abolition of fines for paid wrong vignette through an amendment to the Roads Act, submitted in December 2022 to the National Assembly and recognized by a group of deputies from GERB-SDS coalition.

In it, Prof. Kovacheva proposes to stop charging a compensation fee of BGN 70 or a fine of BGN 300, if the fee is not paid, for drivers who made a mistake in writing the registration number when purchasing e-vignettes.



11 January – Unanimously, with 184 votes in favour, MPs adopted at first reading in the plenary hall the legislative proposal of Ombudsman Diana Kovacheva for amendments to the Persons with Disabilities Act and the Health Act, aimed at overcoming the most serious problems of people with disabilities related to delays in their re-certification by the medical examination bodies, as well as the inability to exercise their rights through no fault of their own.

With the decision, the MPs also supported the Ombudsman's other proposal in the Persons with Disabilities Act to remove the discrimination against the monthly financial benefits for military disabled and people with inherited pensions entitled to external assistance.

11 January – Ombudsman Diana Kovacheva sent a recommendation to the Executive Director of Bulgarian Water and Sewerage Holding EAD Irena Georgieva and to the Manager of Stara Zagora Water and Sewerage Company Radostin Milanov, in which she recommended not to apply the water price approved by the Energy and Water Regulatory Commission (EWRC) in the region. The reason is the numerous complaints of citizens to the institution of the national public defender who protest against the drastic increase of the water price for 2023 in Stara Zagora. The Ombudsman notes that in the last six months the water price has been

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

increased for the second time, and within the last year it has increased by more than 50% and is now BGN 4.61 per cubic meter, while the quality of the service has not improved.

11 January – Representatives of the striking employees of the Ministry of Foreign Affairs and the Ombudsman of the Republic of Bulgaria Prof. Diana Kovacheva met in connection with strike actions at the Ministry. The Ombudsman was presented with the developments on the effective strike in the Ministry of Foreign Affairs and the impossibility of its end by signing an agreement to consolidate the partial success achieved and to seek options for resolving the accumulated problems in labour relations in the system of the Ministry of Foreign Affairs.



13 January – Little survakari – pupils from 1st to 4th grades from "Georgi Stoykov Rakovski" primary school in the village of Turnak (Vratsa region) visit the Ombudsman institution and use decorated sticks calling for health, success and prosperity on the eve of the Roma New Year on 14 January. The initiative is of the Amalipe Center for Interethnic Dialogue and Tolerance, which traditionally organizes Vasilitsa in the institutions as the Day of Roma Culture.



19 January – The MPs finally adopted in plenary hall at second reading the proposal of Ombudsman Diana Kovacheva that people with disabilities whose REMC decisions expired and were waiting for re-certification at least half a year until the issuance of a new one should not lose their rights and should continue receiving their disability pensions. In addition, their financial and targeted support will not be interrupted, including free vignette stickers, entitlement to personal assistance, assistant support, various tax reliefs.

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Legislative changes proposed by Ombudsman Diana Kovacheva in the Persons with Disabilities Act and the Health Act, recognized and submitted by the MPs from GERB-SDS Denitsa Sacheva, Iliana Zhekova and Kostadin Angelov, were adopted unanimously.

The amendments are extremely important because they ensure that in case of delays in REMC decisions people with disabilities will not be left without financial support, but in order to ensure their social payments on time, REMC decisions must be issued in the future within three months, otherwise they are considered overdue.

19 January – MPs adopted at first reading in plenary hall the Ombudsman's legislative proposal to abolish fines for paid but wrongly registered vignettes through an amendment to the Roads Act, submitted in December last year to the National Assembly and recognized by a group of MPs from GERB-SDS.

In it, Prof. Kovacheva proposes to stop charging a compensation fee of BGN 70 or a fine of BGN 300 if the fee is not paid for drivers who made a mistake in writing the registration number when purchasing e-vignettes.

The problem is for drivers who find out accidentally and very late about the multiple compensatory charges of BGN 70 imposed on them. Thus they are penalised many times for a mistake made unintentionally when writing the registration number of the vehicle, without even suspecting that they are offenders.

19 January – Ombudsman Diana Kovacheva sent a new recommendation to the Executive Director of Bulgaria Water and Sewerage Holding EAD Irena Georgieva, in which she strongly opposed the drastic jump in the water price from 1 January 2023 in Smolyan region.

Such a recommendation Prof. Kovacheva also sent to the manager of the local water and sewerage company, Rumyana Yanchevska, with the insistence not to apply the water price approved on 30 December 2022 by the Energy and Water Regulatory Commission (EWRC).

"The increase of the complex price of water and sewerage services for household consumers from 1 January 2023 compared to 1 January 2021 is from BGN 2.575 per cubic meter to BGN 4.625 per cubic meter, i.e. by 79.59%. For the last few months, the price of water in Smolyan region increased for the second time for households from 1 October 2022 to 1 January 2021 by 44.22%, and from 1 January 2023 to 1 October 2022 by 24.52%," stated the national public defender.

20 January – Following a signal from the Ombudsman, the prosecutor's office found unlawful ordinances in 119 municipalities. On 18 January 2023, the Ombudsman institution received a letter of response from the Supreme Administrative Prosecutor's Office, which informed Prof. Diana Kovacheva that after her report, in the period from 30 March 2022 to 17 January 2023, unlawful texts of ordinances were found in 119 municipalities. The by-laws contradict the laws, such as the provisions in the Local Taxes and Fees Act, the Statutory Instruments Act, the Spatial Development Act, etc.

20 January – The Ombudsman Diana Kovacheva expressed a reasoned opinion on the draft amendment and supplement to Ordinance No. 9 of 2001 on the quality of water intended for drinking purposes, which she sent to the Ministers of Environment and Water Eng. Rositsa Karamfilova, the Minister of Health Dr. Asen Medzhidiev and the Minister of Regional Development and Public Works Architect Ivan Shishkov.

The occasion is the public consultations on the amendment of the Ordinance in question, published on the website of the Public Consultation Portal.

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23 January – Ombudsman Diana Kovacheva appealed to the Chairman of the Commission for Consumer Protection (CCP) Stoil Alipiev and the CEOs of Yettel Bulgaria EAD Jason King and BTC EAD (Vivacom Bulgaria EAD) Nikolay Andreev because of the public discontent and the numerous complaints from citizens seeking assistance against the upcoming indexation of the prices of mobile services by the two operators.

Prof. Kovacheva stresses that precisely due to the high inflation and the reduced purchasing power of the people the announced increase in the prices of services is unacceptable, as in the case of Yettel Bulgaria EAD it is by 15.4% according to the average annual index of the National Statistical Institute (NSI), and in the case of Vivacom Bulgaria EAD by up to BGN 2 per service. In a letter to the Chairman of the CCP the Ombudsman asks him to check whether the above-mentioned mobile operators exercise unfair commercial practices within the meaning of the Consumer Protection Act.

25 January – Ombudsman Diana Kovacheva participated in a meeting of the Economic Policy and Innovation Committee of the National Assembly on the indexation of consumer prices by mobile operators. She put specific questions to the Chairman of the CCP and to the mobile operators, i.e. what makes it necessary to index prices in the conditions of state support and aid and whether it is an unfair practice to raise prices.



30 January – Ombudsman Diana Kovacheva sent an opinion to the Chairman of the Sofia Municipal Council Georgi Georgiev, in which she asked for a review of the new fare policy for public transport in Sofia, so that the transport documents that provided more flexible travel options to public transport users were preserved. The reason for this is the new public consultations initiated in January on the draft Ordinance amending and supplementing the Ordinance on the terms and conditions of travel by public urban transport on the territory of Sofia Municipality, triggered by great public discontent.

The Ombudsman raised the alarm that the institution had received complaints from pensioners about their exclusion from the right to travel with long-term personalised transport documents for preferential travel, which they had pointed out as discrimination.

31 January – Ombudsman Diana Kovacheva sent an opinion to the Chairperson of the Municipal Council in Shumen Asya Asparuhova a statement in which she insisted that a full and thorough review of the business plan of Water and Sewerage Company Shumen for 2022-2026 should be made and the aim was to make a fair decision in favour of the people. The reason for the opinion of Prof. Kovacheva was the forthcoming meeting of the Water and

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Sewerage Association, scheduled for 15 February 2023, namely to agree on the business plan of Shumen Water Supply Company for the regulatory period 2022-2026.

The Ombudsman stresses that she has been following up the case of water supply in Shumen and the region for years and recalls that in order to resolve the problems with the quality and price of water in the region she has made a number of recommendations to the Minister of Regional Development and Public Works, the Minister of Environment and Water, the President of the Water Supply Association of the separate territory served by the Shumen Water Supply Company, but despite this the water supply service still does not meet the quality requirements.

