



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 2022**

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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 2022**

Monitoring and promoting the effective implementation of signed and ratified international acts in the field of human rights is one of the leading functions of the Ombudsman of the Republic of Bulgaria.

The main focus of the monitoring is the implementation measures of the UN Convention on the Rights of Persons with Disabilities (CRPD).

The Ombudsman carries out monitoring based on the powers granted under Article 19, paragraph 1, item 12 of the Ombudsman Act and pursuant to Article 11 et seq. of the Persons with Disabilities Act (PDA), which regulate the participation of the Ombudsman in the activities of the Monitoring Council.



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The Monitoring Council was established in 2019 pursuant to Article 33, paragraphs 2 and 3 of the CRPD and in 2022 it is fully chaired by the Commission for Protection against Discrimination. In view of the important role of the Council, the following paragraphs will briefly present its activities during the past year.

#### **✓ Monitoring Council activities in 2022**

The Monitoring Council held three meetings in the past year, and due to the COVID-19 situation, the meetings were in a hybrid format.

##### ***First meeting of the Monitoring Council in 2022***

The meeting was held on 20 May 2022 and the draft Annual Programme for the activity of the Council for 2022 was discussed and priorities were adopted.

The activities of the Commission for Protection against Discrimination related to the protection of the rights of people with disabilities in 2021 were presented.

The answers of the municipalities for the implementation of Article 5, paragraph 3 of Ordinance No. RD-02-20-2 of 26.01.2021 for determining the requirements for accessibility and universal design of the elements of the accessible environment in the urbanised territory and of the buildings and facilities (in force from 13 March 2021) were considered.

A solution was sought to the problem with the lack of support for disabled people whose medical expert decisions expired in the period from 1 April 2022 to 30 June 2022.

##### ***Second meeting of the Monitoring Council in 2022***

In response to complaints received by the Ombudsman and the Commission for Protection against Discrimination about existing problems faced by people with rare diseases, it was decided to organise a dedicated meeting of organisations of people with rare diseases and the Monitoring Council.

A proposal to set up a working group to prepare a Communication Strategy of the Monitoring Council was discussed.

A draft letter to the Ministry of Labour and Social Policy was discussed and voted on in connection with the implementation of Article 38 of the People with Disabilities Act and the subsidised employment programmes for people with permanent disabilities managed by the Employment Agency.

The problem with medicinal foods and consumables, which remain outside the scope of the mandatory health insurance, was discussed. The Council made a decision to submit a proposal to the Minister of Health and the NHIF.



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Specific proposals to the Minister of Health for amendments to Ordinance No. 16 of 30 July 2014 on the conditions and procedures for registration of rare diseases and on expert centres and reference networks for rare diseases were discussed.

A recommendation to the NHIF to include representatives of the organisations of people with disabilities and the Monitoring Council in the working group engaged in the preparation of a Draft updated specification of aids, devices, equipment and medical devices and others intended for people with disabilities was approved.

#### ***Third meeting of the Monitoring Council in 2022***

The last meeting of the Council for 2022 was held on 20 December 2022.

The Retina Bulgaria Association participated in the meeting and presented the problems of people with rare diseases. The issue of the lack of a National Strategy for people with rare diseases and the insufficiently updated list of rare diseases in Bulgaria was raised and discussed.

It was discussed and approved that a recommendation be made to the Minister of Health concerning the Medical Expertise Ordinance and the need to implement more rapidly a new disability assessment model and to abandon the MREC/NREC expert decisions as a uniform tool for exercise of rights.

#### **✓ 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.

#### **Based on information from MLSP**

In fulfillment of its main function of cooperation in the development and implementation of the policy on the rights of persons with disabilities, at five meetings in 2022, the National Council of People with Disabilities considered and approved 13 documents directly affecting the guarantee of the rights of persons with disabilities, specified in the UN Convention on the Rights of Persons with Disabilities.

#### **✓ 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-



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2020), several 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.

