



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

RECOMMENDATIONS TO PUBLIC AUTHORITIES OF THE OMBUDSMAN OF THE REPUBLIC OF BULGARIA

REVIEW OF RECOMMENDATIONS 2019 - 2024

SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

Rights of Owners of Agricultural Lands with Outstanding Restitution Claims

In view of the large-scale property rights violations due to pending restitution procedures, the Ombudsman approached the Chairperson (Speaker) of the National Assembly and the Minister for Agriculture, Food, and Forestry with an opinion insisting that the validity of the ban on the disposal of agricultural land from the residual land fund that is municipal property should be extended by at least five years. The point at issue was the land referred to in Article 19 of the *Ownership and Use of Agricultural Land Act* (OUALA) and the reason for the Ombudsman's proposal was the expiration on 22 December 2020 of the temporary ban on the disposal of such lands. The proposal was adopted and was included in Bill No. 002-01-65 of 10 November 2020 to amend and supplement the *Support to Farmers Act* (promulgated in the State Gazette, issue 103 of 2020). Thus, the time limit for the disposal of lands referred to in Article 19 of the OUALA was extended by five years.

Access to Justice

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

Right to Healthcare

A recommendation was put forward to the Minister for Health following numerous complaints filed by front-line healthcare professionals about the government's failure to disburse the supplementary remuneration of 1,000 BGN payable to them for working at the frontlines in the fight against the Coronavirus pandemic. The recommendation was implemented.

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

Right to association

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



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

Right to Education

A recommendation was sent to the Minister for Education and Science and the Rector of the Sofia University following complaints submitted by graduating law students at Sofia University “*St. Kliment Ohridski*” whose convocation date was upcoming but whose final state examinations had been postponed due to measures to limit the spread of COVID-19. The Ombudsman insisted that final state examinations should be conducted, and requested that the graduating students’ right to reside in their dormitories should be extended until June 2021, as well as that the state should continue to provide health insurance coverage for them beyond December 2020. A recommendation was put forward also to the Minister for Labour and Social Policy requesting that solutions should be sought to ensure that graduating students are covered by uninterrupted health insurance. All recommendations were implemented.

Rights of Persons with Disabilities

Information System for Control of Medical Expertise

The implementation of the Information System Controlling Medical Expertise was the step expected to improve the functioning of the bodies of medical expertise, as well as to ensure the rights of persons with disabilities.

Monthly Allowances for Raising Children with Disabilities under Article 8e of the *Family Allowances for Children Placed with Relatives and in Volunteer Foster Families Act*

The amendments to the *Family Allowances for Children Act* (FACA), promulgated in the State Gazette, issue 14 of 2021, with effect from 17 February 2021, have rendered the families of relatives and near friends, as well as the volunteer foster families providing care and support in a family setting to children whose type and degree of disability or permanent incapacity for work have been determined at 90 percent or more, eligible to receive the monthly monetary benefits payable according to Article 8e(5) of the FACA.

Recognising the Expert Decisions Issued by the Regional Expert Medical Commissions (TEMC) to Persons Who Have Reached Statutory Retirement Age for the Purpose of Paying a Reduced Application Fee for Original or Renewal Identification Documents

A new provision was added to Article 7(5) of the *Rules for Issuing Bulgarian Identity Documents* (with effect from 18 August 2020). The new rule explicitly provides that an acceptable verification document shall be also a decision issued by either a Regional Expert Medical Commission or the National Expert Medical Commission to persons with permanent disabilities whose permanent incapacity for work was determined after they reached the retirement age for old age contributory pension or where they reached such age within the expert decision’s validity period.

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

Following a recommendation made by the Ombudsman, the users were exempted from such taxes until the end of 2020.



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

The Ombudsman against Overbuilding and the Destruction of Urban Green Spaces

390 residents living in multi-storey blocks of flats in Lyulin 4 residential complex in Sofia city signed a petition opposing a draft amendment to the detailed land-use plan (zoning plan) providing for high-rise buildings within the inter-building spaces. Following the Ombudsman's intervention, who pointed out to the competent authorities the violations of the rules for residential complex restructuring and the failure to hold a broad public debate, the draft amendment was not approved.

Political Rights and Freedoms, Electoral Rights

In the context of a number of election cycles held in 2021 - 2023, the Ombudsman has pointed out the numerous citizen complaints received by the institution related both to restrictions of their voting rights and to the degrading treatment of the members of the section electoral commissions (precinct election boards) in the process of submitting the vote-count protocols. It is imperative, therefore, that every effort should be made to improve the *Electoral Code's* provisions which should guarantee to the greatest extent possible citizens' fundamental rights and freedoms in the electoral process, and in particular:

- the voting rights of persons in quarantine because they either have COVID-19 or have had close contact with someone who has COVID-19;
- the voting rights of persons who are on a business trip on election day in a location other than their permanent place of residence;
- removal of the limit on the maximum numbers of polling stations for Bulgarians living abroad in non-EU countries;
- legal order and organizational arrangements ensuring that all members of section electoral commissions (precinct Election Boards) enjoy equal work conditions and participation in the process of submitting the vote-count protocols.



SUCCESSFUL RECCOMENDATIONS TO PUBLIC AUTHORITIES

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