FEBRUARY

1 February – A compensatory fee of BGN 70 or a fine of BGN 300, if the fee is not paid, was terminated for drivers who make a mistake in writing the registration number when purchasing e-vignettes. Notification of such accumulated compensation fees and fines to the RIA will now be done within three working days. This proposal of Ombudsman Diana Kovacheva, enshrined in the Road Act, was unanimously supported by MPs at the second reading in plenary hall. In December last year, the Ombudsman submitted a legislative proposal to the National Assembly, which was accepted by Nikolay Nankov and a group of GERB-SDS MPs. The reason for the drafting of this proposal was the numerous complaints of drivers who accidentally and very belatedly found out about the numerous compensatory charges of BGN 70 imposed on them. They were penalised many times for a mistake made unintentionally when writing the registration number of the vehicle, without even suspecting that they were offenders.

1 February – Ombudsman Diana Kovacheva sent a letter to the caretaker Prime Minister Galab Donev and the caretaker Minister of Economy and Industry Nikola Stoyanov, in which as a result of numerous complaints she insisted the State to protect the rights of consumers of mobile services. At the end of January, the Ombudsman requested the Chairman of the Commission for Consumer Protection to carry out an investigation under his competence whether the two mobile operators, which had declared indexation of their prices in 2023, Yettel Bulgaria by 15.3% and Vivacom Bulgaria by up to BGN 2 per service, were engaged in unfair commercial practices within the meaning of the Consumer Protection Act (CPA). Meanwhile, it has emerged that a third operator, A1, had also announced an increase in the price of its service from 1 March, with A1's monthly tariffs of between BGN 7 and BGN 25 set to rise by 15.3%.

1 February – A delegation from the Republic of Albania, at the initiative of the Chairperson of the Commission for Protection against Discrimination, officially visited the Ombudsman institution.

6 February – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Minister of Health Dr. Asen Medzhidiev, to the acting director of the National Health Insurance Fund Dr. Yordanka Penkova and the President of the Bulgarian Doctors' Union Dr. Ivan Madzharov, recommending that the package of health activities covered by the budget of the Health Insurance Fund should include annual reproductive tests – assessment of the ovarian reserve for women, and spermogram for men. The reason for this recommendation was a signal from the "I Want a Baby" Foundation, which warned that more and more young people between the ages of 25-35 in our country found themselves with a seriously impaired reproductive function.

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8 February – *"The Ombudsman institution received a petition from the citizens of Sliven against the increase in water prices, in which more than 1,100 people have signed so far."* This was reported by the head of the Rights of Users of Administrative and Public Services Directorate at the institution of the public defender Nina Boyadzheva, who participated in the meeting of the Energy and Water Regulatory Commission on the occasion of the public discussion of the prices of the business plan of the local water supply and sewerage company for the period 2022-2026.



8 February – Ombudsman Diana Kovacheva insisted the caretaker Deputy Prime Minister for Economic Policies and Minister of Transport and Communications Hristo Alexiev to protect the rights of pupils and pensioners after the adoption of the measure for additional compensation for bus transport reductions regarding Decree No. 10 of 25.01.2023 of the Council of Ministers.

The Ombudsman also wanted the Minister of Transport and Communications to check how all municipalities applied this decree. The reason for this recommendation of the Ombudsman were the specific complaints and signals received from citizens – parents of pupils who travelled on the Sunny Beach – Burgas bus line. They complained that as a result of the measure, the prices of transport documents for pupils increased instead of decreasing. According to them, the increased price of transport documents was the result of a wrong interpretation of the decree by the transport company.

9 February – Ombudsman Diana Kovacheva requested from the Chairman of the State Agency for Metrological and Technical Supervision Evgeni Simeonov a supervisory metrological inspection for compliance with the obligations of "Toplofikatsia Sofia" EAD under the Measurement Act (MA) in relation to the heat and water meters used in the subscriber stations. The reason for this were numerous complaints from household customers of the Sofia district heating company in condominium buildings who complained about high bills for heat consumption. They pointed out that the metering and reporting of commercial heat consumption is carried out based on common water and heat meters in the subscriber stations owned by the district heating company.

10 February – Ombudsman Diana Kovacheva sent a recommendation to the Chairman of the Energy and Water Regulatory Commission Ass. Prof. Ivan Ivanov and the caretaker Minister of Energy Rosen Hristov, requesting extraordinary inspections of "Toplofikatsia Gabrovo" EAD, related to the quality and continuity of the heat supply services to residential customers. Prof. Kovacheva insisted that the citizens affected during the periods of suspended or poor quality heat supply during the current heating season be fairly compensated. *"I also find their demands for effective control by the competent institutions over the activities of Gabrovo*

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District Heating Company to be fully justified," the Ombudsman wrote. The reason for this recommendation were complaints from citizens, as well as a letter received from the Mayor of Gabrovo Municipality Tanya Hristova because of the numerous signals and complaints from customers of the local district heating company about the systematic deterioration of the quality of the district heating supply in the town.

13 February – Ombudsman Diana Kovacheva referred to the Chairperson of the Commission for Protection of Competition Yulia Nenkova with a request for an investigation under the competence of the Commission to establish whether competition on the market of electronic communications services was distorted under the Protection of Competition Act.

The reason was the simultaneous indexation of the prices of monthly subscription plans by 15.3% by all three operators – Vivacom Bulgaria EAD, Yettel Bulgaria EAD and A1 Bulgaria EAD – for the average annual consumer price index for 2022, published by the National Statistical Institute.

14 February – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Minister of Health Dr. Asen Medzhidiev and the Director of the National Social Security Institute Ivaylo Ivanov, in which she insisted on taking action to resume all delayed payments to people with disabilities. The reason was numerous complaints from citizens, who alerted the Ombudsman institution that after the recent changes in the People with Disabilities Act, in force since 25 January this year, there is a chaos because there is no real action by the responsible authorities, which leads to the inability of those affected to receive their payable amounts.

These changes were initiated by Prof. Kovacheva so that people do not lose their rights and receive their disability pensions while waiting for re-certification, which took place after submitting an application-declaration. Thus, until a new REMC decision is issued, the Regional Health Inspectorates are obliged to provide information to all responsible authorities so that the financial and targeted support of people with disabilities is not interrupted, including free vignette stickers, entitlement to personal assistance, assistant support, tax benefits, etc.

17 February – The Ombudsman welcomed the participants in the State Individual School Chess Championship in Sofia for pupils aged under 7, 9, 11, 13, 15 and 17 years.



27 February – Ombudsman Diana Kovacheva sent a letter to the caretaker Minister of Energy Rosen Hristov, recommending that the household customers of the district heating companies in the condominium buildings receive financial support from the EU funds. The reason was that by 1 January 2027 some 572,000 households have to retrofit the heating and domestic hot water supply metering devices in their homes with remote metering devices. The requirement to switch to remote metering is under a European regulation which Bulgaria is obliged to comply with. Prof. Kovacheva drew attention to the fact that there were about 1.276

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million heat meters and 660,000 hot water meters, and about 93% of these devices were owned by household customers and their replacement was to be at the expense of these customers.

MARCH

6 March – Ombudsman Diana Kovacheva sent a letter to the caretaker Deputy Prime Minister and Minister of Labour and Social Policy Lazar Lazarov and caretaker Finance Minister Rositsa Velkova, in which she requested information on how many citizens received the so-called aid for drinking water and water used for household purposes in 2021 and 2022. The Ombudsman demanded to know the amounts of social benefits paid in BGN for the period, how many persons they were given to, including the reason for their granting. The reason for the Ombudsman's letter was the drastic hike in water prices across the country, as well as the increased number of complaints to the institution from people who had difficulty paying their water bills.

8 March – Ombudsman Diana Kovacheva again sent a recommendation to the caretaker Deputy Prime Minister and Minister of Labour and Social Policy Lazar Lazarov, to the caretaker Minister of Health Dr. Asen Medzhidiev and to the Director of the National Social Security Institute Ivaylo Ivanov, in which she once again insisted on taking the necessary action to resume all delayed payments to people with disabilities, as the chaos in the system continued. The reason sending it were the numerous complaints, signals and calls from people with disabilities to the Ombudsman institution, in which they reported that through no fault of theirs they had not yet undergone re-certification and in March they were again left without the State support they were entitled to. Since 25 January, new changes to the Persons with Disabilities Act, initiated by the Ombudsman and voted in the last days of the 48th National Assembly, have been in force in order to ensure that people do not lose their rights and receive their disability pensions while waiting for re-certification, which takes place after submitting an application-declaration.

9 March – Presentation meeting with the leadership of Amnesty International Bulgaria.



9 March – Meeting of the Deputy Ombudsman with the Ekaterina Karavelova Foundation in connection with the publication of the analytical report "Women's Voices in Bulgaria".

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14 March – Ombudsman Diana Kovacheva objected to another increase in the price of water – this time in Shumen region, where the increase was 49.88%, and in Pazardzhik region: 63.50%. At two consecutive meetings at the EWRC, the head of the Rights of Users of Administrative and Public Services Directorate at the Ombudsman Nina Boyadjieva expressed a categorical position that the increase in the price of water supply and sewerage services in both regions would not only lead to uncollectibility of receivables, but would also have an extremely adverse impact on citizens who faced more and more difficulties in paying their utility bills. Prof. Kovacheva's argument was that the increased price was not economically justified.