#### **✓ Application of Article 9 – accessibility**

##### **• Sign language**

Accessibility of the environment is crucial for the people with disabilities to have dignified and independent lives.

With the adoption of the Bulgarian Sign Language Act (BSLA), the legal status of sign language as a means of communication for deaf people and as a service to meet their needs has been settled. The legal act regulates the right of the deaf and deaf-blind persons to a free translation service in the Bulgarian sign language, provided by the social assistance bodies at the expense of the state budget. Therefore this type of social support is foreseen and provided respectively through the budget of the MLSP.

By Order No. RD-02-62/12.04.2022 of the Minister of Labour and Social Policy, an interdepartmental working group was formed to prepare draft amendments and supplements to the Bulgarian Sign Language Act by 30 June 2022. The prepared draft to amend and supplement the Bulgarian Sign Language Act was submitted for public consultation from 19 August to 19 September 2022, then was approved by the Council of Ministers with CMD No. 807 of 20.10.2022 and submitted for consideration to the National Assembly. The amended and supplemented Bulgarian Sign Language Act was published in the State Gazette No. 10 of 2023.

##### **• Building an accessible environment and personal mobility through the National Programme for Accessible Housing Environment and Personal Mobility**

The MTSP continues to implement a specific measure for financing and implementation of activities for the building of accessible housing environment under the National Programme for Accessible Housing Environment and Personal Mobility, under Article 56 of the People with Disabilities Act, approved by the Minister of Labour and Social Policy.

In the first half of 2022, changes were made to the National Programme for Accessible Housing Environment and Personal Mobility to ensure improvement of the order, conditions and procedures for applying for the construction of affordable housing in order to eliminate identified inconsistencies and operational difficulties.

The minimum threshold for financing projects related to the building of accessible housing environment was removed and the eligibility conditions regarding the scope of the planned activities were specified, allowing the applicant to provide own financial contribution in cases where the planned value of the project proposal exceeds BGN 100,000, which is the determined maximum amount of financing under Component 1 “Accessible Housing” of the Programme. The adopted amendments ensure improvement of the rules, conditions and procedures for applying and



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carrying out activities to provide the necessary public support for building accessible housing environment.

- **Building accessibility through the Social Protection Fund**

In 2022, the Social Protection Fund also implemented other activities to support people with disabilities:

Under Component 1 “Acquisition of fixed assets, current maintenance of the material base and construction of a new one, reconstruction and modernisation of the existing material base for provision of social services”, 15 projects were financed in 2022.

Under Component 2 “Support for the implementation of social activities and/or for achieving the social goals of social enterprises registered in the register of social enterprises”, 3 projects were financed in 2022.

- **Accessible information through the targeted programme  
“Development of a Bulgarian speech synthesizer for the needs of people  
with visual impairments”**

The purpose of the Programme is to support the process of social inclusion of people with visual impairments, with a view to creating opportunities to increase their educational level, employment and quality of life. By implementing the programme, more than 4,000 people with visual impairments have access to information.

- **Accessible environment under the Agency for People with Disabilities**

In order to provide conditions and opportunities for sports clubs in the country to expand the scope of people with permanent disabilities, to participate in sports activities with a view to improving their physical capacity, make full use of free time and their social integration, the Agency for People with Disabilities finances projects to provide an accessible architectural environment for people with disabilities at cultural, historical, sports sites.

In order to achieve sustainability of the programme, as well as the indicators set, measures were taken to promote it. Letters were sent to organisations and structures related to the provision of accessible architectural environment. Online events were also held – Open Doors Day, where potential beneficiaries were given the opportunity to ask questions about the preparation and implementation of their projects.

- ✓ **Measures to provide aids for persons with permanent disabilities**

The updated National Recovery and Resilience Plan (NRRP) of the Republic of Bulgaria was approved by Decision of the Council of Ministers No. 203 of 7 April 2022. Part of the commitments of the MLSP under the NRRP is the project “Provision of aids for persons with permanent disabilities”. The project envisages the provision of high-quality and high-tech aids to people with permanent disabilities to create an accessible environment related to their mobility and free movement, as well as providing training for their use.





