



CONVENTION  
ON THE RIGHTS  
OF PERSONS  
WITH DISABILITIES



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

## **MONITORING OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES IN BULGARIA**

### **SUMMARY OF REPORT 2020**

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### **THE CONVENTION**

The Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty of the United Nations (UN) aimed to protect the rights and dignity of persons with disabilities. The Convention does not proclaim new human rights the main motive of the UN for adopting CRPD is the continued discrimination and isolation of people with disabilities, despite the existence of previously adopted international legal instruments.

The text was adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007.

On 23 December 2010, the Convention was also ratified by the European Union and on 26 January 2012 the National Assembly of the Republic of Bulgaria ratified the CRPD.

According to Article 33, para 2 and para 3 of the CRPD States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, including Civil society, in particular persons with disabilities and their representative organizations, to promote, protect and monitor implementation of the CRPD.

### **UN CRPD IMPLEMENTATION IN BULGARIA 2020**

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

In 2020, the activities of the Ombudsman on monitoring the implementation of the CRPD were carried out in relation to complaints submitted by citizens to the Ombudsman as well as in view of the activities of the Monitoring Council set up in 2019 in execution of Article 33, para 2 and para 3 of the CRPD. The cooperation of the Ombudsman with the representatives of persons with disabilities within the work of the Monitoring Council is under the motto “Nothing About Us Without Us!” which was used by persons with disabilities and their representatives in the



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development of the Convention and which is enshrined in the text of Article 4, para 3 of the CRPD: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

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

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

#### **Main recommendations:**

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

## **THE OMBUDSMAN IN DEFENCE OF PERSONS WITH DISABILITIES**

### **Rights of Persons with Disabilities in the Context of the COVID-19 Crisis**

2020 was marked by the efforts of all institutions and of civil society as a whole to cope with COVID-19 and with the implications of the pandemic. The crisis raging in all areas of public life has had a substantial adverse effect on the lives of the vulnerable groups of citizens, part of which are the persons with disabilities and their families. The anti-epidemic measures introduced



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in March and April of 2020, did not address all issues that arose and some of them affect substantially the rights or interests of the persons with disabilities and their families.

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

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

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

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

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

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

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

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

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



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

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

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

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

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