14 March 2023 – Geneva, GANHRI – ENNHRI's Assembly Meeting.

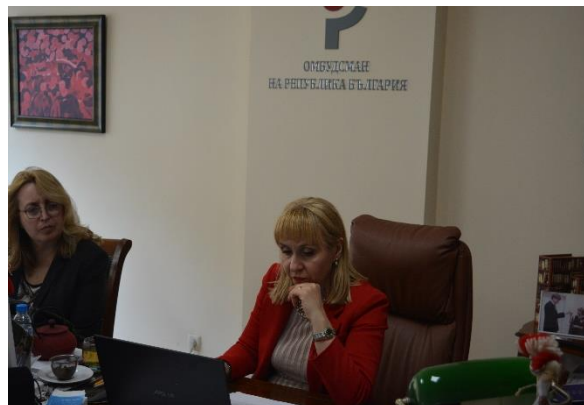


20 March – Ombudsman Diana Kovacheva sent a letter to the Chairman of the Energy and Water Regulatory Commission (EWRC) Ivan Ivanov, asking why the Regulator had approved the general terms and conditions for the sale of electricity of Electrohold Sales EAD on 10 March 2023 without public discussion. The Ombudsman also drew attention to the fact that, as of 20 March 2023, no information about this was published on the Commission's website, which violated the principles of publicity and transparency that the EWRC should observe in carrying out its activities.

Prof. Kovacheva was categorical that the procedure for approval of the general terms and conditions of Electrohold Sales EAD did not comply with the law, as evidenced by the Report No. E-DK-2048#1/10.11.2022 of the working group.

21 March – Online participation of the Ombudsman on improving the use of the EU Charter of Human Rights by NHRIs.

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21 March – Working meeting with a representative delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ('the CPT') in terms of psychiatry, dementia, social services.



21 March – Ombudsman Diana Kovacheva organised a **hotline** on 0878 592 642 and 0895 561 941 for citizens' questions regarding the exercise of their voting rights during the parliamentary elections on 2 April 2023.

22-24 March – Participation of the Ombudsman's team in the training of the European Fundamental Rights Agency in Vienna.



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23 March – Ombudsman Diana Kovacheva addressed the caretaker Prime Minister Galab Donev about the need to comply with the laws on the implementation of social assistance measures for low-income people in the payment of water supply services.

Prof. Kovacheva had already asked the caretaker ministers of finance and labour and social policy for information on the number of citizens who had received the so-called drinking water benefits in 2021 and 2022. The Ombudsman demanded to know for the period in question the actual amounts of social benefits paid in leva and to how many persons they were given, including the reason for their granting. The reason for the public defender's letter was the drastic jump in water prices across the country, as well as the increased number of complaints to the institution from people who had difficulty paying their water bills and complained about the refusal of the regional social assistance directorates to grant water benefits.

23 March – Reception day of the Ombudsman.



28 March – Ombudsman Diana Kovacheva sent another letter to the caretaker Minister of Economy and Industry Nikola Stoyanov and to the Chairman of the Commission for Consumer Protection (CCP) Stoil Alipiev regarding the indexation of the monthly fees for mobile services. The reason was that the three mobile operators increased their monthly tariffs by 15.3%, which according to the Ombudsman's opinion was extremely unacceptable. Prof. Kovacheva alerted that consumers of mobile services had not been protected by the supervisory authority under the Consumer Protection Act and recommended revising the opinion of the CCP on the absence of unfair clauses and unfair commercial practices by mobile operators. The Ombudsman recalled that at a meeting with the Minister of Economy and Industry she had been assured that the materials in the case would be carefully examined and a meeting between the institutions would be held, but this did not happen.

30 March – Nearly 74,500 citizens and representatives of organisations sought assistance, protection or help from the Ombudsman institution last year, of whom 31,900 addressed collective petitions and complaints on specific cases. This is clear from the Annual Report on the Activities of the National Public Defender Diana Kovacheva for 2022, which was submitted to the National Assembly. The data from the report also show that 25,523 citizens were heard in the reception-rooms organised by the Ombudsman and the Deputy Ombudsman in the capital and throughout the country. And the number of complaints received in 2022 was over 15,000, which is an absolute record in the 17-year history of the institution.

31 March – Ombudsman Diana Kovacheva referred to the Chairman of the Financial Supervision Commission (FSC) Boyko Atanasov complaints of citizens against Electrohold Sales EAD. The reason is that, without their knowledge and consent, when paying the monthly bill for electricity consumed through the EasyPay or FastPay cash registers, they are charged a

SUMMARY OF OMBUDSMAN ACTIVITIES IN 2023

monthly contribution of BGN 2 for the insurance "ElectroPROTECTION". The problem is that people only find out about this after they have paid their dues.

Prof. Diana Kovacheva insisted to the Chairman of the FSC for a competent inspection of the activities of ZD Euroins AD and Electrohold Sales EAD in connection with the insurance product "Electroprotection".

APRIL

5 April – At the initiative of UNICEF, a government delegation from Turkmenistan visited the Ombudsman institution to exchange experience.



6 April – Ombudsman Diana Kovacheva referred to the Prosecutor General Ivan Geshev, the caretaker Minister of Health Dr. Asen Medzhidiev and the Acting Director of the National Health Insurance Fund (NHIF) Dr. Yordanka Penkova on the occasion of a journalistic investigation and complaints about violated rights of patients with oncological diseases and their compromised treatment.

It is about the investigation of Valya Ahchieva "The Guide: Trade in Death?", which alleges a vicious scheme for not giving cancer patients expensive drugs paid by the NHIF and the lack of effective control, for which the Ombudsman wants checks.

"The possibility that the administration of an expensive medicinal product to a patient and its payment by the National Health Insurance Fund could be reported more than once in the Medicines Verification System, without this being followed up and followed up by the control authorities, creates real preconditions for medicinal products not to be administered in practice, which not only grossly violates the rights of citizens as patients and health insured persons, but may also lead to bodily harm or death," the Ombudsman wrote.

7 April – Ombudsman Diana Kovacheva sent a letter to the Chairman of the Sofia Municipal Council Georgi Georgiev and to the mayor of Sofia Yordanka Fandakova, in which she alerted that the institution continued to receive complaints from citizens related to the recent amendments to the Ordinance on the terms and conditions for travel by public urban transport on the territory of Sofia Municipality, adopted by the Sofia Municipal Council. Diana Kovacheva raised alarm about problems related to transport documents for travelling of pensioners and persons over 68 years of age, people with over 71% disability/permanently reduced working capacity, including citizens who purchased a ticket from the driver of the vehicle.

13 April – Ombudsman Diana Kovacheva sent an opinion to the Minister of Finance Rositsa Velkova in relation to the bill on amendment and supplement to the Tax and Insurance

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Procedure Code published for public discussion. In it, Prof. Kovacheva drew special attention to the proposed amendment to Article 264 of the Tax Insurance Procedure Code, according to which real estate and car transactions were to be stopped (not executed) if the owner had debts to the state, including unpaid fines. The Ombudsman is adamant that this will lead to a disproportionate restriction of citizens' rights as parties to property or vehicle transfer transactions at the expense of facilitating the collection of fines.

19 April – Meeting with the leadership of the Civic Organization for Just Rights and Cultural Cooperation in the Balkans from Turkey on the return of names from the so-called revival process.



20 April – The Ministry of Economy and Industry required from the Commission for Consumer Protection to analyse and assess whether the price indexation clause for mobile services in the general terms and conditions contracts offered to consumers were unfair under the Consumer Protection Act. This is clear from the reply of the Deputy Minister of Economy, Yanko Topalov, to the Ombudsman, Diana Kovacheva. It is in response to Prof. Kovacheva's letter of 28 March 2023 to the caretaker Minister of Economy and Industry Nikola Stoyanov, with a copy to the Chairman of the CCP Stoil Alipiev, in which she points out unfair clauses and unfair commercial practices by mobile operators, which raised their monthly tariffs by 15.3% simultaneously.

27 April – Ombudsman Diana Kovacheva hosted a meeting with the ambassadors and representatives of the diplomatic missions of the Member States of the European Union, the United States, the United Kingdom, Norway and Switzerland.

Prof. Kovacheva presented the activities of the institution and highlights from the Annual Report for 2022.



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27 April – Working meeting with the Ombudsman of Kosovo.



28 April – Ombudsman Diana Kovacheva sent an opinion to the Minister of Regional Development and Public Works Architect Ivan Shishkov regarding the revised bill for public consultation on the Water Supply and Sewerage Act, in which she fully reaffirmed her position of December 2022 that as "evident from the table for the proposals received" her position was not accepted. In her new opinion, Prof. Kovacheva once again drew attention to the main problems that also emerged in the "revised" bill, urging its revision. The reason again was that the rights and interests of domestic customers of water supply and sewerage services were not sufficiently protected and guaranteed.