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In the second half of 2022, a draft Methodology for the selection of persons with permanent disabilities (the Methodology) was prepared. The Methodology is based on the bio-psycho-social model in accordance with the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization.

The methodology for the selection of persons with permanent disabilities was approved by Order No. RD-01-428 of 16 December 2022 of the Deputy Prime Minister for Social Policies and Minister of Labour and Social Policy and was promulgated in the unofficial section of the State Gazette, No. 102 of 23 December 2022.

#### **✓ Application of Article 24 – Education**

There are 5 special schools for students with sensory disabilities – impaired hearing and vision – in the country, and the total number of children and students in them is 711. There are three special schools for hearing impaired students, and those for eyesight impaired students are two.

In the special schools for students with impaired vision, vocational classes in ceramics and gardening were established, which build the students' professional skills and prepare them for independent life in the future.

Under the project “Support for Inclusive Education” funded under the Operational Programme “Science and Education for Smart Growth” 2014-2020, with a specific beneficiary the Ministry of Education, a series of specialised trainings under Activity 3 were conducted for specialists in personal development support teams and other teaching staff and non-teaching staff from the project's kindergartens and schools.

In 2022, a total of 1,856 specialists were trained.

A Map was designed for the functional assessment of the individual needs of children and students with special educational needs and with chronic diseases in connection with the application of the International Classification of Human Functioning, Disability and Health for Children.

Since 2022, a platform for educational and therapeutic resources for children and students with special educational needs “Support Me” has been operating ([podkrepime.mon.bg](http://podkrepime.mon.bg)).

#### **✓ Establishing a State Agency for People with Disabilities**

With regard to the establishment of the State Agency for People with Disabilities (SAPD) the Ministry of Labour and Social Policy sought expertise for the implementation of the structural reform. The MLSP received technical assistance under the European Union (EU) Structural Reform Support Programme implemented by the World Bank with funding from and in cooperation with the Structural Reform Support Office of the Secretariat-General of the European Commission, through expert recommendations for establishment of institutional and governance structure of the SAPD at the Council of Ministers.



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In line with the provisions of § 12, paragraph 3 of the PDA, an assessment of the appropriateness of legislative decisions regarding administrative structures is required, since the establishment of bodies with similar powers and functional competence creates a risk of duplication of functions, respectively duplication of funding of policies and activities, unclear boundaries of responsibility in making budget expenditures, difficulties in the budget procedure and budget planning, etc. To date, at all levels at which the issue has been discussed, no arguments have been found in support of the current regulations that would prove relevance of the provision regarding the carrying out of an individual assessment of the needs of people with disabilities to be transferred to the executive functions of the SAPD. This means transferring an executive function (currently carried out by the territorial divisions of the Social assistance Agency) to a state agency, breaking the division introduced between executive and state agencies under the Administration Act.

With the latest amendment and supplement to the People with Disabilities Act (SG No. 8 of 25 January 2023), a change was made in §12, paragraph 3, according to which the State Agency will coordinate the implementation of the policy for the rights of people with disabilities, and the individual assessment of the needs of people with disabilities is excluded from the functions of the SAPD.

It is necessary to carry out broad public consultations, in which representatives of disabled people and legal entities to be included, in order to reach a consensus on finding a lasting solution to the structural change.

#### **✓ On the Report to the UN Committee on the Rights of Persons with Disabilities**

In line with Bulgaria's commitment to the implementation of the Convention on RPD, as well as to implement the recommendations of the UN Committee on the Rights of Persons with Disabilities on the country's first national report, an intergovernmental working group was established in April 2020 by an order of the Minister of Labour and Social Policy, including representatives of all ministries, agencies, public authorities, nationally representative organisations of and for persons with disabilities.

The task of the group was to develop an Action Plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the Rights of Persons with Disabilities with a timeframe for implementation 2021–2026.