At all public discussions in the EWRC on the prices of water supply and sewerage services, the Ombudsman has insisted on the annual linking of the price of water for drinking and domestic use to the fulfilment of quality indicators. The bill provides for the creation of a new commission to regulate only prices, the rules for their formation reflecting only the cost structure. The monitoring of the implementation of the quality indicators – reduced from 15 to 3 – is foreseen to be carried out by the water supply and sewerage associations. This is puzzling, as there is no provision for linking the performance of the quality indicators to the prices of water supply and sewerage services, the Ombudsman wrote.

MAY

2 May – Ombudsman Diana Kovacheva presented online to the UN Committee on the Rights of the Child the problems of children in Bulgaria during the pre-session of the Sixth and Seventh Periodic Reports on Bulgaria.



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3 May – Ombudsman Diana Kovacheva strongly opposed to the increase of the water price in Dobrich region for 2023. This became clear at a meeting of the EWRC, organized on the occasion of the discussion of the business plan of the local water supply company for the period 2022-2026.

The opinion of Prof. Kovacheva was presented by Nina Boyadzhieva, Head of Rights of Users of Administrative and Public Services Directorate of the institution of the public defender.



3 May – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Minister of Health Dr. Asen Medzhidiev to conduct an inspection of the organisation of work of the committees and the conditions in the waiting rooms of REMCs across the country, as well as for rude and unethical treatment of people with disabilities.

The reason for the Ombudsman's recommendation was the increasing number of reports from patients about the lack of basic conditions such as chairs and benches in front of the REMCs. Given the fact that this concerned people with disabilities, the lack of such basic care and normal human treatment, moreover in hospital facilities, is absolutely unacceptable and inadmissible, is the position of the Ombudsman. This is the second letter with recommendation by Prof. Kovacheva, after the institution was referred to time some time ago and the Ministry of Health took action on specific alerts of the Ombudsman. The reason for the current request of the public defender was a signal from Blagoevgrad, which described a particularly shocking case, which is why the Ombudsman also addressed it to the Director of the Regional Health Inspectorate of Blagoevgrad, Dr. Petar Ivanov, as well as the Executive Director of Blagoevgrad Hospital AD, Dr. Ognyan Mitev.

5 May – Ombudsman Diana Kovacheva sent a new letter to the Chairman of Sofia Municipal Council Georgi Georgiev in continuation of another one from 23 March 2023 regarding the conditions for local paid parking in the city of Sofia.

The reason were signals from citizens who sought assistance from the Ombudsman because of the refusal of the Centre for Urban Mobility EAD to issue an electronic vignette sticker for local paid parking in a blue zone. The reason for this is that people did not have a driving licence, but at the same time they owned a car which their relatives used to transport them when necessary. The problem is that their cars cannot be parked near their home.

8 May – Ombudsman Diana Kovacheva issued a recommendation to the Chairman of the EWRC, Assoc. Prof. Ivan Ivanov, in which she insisted on maximum publicity and transparency of the overall process of pricing in the energy sector.

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The reason for this recommendation was the regulator's publication of "applications for price approval" submitted by licensed companies in the electricity and heat sectors for the pricing period 1 July 2023 – 30 April 2024, whereas a significant part of them did not contain the final prices of electricity and heat. The problem was that these key figures were deleted in the documents on the grounds of commercial and/or industrial confidentiality of the companies.

8 May – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Minister of the Interior Ivan Demerdzhiev, in which she asked the Inspectorate Directorate of the Ministry of Interior to carry out a full investigation in a case from 6 May 2023, in which nearly 400 citizens were searched in a nightclub in Plovdiv.

10 May – Ombudsman Diana Kovacheva sent a statement to the EWRC, in which she strongly objected to the sharp increase in the price of water supply and sewerage services for 2023 by 81.25% in Kyustendil region. Compared to the current price of BGN 2.016 including VAT, it was planned to become BGN 3.654 including VAT. The Ombudsman's representative at the meeting, Chief Expert Tsvetanka Ilieva from Rights of Users of Administrative and Public Services Directorate, stressed that in the municipality of Dupnitsa the price for 2024 would increase by 163.10%, i.e. from BGN 1,392 with VAT it would be increased to BGN 3,662 with VAT, and this without taking into account inflation. She also pointed out that the municipality of Dupnitsa wants to leave the association, but no unanimous decision has been taken to do so.

11 May – Ombudsman Diana Kovacheva supported the "Nutrition Revolution" campaign of the "For Food" Foundation, organised for the sixth time with the aim of introducing children to the healthy benefits of proper and balanced nutrition. In 2023, the focus of the initiative was on children with food allergies and intolerances, as well as the problems their parents and teachers faced every day. During the campaign on 12 and 13 May 2023, more than 6,000 children took part in many children's cooking workshops organised by more than 1,000 volunteer parents and teachers from large and small towns across Bulgaria.

12 May – Deputy Ombudsman Elena Cherneva-Markova welcomed the members of the annual meeting of the Diversity Charter in Bulgaria – a joint initiative of the Bulgarian Business Leaders Forum and the Center for the Study of Democracy to promote and popularize diversity, equality and inclusion policies in the workplace. Over 30 Bulgarian and international companies and organisations have signed the document in the last two years.



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12 May – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Deputy Prime Minister and Social Minister Lazar Lazarov regarding the criteria for granting a supplement from the pension of a deceased spouse, according to which the survivor must be in a civil marriage with his/her deceased partner – Article 84 of the SIC.

The reason for the recommendation was the increasing number of complaints from affected citizens who were cohabiting.

12 May – Meeting on the subject of refugees and the NPM



15 May – Ombudsman Diana Kovacheva issued a recommendation to the Ministers of Energy Rosen Hristov and of Regional Development and Public Works Ivan Shishkov, in which she insisted on organising an information campaign for household customers of the heating companies in condominium buildings, in connection with their commitments to replace the heat and hot water meters with the so-called smart meters. The retrofitting solves the problems of ensuring access to the dwellings for metering. The retrofitting is also a condition to abolish the annual balancing bills, which now cause huge inconvenience and confusion. The reason for the new recommendation were signals from household customers showing insufficient awareness of their rights and obligations in relation to meeting the legal requirements for retrofitting homes and digitisation of devices in general.

23 May – Meeting at the Ombudsman institution on Roma access to justice with Marek Jurek, representative of the European Roma Rights Centre.



24 May – The Ombudsman attended an official reception at the Presidency on the occasion of 24 May – Day of the Holy Brothers Cyril and Methodius, of the Bulgarian alphabet, education and culture and of Slavonic literature.

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24 May – Ombudsman Diana Kovacheva sent a recommendation to the caretaker Minister of Energy Rosen Hristov and the Chairman of the EWRC Ivan Ivanov, in which she asked for an extraordinary inspection of "Toplofikatsia Sofia" EAD because of the unreasonably high heating bills that the citizens of Sofia received for the estimated heat consumption in April 2023.

The citizens complained that the invoiced amounts for this month were higher than for the typical winter months of December 2022 and January 2023 and demanded more effective control by the competent state institutions in order to establish the reasons for the unexpectedly high bills and, in case errors or violations were found, to correct them.

30 May – Ombudsman Diana Kovacheva sent a statement to the caretaker Minister of Health Dr. Asen Medzhidiev in connection with the published for public consultation draft amendment and supplement to the Regulations on the structure and organisation of the work of the REMCs and NEMC, in which she pointed out unresolved long-standing problems and insisted on finding adequate response to them.

30 May – Participation in an online working session of the Disability Monitoring Council under the Persons with Disabilities Act.



JUNE

1 June – Ombudsman Diana Kovacheva, Minister of Justice Krum Zarkov, magistrates, lawyers and representatives of the academic community at the XXXth Congress of the International Federation of European Law (FIDE) in Sofia.

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1 June – Ombudsman Diana Kovacheva sent an opinion to the caretaker Deputy Prime Minister and Social Minister Lazar Lazarov regarding the draft Ordinance amending and supplementing Ordinance No. RD-07-5 of 2008 of the MLSP on the conditions and procedures for granting targeted heating aid, published for public consultation with a deadline of 1 June this year.

"As Ombudsman and national public defender, I have always stressed the need for a comprehensive policy, workable measures and an integrated approach to addressing the problems in the field of social assistance, with a new philosophy, goals and principles. The social assistance system is in urgent need of reorganisation that would lead to a more efficient use of public funds," the Ombudsman wrote.

6 June – *"I strongly oppose the planned increase in heat prices for household customers for the period from 1 July 2023 to 30 June 2024. The increase of heating and hot water prices is unacceptable for the citizens given the current unstable economic situation in the country and the opportunities that the legislation gives to the EWRC to balance the interests of consumers and companies."* This is the position of the Ombudsman Diana Kovacheva, presented during a public discussion at the EWRC, by the expert of the institution Vesela Vaneva.