The developed Plan includes all recommendations of the Committee, both implemented, for which the achieved results are indicated, and those identified as unimplemented or those in the process of implementation. It lists measures and activities through which some of the recommendations have been implemented so far.

By Decision No. 110 of 12 February 2021 of the Council of Ministers, the prepared Action Plan for the implementation of the final recommendations to the Republic of Bulgaria issued by the UN Committee on the Rights of Persons with Disabilities with a timeframe for implementation of 2021–2026 was adopted.



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The implementation of the Plan is expected to lead to development and improvement of policies targeting persons with disabilities, in line with the UN Convention on the Rights of Persons with Disabilities and other international instruments aimed at guaranteeing human rights to which Bulgaria is a party. The Plan envisages a periodic review of the progress made in implementing the recommendations, involving the designated disabilities coordinators and other stakeholders under Article 18 of the PDA.

#### **✓ International Classification of Functioning, Disability and Health in needs assessment**

With the entry into force of the Persons with Disabilities Act, the right of persons with disabilities to an individual comprehensive assessment is provided for in accordance with the needs identified in the study of functional difficulties related to the health status and the presence of barriers in the performance of daily and other activities of the disabled person.

In this regard, in 2019, the Methodology for carrying out an individual assessment of the support needs of people with disabilities (the Methodology) was developed and adopted, setting out the terms and conditions for preparing an individual assessment of the needs of people with disabilities, including an assessment of the need to provide social services, personal assistance or other type of support under conditions and procedure laid down in law.

The Methodology is based on the bio-psycho-social model in accordance with the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization.

In view of the possibilities for improving the current model for the individual assessment of the needs of people with disabilities, at the request of the MLSP, the Structural Reforms Support Service at the General Secretariat of the European Commission, together with the World Bank, provide technical assistance related to strengthening and further development of the system for assessing disabilities, the needs for support respectively. The technical assistance was launched in July 2020 and its main objective is to provide recommendations for improving the model of assessment of functional abilities and individual needs of people with disabilities.

The provided recommendations are not mandatory for Bulgaria, but can be used in reforming the model of assessment of disabilities and individual needs.

#### **✓ National Map of Social Services**

The Social Services Act (SSA) for the first time introduced national level planning of social services financed from the state budget by developing a National Map of Social Services.

The map will also determine the maximum number of users of all social services for which full or partial funding from the state budget is provided. The criteria for determining the services and the maximum number of users in the National Map of Social Services are defined in the Ordinance on the planning of social services based on the number and demographic profile of the population.





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Pursuant to § 31 of the transitional and final provisions of the SSA, the National Map of Social Services should be adopted by the Council of Ministers within 12 months of the publication of the results of the population and housing census in 2021, i.e. no later than the last quarter of 2023, bearing in mind that the first final data on the census as of 7 September 2021 were published on the website of the National Statistical Institute on 3 October 2022, including the demographic characteristics of gender, age, citizenship, country of birth. The data on the health status of the population was published on 16 December 2022. The activities on the development of the analyses of the needs of municipalities for social services at the municipal and regional levels, which are financed in whole or in part by the state budget, have already started.

#### **✓ Ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities**

According to the Action Plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the Rights of Persons with Disabilities (2021-2026), the measures envisaged for the implementation of the recommendation regarding the ratification of the Optional Protocol to the CRPD involve the preparation of the necessary additional legislative changes to regulate the implementation of the Optional Protocol. The deadline for the implementation of the measure is by 2025 and the preparation of the process of ratification of the Optional Protocol should be completed before the submission of the next national report to the Committee on the Rights of Persons with Disabilities in 2026.

At present, there is no change in the scheduled deadlines for the ratification of the Optional Protocol to the CRPD.