7 June – Ombudsman Diana Kovacheva sent an opinion to the Committee on Legal Affairs, the Committee on European Union Affairs and the Committee on Economic Policy and Innovation at the National Assembly on the bill on the Insolvency of Natural Persons, in which she once again stressed the importance of adopting such a law to give a second chance to debtors of good faith.

Bulgaria is the only country in the EU that does not have so-called personal bankruptcy law in place, and our country is one of the top ranked countries for bad loans in Europe.

In her opinion, Prof. Kovacheva noted that in order to achieve the desired effect, the bill must offer a flexible, transparent and accessible procedure, taking into account the possibility of giving debtors of good faith a second chance and repaying at least part of their debts in order to satisfy, albeit partially, creditors. She pointed out that people's persistent difficulties and even inability to cover their debts led to social and health problems, social exclusion and isolation, and that people's good financial standing is a significant stimulus for the economy, as the high level of consumption is a prerequisite for stability and economic growth.

7 June – Ombudsman Diana Kovacheva objected to the over 43% increases in the price of water in Sofia and Pernik regions during the public hearings on the projects for approval of the prices of local water supply and sewerage companies for the period 2022-2026 at the EWRC. The Ombudsman's opinion, submitted by Tsvetanka Ilieva, an expert at the Rights of

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Users of Administrative and Public Services Directorate, states that the increase is not economically justified and there are no guarantees for improving the quality of the service. The current complex price of VIK-Sofia is BGN 2.566 (including VAT) against a social affordability price of BGN 3.888. The new complex price of VIK-Sofia according to the draft is BGN 3.691 (incl. VAT), which represents an **increase of 43.84%**. This is the adjusted price by the EWRC taking into account the complete non-fulfilment of two of the performance indicators for 2021 (rehabilitation of the water supply network and efficiency of the construction of the water metering plant). As the social affordability price is set at BGN 5.768 for Pernik, the new complex price is set at BGN 3.56 (incl. VAT), which represents an **increase of 46.50%** compared to the current price of BGN 2.43 (incl. VAT).

10 June – *"Being a graduate of this university is a privilege that obliges. The expectations on you will always be high. And you will have to protect not only your own reputation, but also the reputation of Sofia University and the Law Faculty"*, said Ombudsman Prof. Diana Kovacheva at the ceremony of awarding the diplomas of the graduates of the class of 2022 from the Law Faculty of Sofia University "St.Kliment Ohridski".



10 June – Deputy Ombudsman Elena Cherneva-Markova welcomed the participants in the national meeting of Roma women – educational mediators and leaders in their community, held in the Coat of Arms Hall of the Regional Administration in Veliko Tarnovo within the 18th edition of the Children's Roma Festival "Open Heart", organised by Amalipe Center for Interethnic Dialogue and Tolerance.



12 June – Ombudsman Diana Kovacheva sent letters to the Chairman of the Energy and Water Regulatory Commission Ivan Ivanov, to the Ministers of Environment and Water Yulian Popov and of Regional Development and Public Works Andrey Tsekov, as well as to the Director of Sliven Water Supply and Sewerage OOD Engineer Plamen Trifonov because of

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more than 200 complaints received at the institution within two days from residents of Sliven, who reported that they often did not have water due to accidents and repairs.

12 June – The Government will work closely with the administration of the National Ombudsman. This was agreed at their first meeting by Prime Minister Academician Nikolay Denkov and Ombudsman Prof. Diana Kovacheva.



15 June – *"Every time a woman comes forward with her story of domestic violence, she stands up on behalf of all victims. It not only takes courage, but it means the woman is up against the wall."* This is what the Ombudsman said at a round table "Measures to combat domestic violence in Bulgaria – together against violence", organised by the Animus Association Foundation. The reason for her statement was the shocking story of Tanya, a victim of domestic violence, who dared to speak to the attendees at the event.



16 June – At the invitation of Prof. Atanas Semov, the Ombudsman attended a formal ceremony at which His Holiness the Bulgarian Patriarch and Bishop of Sofia Neofit was honoured with the "Prof. Marko Semov" award for his bright presence in the spiritual life of the nation, and the occasion is also his 75th anniversary in 2020. The award was presented to him by Vice President Iliana Yotova in the building of the Sofia Metropolis.



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21 June – A team of the Ombudsman consulted citizens on the spot after the flooding in Berkovitsa.



21 June – Ombudsman Diana Kovacheva sent a letter to the Executive Director of the Sofia district heating company Alexander Alexandrov because of the many complaints and signals from the residents of "Buxton" district, in which people complained that suddenly and without prior information they had been left without hot water on 12 June 2023, and according to information provided by the company's customer service phone, this was to continue until 7 July 2023. This effectively put people in a stalemate without domestic hot water supply for a whole month. In just one day, the institution received over 100 complaints in which outraged citizens alerted the Ombudsman that Sofia District Heating EAD had not informed them in advance of the planned shutdown of the heating supply within the established 15-day deadline. The applicants complained that all consumers in the affected area only found out that they would not have hot water after it had already been stopped on 12 June 2023, and that the first notifications from the company about the shutdown were received in the middle of the same day.

22 June – Ombudsman Diana Kovacheva submitted to the President of the National Assembly Rosen Zhelyazkov and the members of the Education and Science Committee a legislative proposal in which she insisted on giving a second chance to high school graduates in case their score from the state matriculation exam, being an entrance to higher education institutions, did not satisfy them. At the end of November 2022, Prof. Kovacheva submitted such a proposal to the 48th National Assembly, which received the approval of the relevant committee at the first reading, but there was not enough time for its final adoption.

The Ombudsman proposed changes in the Pre-school and School Education Act because of the problems with passing the compulsory state matriculation exam (CME) at the end of 12th grade. The reason for requesting this change was the increasing number of complaints and signals from parents and school leavers to the public defender's institution, who stated that it was unacceptable not to have a second chance to re-take the exam for a higher score. Parents demanded that their children be given the opportunity to raise their CME grade, as it remains "for life", without any possibility of correction.

23 June – The Ombudsman sent an opinion to the Minister of Regional Development and Public Works Andrey Tsekov on the occasion of the public discussion of the draft amendment to Decree No. 18 of the Council of Ministers of 2015 on the adoption of the National Programme for Energy Efficiency of Multi-family Residential Buildings. The draft affects the rights of homeowners in 52 buildings that will not be able to be renovated with funding under the programme due to lack of financial resources. The deficit is estimated at around BGN 46 million.

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27 June – Ombudsman Diana Kovacheva issued a recommendation to the Social Minister Ivanka Shalapatova, in which she insisted that the bureaucratic burden obliging parents of pupils from the second, third and fourth grades to provide a certificate for their enrollment in the respective school in the new 2023/2024 year, in exchange for which they would receive the one-time state aid of BGN 300, be abolished. The reason for the recommendation was dozens of complaints to the Ombudsman, in which parents stressed that they wanted to benefit from this social support, but pointed out as a problem that the Social Assistance Agency required from them a certificate that their child was enrolled as a pupil in the second, third and fourth grades, issued by the respective school. However, education in these grades is compulsory and children are not subject to separate enrollment, as is the case for pupils in the first and eighth grades.

JULY

4 July – Meeting on the rights of owners of restituted properties.



5 July – *The proposed amendments and supplements to the Ordinance on the regulation of the prices of water supply and sewerage services do not sufficiently protect the rights of consumers and do not ensure a balance of interests between water supply and sewerage operators and consumers. Moreover, the prices of water supply and sewerage services will not be linked to the fulfilment of quality indicators, which is extremely important.* Ombudsman Diana Kovacheva stated this in an opinion to the EWRC on the draft Decree of the Council of Ministers on amendment and supplement to the Ordinance on the prices of water supply and sewerage services. It was presented at the open meeting of the regulator by Tsvetanka Ilieva, an expert at the Ombudsman institution. In her position, Prof. Kovacheva urged the EWRC to reconsider the controversial texts in the water price ordinance.

6 July – The Ombudsman presented opinions on the draft 2023 State Budget, the budgets of the State Social Insurance Fund and the National Health Insurance Fund, examined at the first reading in the Parliamentary Committees on Budget and Finance, on Labour, Social and Demographic Policy and on Economic Policy and Innovation

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11 July – The Ombudsman referred to the Minister of Energy Rumen Radev and the Chairman of the EWRC Ivan Ivanov because of the more than 200 complaints received at the institution from household customers of Toplofikatsia Sofia EAD in Baxton district, who were dissatisfied that from 12 June 2023, without prior notification, they were left without hot water for nearly a month, until 7 July 2023.

Prof. Kovacheva sent a letter to the head of the Sofia district heating company Alexander Alexandrov on 21 June 2023, calling on him to carry out his own inspection and to compensate the affected consumers in Baxton district for the lack of prior notification of the prolonged planned shutdown of hot water supply for household purposes.