#### **✓ On information from the Ministry of Health**

##### ***Medical expert examinations***

In order to resolve existing problems in the organisation of medical expertise and in view of the needs of people with disabilities, the following activities were carried out in 2022:

By Order No. RD-02-61 of 01.04.2022 of the Minister of Health (supplemented by Order No. RD-02-125 of 01.07.2022) a working group was established to examine and analyse all received opinions, proposals, signals and complaints related to difficulties in the process of carrying out medical examinations in the country, as well as the proposals of the organisations of people with disabilities for changes in this area.

A significant change is also the inclusion of people with mental disabilities in the category for which it is necessary to determine the need of external assistance at a lower percentage than 90 (80% and over 80%), which will contribute to their fairer evaluation and provision of adequate care in their daily existence, in order to compensate for the loss of basic social and key skills.

In 2022, Ordinance No. 3 of 2019 on medical activities outside the scope of mandatory health insurance, for which the Ministry of Health subsidises medical facilities, and on the criteria and procedure for subsidising medical facilities, was amended twice (SG, No. 33 of 29.04.2022, in force from 29.04.2022, and SG No. 54 of 12.07.2022, in force from 12.07.2022). Part of the two



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changes to the ordinance related to the subsidisation of medical expertise activities carried out by REMCs.

The essential change is the determination of new criteria for the formation of the value, namely an expert decision of REMC that has entered into force, and not, as before, an issued and reported decision. No payment is provided when a series of new appeals and REMC decisions follow within the same certification/re-certification procedure. The second regulatory change (in force from 12.07.2022) allows subsidisation of effective REMC decisions issued in the previous information system until a certain period.

The Ministry informed that in order to shorten the certification procedure as much as possible so that it is organized in a manner that excludes patient-REMC/NEMC dependence and is fully objectified through conducted examinations, consultations and other medical activities proving the health status of the persons, a change is foreseen in the Rules for the structure and organisation of work of medical expert examination bodies and regional files of medical examinations. These changes should reduce the administrative burden for persons with disabilities, and the possibility of their mistreatment will be completely eliminated.

This regulatory change is planned to take place in the first half of 2023.

#### ***The IT system for control of medical expert examinations***

The Ministry envisages termination of the simultaneous operation of the two similar systems, which complicates the processes of control and reporting.

The functionalities of the electronic system containing the **Information** Database under Article 108a of the Health Act are currently being improved, which is in line with the emerging problems in its practical application, as well as with the regulatory changes adopted in the field of medical expert examinations.

It is important to link the National Health Information System with the information database on persons subject to medical expert examination in order to achieve completeness of information on the health status of persons and to facilitate and speed up communication between medical examination bodies and between them and the bodies administering the processes such as regional health inspectorates.

#### **✓ Assistive devices, devices, equipment and medical devices for people with disabilities**

According to Article 73, paragraph 2 of the People with Disabilities Act, the financing and provision of aids, devices, equipment and medical devices for people with disabilities is carried out by the National Health Insurance Fund. The provision was adopted by the National Assembly at the end of 2020 and is in force from 1 January 2022.

By Order No. RD-02-13 of 02.02.2022 of the Minister of Health, a working group was formed, which prepared the necessary regulatory changes regarding the activities of financing,



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provision and use of aids, devices, equipment and medical devices intended for people with disabilities.

By Order No. RD-18-315/31.10.2022 of the Director of the NHIF, the composition of a committee was approved, whose task is to prepare a draft specification under Article 56 of Ordinance No. 7 of 2021 on the terms and conditions for drawing up a list of medical devices and for determining the amount up to which they are paid.

#### **✓ Children with disabilities**

In 2022, 4 homes for medical and social care for children continued to exist in the health care system, according to the latest amendments of § 45, paragraph 1 of the transitional and final provisions of the Social Services Act. The deadline for closing the homes was extended until 31 December 2023, because in the existing homes as of 31 December 2022 in the cities of Varna, Kardzhali, Pleven and Stara Zagora, there are 209 children – all with disabilities – in residential care.