27 July – The Ombudsman referred to the Minister of Health Prof. Dr. Hristo Hinkov for dozens of complaints from citizens having diabetics who alerted that the pharmacy network lacked life-sustaining insulins for the treatment of diabetes mellitus. Prof. Kovacheva requested checks on specific complaints and, if any shortcomings or violations were found, insisted on immediate measures to eliminate them.

One of the missing medicines was Ozempic, a 1 mg injectable solution, the so-called pen, widely used by many people not for its intended purpose but for rapid and abrupt weight loss. Thus, people who actually need it given their illness are left without treatment.

28 July – The Ombudsman sent a recommendation to the representative of Electrohold Sales EAD Vidyo Terziev, in which she insisted that the procedure for requesting paper invoices be eased. The reason for the recommendation was dozens of complaints to the Ombudsman institution from the company's customers because of the switch to electronic invoices as of September 2023, as a result of the adoption of new General Terms and Conditions for the sale of electricity of Electrohold, which provided for the invoice for electricity to be received only electronically, unless the receipt of a paper invoice is explicitly requested. People complained specifically about the procedure for requesting a paper invoice, which required a written application form to be submitted in person by the account holder to an Electrohold sales facility.

AUGUST

1 August – The Ombudsman submitted to the National Assembly a proposal for legislative amendments to the Criminal Code to criminalize acts degrading human dignity by causing physical pain or suffering.

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The purpose of the proposed changes was to introduce a new offence in our legislation, including acts that meet the definitions of torture, torture and degrading treatment. The specific reason for the proposal was the brutal case in Stara Zagora, in which an 18-year-old girl was sadistically cut with a mock knife by a man and received 400 stitches as a result of the 24 wounds inflicted. And the reason the perpetrator did not suffer adequate and fair punishment for what he did was precisely the gap in Bulgarian criminal law concerning cases of intentional infliction of serious violence that does not kill but crushes human dignity.

9 August – The Ombudsman sent a recommendation to the Director of the Regional Inspectorate of Environmental Protection in Smolyan, Ekaterina Gadzheva, regarding the emergency discharge of waste water into Devinska river as a result of the production activity of the bottling plant Devin EAD and a signal of mass death of fish, mainly trout. Prof. Kovacheva requested verification of the envisaged deadlines for the publication of the results of the laboratory tests carried out on the water quality and the fish mortality caused.

3 August – Participation of the Ombudsman in the extraordinary meeting of the Committee on Legal Affairs in the National Assembly, convened on the occasion of the bills submitted by GERB-SDS – PP-DB and DPS to amend and supplement the Criminal Code and the Protection against Domestic Violence Act.



24 August – The Ombudsman sent a statement to the Minister of Energy Rumen Radev on the bill on amendment and supplement to the Energy Act, in which she strongly objected to some of the proposed changes. The main concern of Prof. Kovacheva was that the bill provided for the first steps for the liberalisation of the electricity market for the population from 1 January 2024, i.e. in the middle of the heating season.

Prof. Kovacheva warned that the draft amendments to the Energy Act did not sufficiently protect the rights of citizens and the controversial texts should be revised. She was adamant that it was dangerous to rush with free electricity prices.

At the end of 2022, the Parliament adopted a decision instructing the Council of Ministers to guarantee regulated electricity prices for households at least until 1 January 2026.

28 August – Ombudsman Diana Kovacheva sent a recommendation to the Minister of Health Prof. Dr. Hristo Hinkov and the Minister of the Interior Kalin Stoyanov, in which she insisted that a list of drugs that could lead to a false positive drug test be designed.

SEPTEMBER

1 September – The Deputy Ombudsman and experts from the institution participated in a meeting of the Disability Monitoring Council under the Persons with Disabilities Act.



4 September – The Ombudsman sent an opinion to the Minister of Labour and Social Policy Ivanka Shalapatova in relation to the bill on amendment and supplement to the Labour Code, published on the website for public consultations, which aimed to improve the legal framework for telework.

The Ombudsman was adamant that the proposed texts on ensuring safety at work should be reconsidered and insisted on proposing legislative solutions **that would actually achieve an improvement in the organisation of healthy and safe working conditions for online workers.**

11 September – Meeting on migration issues with representatives from the Council of Europe.



12 September – The Ombudsman sent an opinion to the Minister of Health Prof. Dr. Hristo Hinkov, recommending that an alternative option for prescribing and dispensing antibiotics and medicines for the treatment of diabetes mellitus be adopted. According to a draft ordinance of the Ministry of Health, from 1 October 2023, these two groups of medicines were to be prescribed only by electronic prescription. This meant that sick people would not be served in any pharmacy in the country if they had a white prescription, i.e. on paper. The health ministry's argument for switching to e-prescriptions only for these drugs was to prevent a

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shortage of diabetes drugs, as well as to curb the overuse of antibiotics, giving rise to antibiotic resistance.

13 September – With 15 votes "For" the MPs from the Education Committee unanimously supported the proposal of Ombudsman Diana Kovacheva that the school graduates get a second chance in case of a score from the matriculation exam, serving as admission to university, when it did not satisfy them. The proposal was submitted by the Chairman of the Committee Krasimir Valchev (GERB) and a group of MPs – Denitsa Sacheva (GERB), prof. Kostadin Angelov (GERB), Elisaveta Belogradova (PP-DB), Nelly Dimitrova (PP-DB), Hristo Daskalov (PP-DB), Bunyamin Hasan (PP-DB), Ivaylo Mitkovski (PP-DB) and Vanina Vetsina (PP-DB).

The reason for this change was the complaints and signals received at the institution of the public defender from parents and school leavers, according to whom it was unacceptable not to have a second chance to take the compulsory school-leaving exams to improve their scores. In these complaints, parents insisted that their children should have the opportunity to raise their matriculation score, as it remained 'for life', without any possibility of correction.



13 September – The draft Territorial Just Transition Plan for Pernik Region to be revised and supplemented with specific measures to ensure the protection of the interests of household customers of heat supply services in the city with a focus on security of supply and the formation of the lowest possible prices. This opinion was sent by Ombudsman Diana Kovacheva to the Minister of Energy Rumen Radev on the occasion of the draft plan published for public consultation (draft TJTP).

15 September – The Ombudsman appealed to the Governor of BNB Dimitar Radev, the Minister of Finance Asen Vassilev and the Chairman of the Association of Banks in Bulgaria Petya Dimitrova because of many complaints and signals from citizens who were dissatisfied with the complicated and unclear procedure for opening a free payment account for basic operations. People complained to the Ombudsman that they could not take advantage of the opportunity provided to them, introduced by the adopted amendments to Article 120a of the Payment Services and Payment Systems Act, which came into force on 1 September this year. The problem stemmed from the fact that the banks imposed a number of requirements and a cumbersome procedure instead of making it easier for people, and it was mainly pensioners and people with disabilities who suffered from this.

15 September – The district heating for about 4,100 households in Gabrovo is guaranteed under the Energy Act under the terminated licence of Toplofikatsia Gabrovo EAD. Such an opinion was sent by Ombudsman Diana Kovacheva in response to an inquiry by the EWRC.

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The reason was the application of Toplofikatsia Gabrovo EAD, submitted to the regulator in August 2023, for the early termination of two licences of the company and the suspension of heat supply in the town, for which the EWRC had officially requested the opinion of the Ombudsman.

These are licence No L-008-03 of 17 October 2000 for the activity of 'production of electricity and heat' and licence No L-009-05 of the same date for the activity of 'transmission of heat', granted to the company.

18 September – The state's vision of how the full liberalisation of the electricity market will be implemented in practice is not clear. Kovacheva expressed her opinion to the Minister of Energy, and one part of her proposals was accepted. The Ombudsman was adamant that there was no thorough economic, social and legal analysis of the benefits and risks of households entering the free market.

According to Diana Kovacheva, the envisaged changes did not guarantee the rights and interests of household electricity consumers. She pointed out that no measures had been developed to protect and financially support vulnerable groups and the energy poor people, that smart metering systems had not been introduced for household customers, including no information and communication strategy to prepare household consumers for their participation in the free electricity market.

19 September – The Ombudsman, together with the actor and former director of the National Theatre "Ivan Vazov" Marius Donkin, awarded the winners of the competition "Mayor of the Year for 2019-2023" to the mayors of Stara Zagora, Zhivko Todorov (large municipality), of Rodopi, Pavel Mihaylov (medium municipality), and of Slivnitsa, Vasko Stoilkov (small municipality).



20 September – The Ombudsman participated in the discussion "The quality of psychiatric care and the rights of people with mental health problems in Bulgaria: challenges and solutions", organised by the MP Stela Nikolova, where she presented a report on the inspections carried out in psychiatric institutions. The main focus of the forum was the state of psychiatric care, access to social support for people with mental health problems and effective protection of their rights.