#### **✓ Independent living and inclusion in the community**

In 2022, the Ministry of Health participated in the development of an Action Plan for the period 2022-2027 for the implementation of the National Strategy for Long-Term Care. The plan was adopted by Decision No. 509 of the Council of Ministers of 21 July 2022, and in it, among the measures to increase the efficiency of the long-term care system, measure 3 was adopted: Provision of healthcare for needy persons with disabilities and elderly people who are unable to care for themselves. The activities of this measure are aimed at primary outpatient medical care and its accessibility, development of long-term treatment and emphasis on the service of persons with mental disorders in very old age, including prevention and early diagnosis of dementia.

In 2022, Decision No. 58 of the Council of Ministers of 7 July 2022 for the establishment of the National Mental Health Council was prepared and adopted, promulgated in SG, No. 54 of 12 July 2022. The National Mental Health Council is a permanent advisory body to the Council of Ministers for coordination, cooperation and consultation in the implementation and monitoring of the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021-2030, which held three meetings until the end of 2022.

#### **✓ Access to health services**

Subject to the fundamental principle of non-discrimination in the provision of health services, persons with disabilities are provided with the same scope, quality and standard of free or affordable health care and programmes as all other persons, including in the field of sexual and reproductive health and public health programmes conducted among the population.

Moreover, there are various forms of additional support for disabled people, such as exemption from hospital charges and doctor visits in outpatient care.

For women of reproductive age with proven oncological disease, the Centre for Assisted Reproduction finances (with public funds) the cryopreservation of preimplantation embryos or ova



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before starting antitumor therapy, with the aim of storing genetic material and its use at a later stage, after completion of treatment of the underlying disease.

#### ***Findings:***

- The responsible authorities make efforts to overcome the existing problems in the individual areas of the rights of people with disabilities.
- The measures are not sufficient to overcome the difficulties faced by people with disabilities during examination/re-examination by the medical examination bodies and the significant delays in the issuance of expert decisions.
- Challenges remain for people with rare diseases in exercising their rights.
- Measures to update the lists of aids and medical devices do not contribute to the inclusion of devices adapted to the needs of people with disabilities.
- No action is being taken to overcome the delay in the ratification of the Optional Protocol to the CRPD.

#### **Main recommendations:**

1. Actions should be taken to continue the reform of medical expert examinations and the examination of work capacity, including through implementation of international standards, with active inclusion of representatives of disabled people in broad public discussions and publicity;
2. To take measures to ensure the rights of people with rare diseases;
3. Actions should be taken to appropriately update the lists of aids and medical devices, as well as to improve their quality;
4. To speed up the procedure for ratifying the Optional Protocol to the CRPD.

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

The Ombudsman's efforts and active work to protect the rights of vulnerable citizens had a particularly visible result in 2022 in the field of people with disabilities.

In the context of existing and unresolved problems, exacerbated by the adverse effects of the anti-epidemic measures and the sharp and significant price rises, the work of the institution was of particular importance in addressing the difficulties encountered by the affected persons.



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## MONITORING OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES IN BULGARIA SUMMARY OF REPORT 2022

In 2022, a large part of citizens' complaints found an appropriate resolution as a result of recommendations made by the Ombudsman to responsible authorities, legislative proposals drafted and defended to eliminate deficiencies in the current regulatory framework.

The variety of problems raised and, above all, the continuing trend of increasing complaints in this field compared to previous years are, on the one hand, citizens' appreciation of the institution's activity. On the other hand, they are an indicator of the increasingly serious criticality and sensitivity of those affected to cases of inaction to resolve existing problems.

Particularly visible in this regard is the **dissatisfaction of people with disabilities who were required to undergo examination/re-examination before medical examination bodies**. The serious delays in carrying out the assessment and leaving those in need without the support they deserve from the State for a long period of time were the reason for the submission of a significant number of complaints by those affected and their families and for the actions taken by the Ombudsman to prepare legislative proposals on §20a of the Measures and Actions during the State of Emergency Act, announced by a decision of the National Assembly of 13 March 2020 and for overcoming the consequences, and on the People with Disabilities Act (PDA) and the Health Act (HA), which were adopted by MPs.

Similar is the situation of the persons with disabilities who faced difficulties in obtaining socio-economic protection due to restrictive or unfair requirements in the existing legal framework. A step forward in the institution's ongoing fight for the rights of disabled people was **the adoption of the legislative proposal prepared by the Ombudsman for adding disabled people with defined disability rate above 90 per cent, with certain level of assistance, and those who receive a military disability pension in Article 70, paragraph 5 of the PDA**. With the adoption of the Draft Amendments and Supplements to the People with Disabilities Act by the National Assembly (SG, No. 8 of 2023), the injustice admitted in the legal act was removed and about 150 military disabled persons are now entitled to monthly financial support in the maximum permissible amount. Also, the amended legal act entitles disabled people with defined disability rate above 90 per cent, with certain level of assistance, who receive inheritance pension or civil invalidity pension, to receive financial support in the amount referred to in Article 70, paragraph 5 of PDA.

The statistics shows that over the last three years there has been a trend towards a sustained increase in the number of complaints received on the rights of persons with disabilities. In percentage terms, the increase in complaints for 2022 is as follows: an increase of 6% compared to 2021 and 12.2% compared to 2020.

Complaints received in 2022 under the type of violation "Rights of people with disabilities" numbered **514**. Closed complaints in 2022 on that type of violation numbered 494.

As regards complaints in which violations were found, 133 recommendations were made and 112 opinions were submitted. Over 130 of the recommendations were fully or partially implemented. Successful mediation was carried out in 9 of the cases. Advice was given on 9 of the complaints.





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As regards complaints in which no violations were found, 15 recommendations were made, which were implemented. Mediation was successful in 10 of the cases. Opinion was given on 67 complaints and advice was given on 40 of them.

In 2022, the Ombudsman continued to actively defend the rights of people with disabilities – initiated were two very important legislative amendments related to addressing the problem of expired regional medical examination (RMEC) decisions, because of which nearly 700,000 people were left on the brink of survival.



*“People whose RMEC decisions expired within the period of the epidemic situation until 31 March 2022, had their decisions extended by three months. However, those which expired on 1 April, i.e. immediately after the end of the epidemic situation, were terminated immediately and the people were left with no entitlements”*

- ✓ After repeated actions and a submitted bill prepared by the Ombudsman even before Easter, **the Members of Parliament adopted on 1 July a decision that the RMEC decisions that expired after 1 April were to be extended by the end of the year.** This was done through changes to the Measures and Actions during the State of Emergency Act (MASEA) announced by a decision of the National Assembly (NA) on 13 March 2020 and aimed to overcome related consequences.

On 16 April, at a round table in the National Assembly, the Ombudsman raised the alarm about the problem with the expired RMEC decisions and informed the Members of Parliament about numerous complaints and reports received by the Ombudsman about the difficulties that people with disabilities had in exercising their rights after 1 April 2022, i.e. after the end of the emergency epidemic situation.

The Ombudsman recommended to the Minister of Health and the Minister of Labour and Social Policy to consider mechanisms for the provision of necessary support to citizens with disabilities whose RMEC decisions expire in the period from 1 April 2022 to 30 June 2022. Diana Kovacheva insisted that appropriate legislative amendments be adopted – for example, to include them within the scope of §20, paragraph 1 of MASEA, stipulating that for the time until a new expert decision is issued and its entry into force, the citizens can receive the social support they need in a timely manner.

- ✓ On 29 November, the Ombudsman **submitted to the National Assembly a new legislative proposal in the Persons with Disabilities Act (PDA) and the Health Act (HA) to tackle the most serious problems of people with disabilities related to delays in their re-certification by medical examination bodies, as well as the**



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**inability to exercise their rights through no fault of theirs.** The Ombudsman also proposed a text to remove the discrimination against the pensions of military invalids.