Emphasis in the speech of Prof. Kovacheva was the poor quality of health care provided in these places, the chronic lack of financial means for maintenance, such as shortage of quality food, the purchase of modern medicines and bed linen, the poor sanitary conditions, the acute need for overhauls, etc.

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OCTOBER

9 October – A meeting of the ENNRI Board in Brussels, at the initiative of the Bulgarian Ombudsman, adopted a declaration in support of Israel, which strongly condemned the attacks of the Palestinian paramilitary political group Hamas.



17 October – Deputy Ombudsman Elena Cherneva-Markova participated in the institutional round table "How to improve citizens' access to justice in environmental matters", organised by the European Justice and Environment Network and the BlueLink Foundation in partnership with the Ministry of Environment and Water.

In her speech, Elena Cherneva drew special attention to the fact that in recent years citizens had become more and more intransigent when their rights were violated, and the number of their complaints and signals to the Ombudsman institution was increasing every year, especially in the area of the right to a healthy and favourable environment.



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19 October – Ombudsman Diana Kovacheva sent a statement to Prime Minister Nikolay Denkov, in which she expressed her disagreement with the draft published on the website for public consultations on the adoption of the Ordinance on the structure, organisation and activities of the National Council for Protection against Domestic Violence. The by-law provided for the establishment of a Department for the Protection of Vulnerable Groups and Interaction with Civil Society, which was to act as the Secretariat of the National Council for Protection against Domestic Violence.

In her opinion Prof. Kovacheva insisted on the creation of an independent structure to be engaged in the administrative-technical, organisational, expert, financial services and support for the implementation of the functions of the National Council for Prevention and Protection from Domestic Violence.

19 October – The Ombudsman sent an opinion to the Chairman of the EWRC Ass. Prof. Ivan Ivanov on the public discussion of the draft amendment to the Guidelines for the formation of prices of water supply and sewerage services through the "price cap" method for the 2022-2026 regulatory period.

Prof. Kovacheva was adamant that when determining the social affordability for the respective year, only reliable data of the National Statistical Institute for the respective years should be used.

20 October – The Ombudsman again referred to the Minister of Health Prof. Hristo Hinkov about a large number of signals and complaints about violated rights, which were received at the institution after the introduction of the purchase of antibiotics and medicines for diabetics only with an electronic prescription from 16 October 2023. In its recommendation, she highlighted that patients were unable to purchase the medicines they needed for their treatment in a timely manner, with vulnerable groups being particularly affected, i.e. the elderly, people with disabilities and especially children, for whom timely initiation of treatment was often crucial to managing the disease and preventing severe complications. The Ombudsman added that there were many reports and cases of violation of professional rights of doctors, dentists and veterinarians. On this occasion, the Ombudsman recommended that, as soon as possible, an alternative option for prescribing and dispensing paper prescriptions of medicinal products for the above-mentioned groups should be regulated in order to guarantee the rights of patients as well as the professional rights of medical professionals working in the system.

23 October – *"Why was there no prior information campaign and should it not be conducted now and in this period to eliminate the irregularities with alternative options for purchasing medicines?"* This question was asked by the Ombudsman to the Minister of Health at the extraordinary meeting of the Health Committee in the National Assembly, which was also attended by the executive directors of the Bulgarian Drug Agency and Information Services AD. The reason was the chaos after the introduction of the purchase of antibiotics and medicines for the treatment of diabetes mellitus only with an electronic prescription, which came into force on 16 October.

Prof. Kovacheva also asked other questions provoked by the many complaints from patients, doctors, dentists, vets and pharmacists.

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24 October – The Ombudsman presented the activities of the institution to Prof. Josef Höchtl, Chairman of the Forchtenstein Circle of the Austrian People's Party and his colleagues. The working meeting was organised at the request of the Austrian Ambassador.



24 October – The Ombudsman organised a hotline 0895 561 941 for questions from citizens regarding the exercise of their electoral rights in the elections for municipal councillors and mayors on 29 October 2023.

25 October – The Ombudsman congratulated Academician Hristo Grigorov on the occasion of the celebration of the 145th anniversary of the Bulgarian Red Cross.



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26 October – Reception day of the Deputy Ombudsman.



27 October – The Ombudsman sent a statement to the ministries of energy, regional development and public works and labour and social policy, in which she alerted that their joint draft regulation on the criteria, conditions and procedures for determining the status of households in a situation of energy poverty and the status of vulnerable customers for the supply of electricity was published on the portal for public consultations, which had an opening date on 25 October 2023 and a closing date on 8 November 2023. Prof. Kovacheva drew attention to the fact that the three ministries were working in contravention of the Energy Supply and Energy Efficiency Act, because as of 26 October 2023, the reasons for the draft in question had not been published on the website for public consultations or on their websites. Furthermore, the Ombudsman urged the line ministries to take action to extend the deadline for public consultation.

NOVEMBER

2 November – The Ombudsman sent a recommendation to the Ministers of Labour and Social Policy Ivanka Shalapatova and of Finance Asen Vasilev, in which she insisted that the new state budget should update the monthly allowances for raising a child with a permanent disability up to the age of 18 and until the completion of secondary education, but not later than the age of 20, set out in Article 8e of the Family Allowances for Children Act. Assistance for children is divided into three groups according to the degree of their disability. Children with 50 to 70 per cent type and degree of disability or degree of permanently reduced working capacity receive the least amount of money per month: BGN 350, children with 70 to 90 per cent degree of disability are entitled to BGN 450 per month, and children with 90 and over 90 per cent type and degree of disability or degree of permanently reduced working capacity are entitled to BGN 930 per month. The Ombudsman noted the fact that these monthly allowances had not only not been updated since the end of 2016, but that no mechanism had been provided for their automatic updating over the years.

6 November – The Ombudsman addressed the energy minister Rumen Radev because of the many complaints and signals to the institution from household customers of the heating companies, who had to spend a large amount of financial resources to buy water meters and heat meters with remote reading under European and Bulgarian legislation. She therefore urged the state to urgently draw up a financial instrument to fairly support with EU funds more than 570 households on district heating, because by 1 January 2027 at the latest they must install the more expensive remote heat metering devices.

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7 November – Meeting with a delegation from Ukraine – Association of Ukrainian Women Lawyers, BGRF.



7 November – The Ombudsman referred to the Minister of Education and Science Galin Tsokov, the Minister of Health Hristo Hinkov, the Minister of E-government Alexander Yolovski, as well as the chairmen of the parliamentary committees on education and health Krasimir Valchev and Kostadin Angelov, because of numerous complaints, signals and petitions received at the institution from parents, teachers, civil organisations, general practitioners and specialists who were dissatisfied with the new electronic school excuse notes. They all complained of the inefficient system and the ill-considered approach to excusing pupils absences, accompanied by administrative and financial burdens on parents. The reason was that instead of saving them time, effort and walking from one place to another for a piece of paper, the process of issuing the digital school excuse note actually put further burdens and frustrated all actors along the chain.

8 November – The Ombudsman referred to Prime Minister Nikolay Denkov and the Minister of Energy Rumen Radev, the Minister of Labour and Social Policy Ivanka Shalapatova and the Minister of Regional Development and Public Works Andrey Tsekov for excessive violation of legal principles in the drafting of a normative act.

In this case, Prof. Kovacheva draws attention to the fact that the public consultation on the draft ordinance on energy poverty, which affects hundreds of thousands of households, ends on 8 November. At the same time, the amendments to the Energy Act have not been promulgated in the State Gazette because President Rumen Radev imposed a veto against them on 18 October 2023. According to a decision of a five-member panel of the Supreme Arbitration Court, discussion of a draft ordinance should begin after the law is promulgated and enters into force. The statutory principles of openness and consistency under the Statutory Instruments Act are violated.

9 November – The Ombudsman sent an opinion to the ministers of health and social policy Hristo Hinkov and Ivanka Shalapatova, in which she alerted that five months after the latest changes in the legal documents for people with disabilities their problems with medical expert decisions persisted. The reason for this opinion of Prof. Kovacheva reflected the numerous complaints and signals received at the Ombudsman institution from outraged and desperate citizens about violation of their rights related to medical expert decisions and the resulting inability to enjoy them and support as people with disabilities on a timely basis. Most often, people complained that their examination before the REMC was delayed for several months, and during that period they had no income to live on. The problem is that they are also left without health insurance rights and without access to treatment. The Ombudsman pointed

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out that the Decree of the Council of Ministers amending and supplementing the Regulations on the structure and organisation of the work of the medical expertise bodies and the regional medical expertise registers had not yet been adopted. This further hinders the improvement of the activities of the medical expert bodies.

16 November – The Ombudsman sent an opinion to the MPs of six parliamentary committees: Budget and Finance, Regional Policy, Public Works and Local Self-Government, Economic Policy and Innovation, Agriculture, Food and Forestry, Transport and Communications, E-government and Information Technology, in which she strongly opposed the Finance Ministry's proposal for changes in the Local Taxes and Fees Act, which provided for an increase in property tax assessments. The bill proposes to update the tax assessment of real estate every two years with the real estate price index determined by the NSI. According to Prof. Kovacheva, if this controversial provision is adopted, it will lead not only to an increase in the real estate tax and the household waste tax, but also to an increase in the inheritance tax, the tax on the acquisition of property, the determination of state and notary fees in proceedings under the Civil Procedure Code.

17 November – The Ombudsman sent a recommendation to the Minister of Health Prof. Dr. Hristo Hinkov, in which she insisted that targeted funds be provided for the construction of a new building installation at Tsaritsa Ioanna University Hospital – ISUL EAD, as well as additional funds for the renovation of the Clinic of Pediatric Oncology and Hematology. The reason for this recommendation were complaints that periodically came to the Ombudsman institution from parents, doctors and civil society organisations, who signalled about a systematic lack of hot water in the Clinic of Pediatric Oncology and Hematology at ISUL and demanded an improvement of the conditions in the sanitary premises.

23 November – The price and quality of water, high heating bills, retirement benefits, the lack of an accessible environment for people with disabilities – these are only a small part of the problems with which citizens from Pleven and the region went to the reception-room of the Ombudsman, hosted by the regional administration building in Pleven.



28 November – The Ombudsman submitted opinions to the relevant parliamentary committees with specific recommendations on the bill on the State Budget of the Republic of Bulgaria for 2024, presented by the Council of Ministers, the bill on the Budget of the State Social Insurance Fund and the bill on the Budget of the National Health Insurance Fund.

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29 November – The Ombudsman referred to the Mayor of the capital Vasil Terziev because of the many complaints from citizens who were dissatisfied that a few days after the snowfall the streets, sidewalks and green areas in the town were not cleared. Sofia's green areas were still difficult to access and were still covered with fallen branches and trees.

"Citizens are often forced to walk on the traffic lane, which, in addition to inconveniences, creates prerequisites for accidents and further endangers their lives and health," wrote Prof. Kovacheva. She warned that a serious danger to citizens was also posed by trees or parts of trees affected by snowfall, which were not removed in a timely manner. She pointed out that there were some cases of branches and trees falling on parked cars, playgrounds, etc.

30 November – *"For me, issues related to inclusive education and the problems of children with special educational needs have been a cause for years. We have made a small step, a success with the provision of BGN 8 million in additional funds, which we were able to receive in the budget debate and were given in the knowledge that it was neither enough nor an absolute solution to the problem."* This is what Ombudsman Diana Kovacheva said at the opening of a discussion entitled **Inclusive Education: Problems and Solutions**, organised by the public defender together with the Minister of Education and Science Prof. Galin Tsokov. The discussion was part of the national campaign of the Ombudsman "For the rights of children and people with disabilities", within the framework of which, at the insistence of Prof. Kovacheva, additional funds of BGN 8 million were secured for inclusive education for children with SEN for 2023.



30 November – The Ombudsman strongly objected to yet another increase in water prices by an average of 15% from 1 January 2024. She noted that the increase would affect

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more than 30 settlements in the country. The position of the public defender was presented by the expert of the institution Tsvetanka Ilieva at the meeting in the EWRC. Prof. Kovacheva also gave specific examples where the increase exceeded the 15% – in Berkovitsa the water supply and sewerage services jumped by 80%, in Sliven – by over 40%, in Sapareva Banya – by over 37%, in Vidin – by over 28%, in Gabrovo – by over 20%, in Dobrich – by over 16%. The Ombudsman noted that the highest complex price of water was proposed for Water Supply Razgrad – BGN 6.08 per cubic meter, and for other water supply operators (in Silistra, Varna, Shumen, Smolyan, Targovishte) the price was raised and became over BGN 5 per cubic meter.

30 November – *The quality and price of water are the most frequent problems of the people of Dobrich region.* This is what Nina Boyadzhieva, Head of Rights of Users of Administrative and Public Services Directorate at the institution of the public defender, said at a reception-room hosted in the Regional Administration building in Dobrich.



DECEMBER

1 December – In connection with the numerous inquiries of citizens from all over the country, who suffered from the lack of electricity for hours and days, the Ombudsman prepared a brief instruction on how to seek compensation for the inconvenience and damage caused by the electricity distribution companies. The Ombudsman warned that citizens should be proactive and seek their rights, which they could do by lodging a complaint or a signal with the electricity distribution company concerned. In addition, anyone who believed they had been harmed and anyone who had additional damages could also claim them through the courts. In the meantime, Prof. Kovacheva again urges the Minister of Energy and the EWRC to check whether the electricity distribution companies have fulfilled their obligations to maintain the grid and the easement areas (the unpruned trees that severed the electricity cables). It is because of the negligent attitude and failure to meet these obligations that hundreds of thousands of people remain without light and heat.

7 December – *"We will ask the Ministry of Energy and the Energy and Water Regulatory Commission to carry out an inspection and control of the technical condition of the operating facilities of the electricity transmission network in the settlements in the municipality of Tundzha, whether they meet the requirements of the Energy Act and whether the EDCs fulfill their investment commitments. We will also request an inspection to establish whether the operation of renewable energy sources is having an impact on the electricity grid and, if so, that the electricity distribution company be obliged to expand and modernise its electricity grid to avoid power surges, and we want to clarify the reason for the creation of these power surges. It is not possible in the 21st century for the residents of this municipality to have their electrical*

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appliances burned on a daily basis," Deputy Ombudsman Elena Cherneva-Markova told mayors, principals of schools, kindergartens and heads of social centres and community centres in the Yambol municipality of Tundzha. The reason for this meeting, initiated by the new mayor of Tundzha municipality Stancho Stavrev, was because of the numerous reports of frequent breakdowns, power surges and power cuts in the area, leading to the burning of people's appliances, who were also dissatisfied with the lack of water because the pumps also stopped without electricity. The meeting was also attended by the Yambol Regional Governor Bilyana Kavaldzhieva.

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At the Regional Administration, a second team of the Ombudsman consulted dozens of citizens from Yambol and the region in the framework of an external reception-room. Complaints were received about the access to employment of vulnerable groups and people with disabilities, about the low amount of pensions, which provoked the head of the social department of the Ombudsman, Teodora Dicheva, to remind that Prof. Diana Kovacheva insisted on the recalculation of all pensions based on the average insurance income for the previous year.

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13 December – Dozens of citizens from Blagoevgrad and the region shared their problems with the Ombudsman's team, led by Deputy Ombudsman Elena Cherneva, during an off-site reception, which took place at the Regional Administration building. Citizens complained about the whole spectrum of problems for their violated rights: from cumbersome and formal administration, lack of electricity supply, dissatisfaction with pension decisions and delayed REMC to property cases and debt crisis due to fast loans.



15 December – Training of management, directors, heads of departments and one representative from each unit of the administration on "The Law for the Protection of Whistleblowers and the New Functions of the Ombudsman Institution", Anel Hotel Conference Hall.



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15 December – The issues of the poor quality and the price of water overwhelmed the Ombudsman's reception-room in Haskovo. The Ombudsman's experts consulted dozens of citizens from Haskovo and the region in the framework of an off-site reception, which was held in the Regional Administration building. In addition to those individuals who had pre-registered, more citizens came to the venue to seek solutions to their problems. The most frequent complaints related to the poor quality and the price of water, as well as violated social and disability rights.



18 December – Young pupils from the first and second grades of the 76th “William Saroyan” Primary School visited the Ombudsman institution. Together with Mrs. Maria Manolova they congratulated Prof. Kovacheva on the eve of the upcoming holidays and thanked her for helping to preserve their beloved school, also known as the Armenian School. In May 2022, management, parents, children and teachers turned to the Ombudsman for help because the former mayor of the capital's "Vazrazhdane" district, Savina Savova, had decided to close the school and relocate the nearly 100 children to the neighbouring 32nd Secondary School “Kliment Ohridski”. After the intervention of the Ombudsman, the case ended safely and the children remained in their beloved school with traditions and 65 years of history.



18 December – Training of management, directors of directorates, heads of departments, experts of the Rights of Users of Administrative and Public Services department, Property Rights department and Reception-Room department(with the profile "Right to healthy and favourable environment") on the subject: "Introduction to Business and Human Rights: UN

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Guiding Principles and the European Context", lecturers: Olya Peneva and Romyana Ivanova: BFBHR, Large Conference Hall.



28 December – The Ombudsman recommended the Chairman of the Energy and Water Regulatory Commission Ivan Ivanov to reduce the prices of hot water and heating from 1 January 2024. The reason is that the heat prices approved for the current heating period (1 July 2023 – 30 June 2024) are significantly inflated and no balance has been achieved between the interests of energy companies and customers. Thus, in practice, these prices are not only not fair and economically justified for consumers, but are also highly distorted and entirely in favour of the district heating companies, providing them with unjustifiably high revenues for the purchase of the main fuel natural gas, as well as for the payment of carbon emission allowances.

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