The proposal was accepted and submitted for consideration by the vice chair of the Social Committee Denitsa Sacheva and **on 21 December it was unanimously adopted by the members of the Committee with 17 votes “For”, and at the beginning of 2023 was finally voted in plenary hall in the last days of the 48<sup>th</sup> National Assembly.**

- ✓ As a result of the recommendations, the active actions of the public defender and the joint work with the organisations of and for the people with disabilities, the public pressure and several protests, in the beginning of 2023 **amendments were made to the Ordinance on medical expertise, to the methodologies for determination of the percentage of permanently reduced working capacity/type and degree of disability.**

Even as Chair of the Council for Disabled People under the PDA, the Ombudsman had accepted the problems of disabled people with priority in her work programme.

Throughout 2022, the Ombudsman sent a number of opinions to the two ministers of health, Prof. Asena Serbezova, and the caretaker minister, Dr. Asen Medzhidiev, to the minister of labour and social policy, Georgi Gyokov and the caretaker minister of labour and social policy Lazar Lazarov, as well as to the chairs of the relevant social and health committees of the 47<sup>th</sup> and 48<sup>th</sup> National Assembly. The Ombudsman alerted about the need for urgent decisions on the most urgent problems of people with disabilities, related to ensuring their treatment, medical expertise and the resulting social rights, their social assistance, assistant care. She pointed out that bad policies were the major cause for the plight of the people with disabilities and that they were deprived of life-saving and life-sustaining therapies.

The Ombudsman insisted on analysis of the problems in the work of RMECs/NMEC, warned of the need for urgent measures to speed up medical expertise throughout the country and to prevent interruptions that violate the social rights of people with disabilities. She emphasized that disabled people encountered difficulties in using medical devices, aids and equipment they needed and that their limit amounts had not been updated for more than 10 years.

- ✓ Following two strong recommendations of the Ombudsman, **actions were taken to update the lists of medical devices, aids, equipment and their limit amounts, as well as to include representatives of people with disabilities in the working groups for their discussion.**
- ✓ On 15 December **another important legislative proposal of the Ombudsman for support of families with children with disabilities was adopted.**

In November, Prof. Kovacheva sent to the Budget and Finance Parliamentary Committee a proposal for a **legislative change in the provisions of Article 22c and Article 22d of the Personal Income Tax Act, insisting on the introduction of non-sequestration of the amounts**



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**that employers reimburse to workers and employees who have used tax benefits for children or for children with disabilities.**

**MP Alexander Ivanov from GERB and his colleagues acknowledged and submitted the legislative proposal for consideration in the Budget Committee and it was then adopted by Parliament. Thus the money goes to cover the needs of the children, not the debts of the parents.**

In connection with the identified problems with the exercise of the rights of people with disabilities in 2022, the **Ombudsman made the following proposals for legislative changes:**

- In the State Social Insurance Budget Act for 2022 a proposal was made in connection with the disadvantage for the people with disabilities using personal assistance, with the amount of the compensation for pensions for January and February 2022.
- Through the State Budget of the Republic of Bulgaria Act for 2022 it is proposed in the People with Disabilities Act concrete actions to be taken to address the problem with the unfair amounts of monthly financial support under the People with Disabilities Act for military invalids and for people with disabilities with survivor pensions.
- Through the State Budget of the Republic of Bulgaria Act for 2022 an amendment is proposed to the Personal Income Taxes Act to update the tax relief for people with disabilities under Article 18 of the Personal Income Tax Act, which is in the same amount as in 2008.
- The lack of opportunity to choose a pension which is less favourable for the beneficiary but the granting of which will provide him/her with higher general support under other regulations. Similarly, there is the issue of the lack of possibility to refuse a pension already received at the expense of another type of pension, to which the citizen is entitled, but which is less favourable in amount.
- The restriction in Article 74, paragraph 1 of the SIC for the length of service acquired by people with disabilities after the date of disability should not be taken into account for acquiring the right to a disability pension due to general illness.