



Ombudsman's Activities 2020 - 2024



- > **Constitutional body with broad mandate** to promote and protect human rights and fundamental freedoms
 - > **Accredited with status A** under the Paris Principles (2019)

1

Accepts and considers complaints
and signals for
violation of rights and freedoms filed
by citizens and their organisations;
May act on his/her own initiative

2

Extends proposals
and recommendations for
restoration of the violated rights and
freedoms to the respective authorities
and private bodies

3

Provides opinions
to the Council of Ministers and
the National Assembly on draft
laws concerning the
human rights protection

4

Monitors and encourages the
effective implementation of signed
and ratified international human
rights instruments

5

Approaches the Constitutional Court
with a request for
declaring as unconstitutional a law which
infringes human rights and freedoms;
Approaches Supreme Courts seeking
interpretative rulings

6

Exercises other specific
functions:
NPM,
children's rights,
people with disabilities,
whistle-blowers protections, etc.

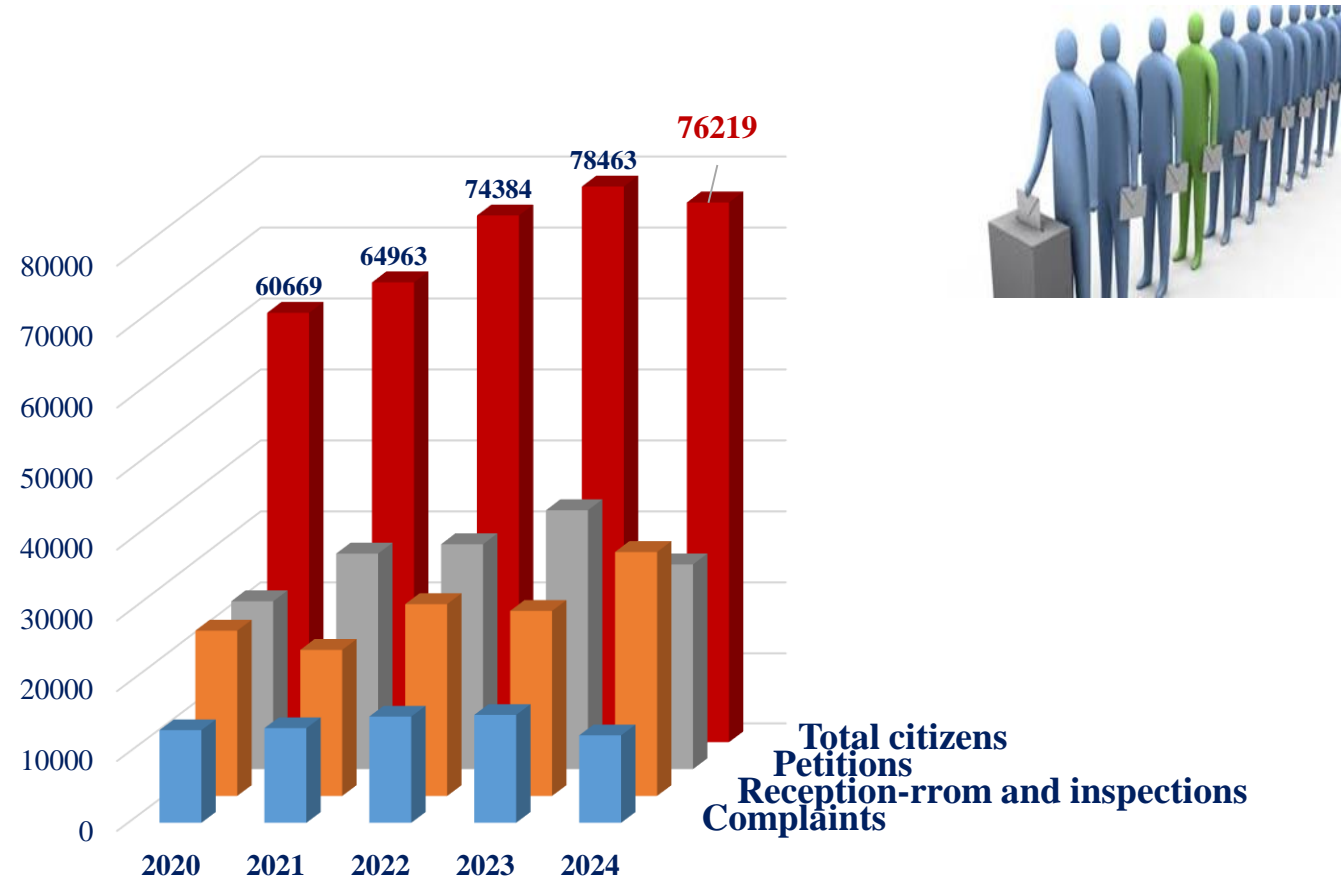
OVERVIEW OF THE INSTITUTION'S ACTIVITY

NUMBER OF CITIZENS HAVING RECEIVED ASSISTANCE

2020 - 2024

A total of **76 219 citizens** and representatives of various organisations received assistance from the Ombudsman, of which:

- ✓ **12 510 complaints** submitted to the Ombudsman for consideration;
- ✓ **34 648 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 29 061.**



ACTIONS AND RESULTS (2)



2020	2021	2022	2023	2024	Results of inspections upon citizens' complaints
2 534	2 855	3 196	3 245	2 431	<i>Recommendation</i>
8 668	9 520	9 837	9 856	8 879	<i>Opinion</i>
1 491	1 229	804	819	1 024	<i>Advice</i>
566	440	414	612	872	<i>Mediation</i>
535	683	714	147	270	<i>Outside the ombudsman's remit</i>

ACTIONS AND RESULTS (2)



Figure - *Number of citizens who sought the assistance of the Ombudsman through the Reception Room during the period 2020–2024*

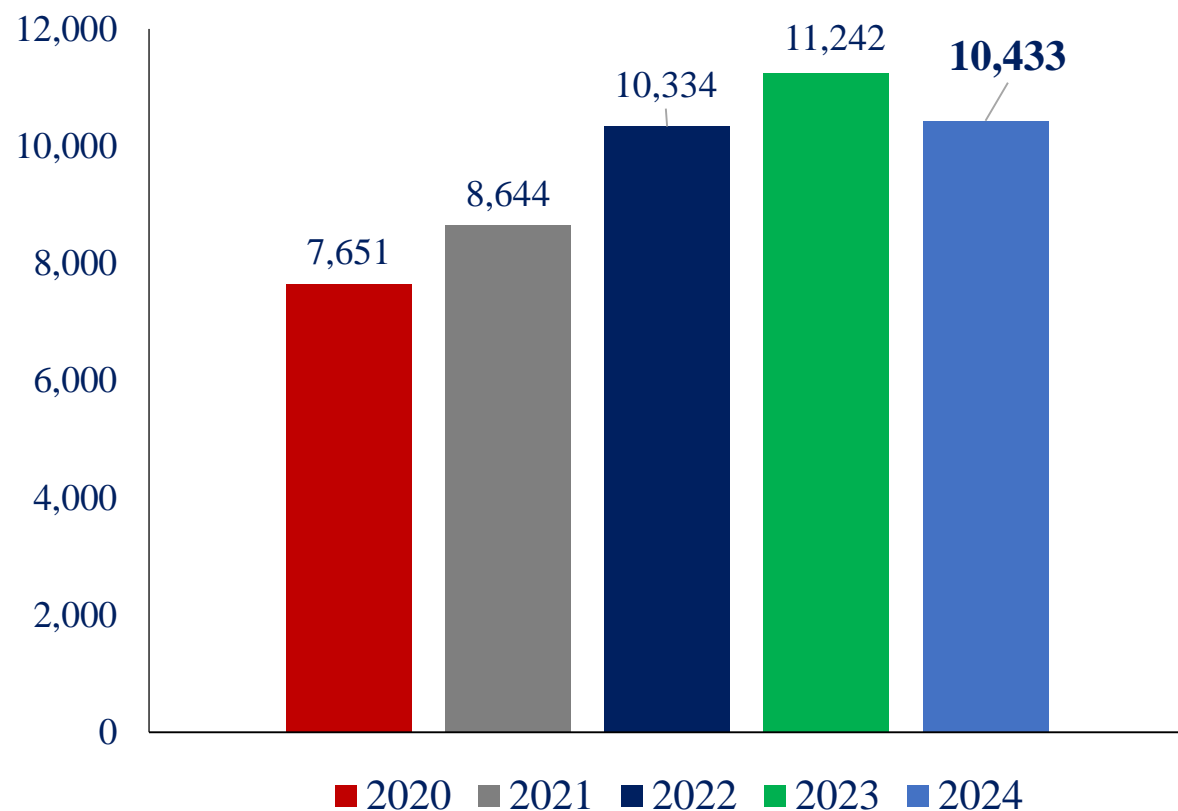
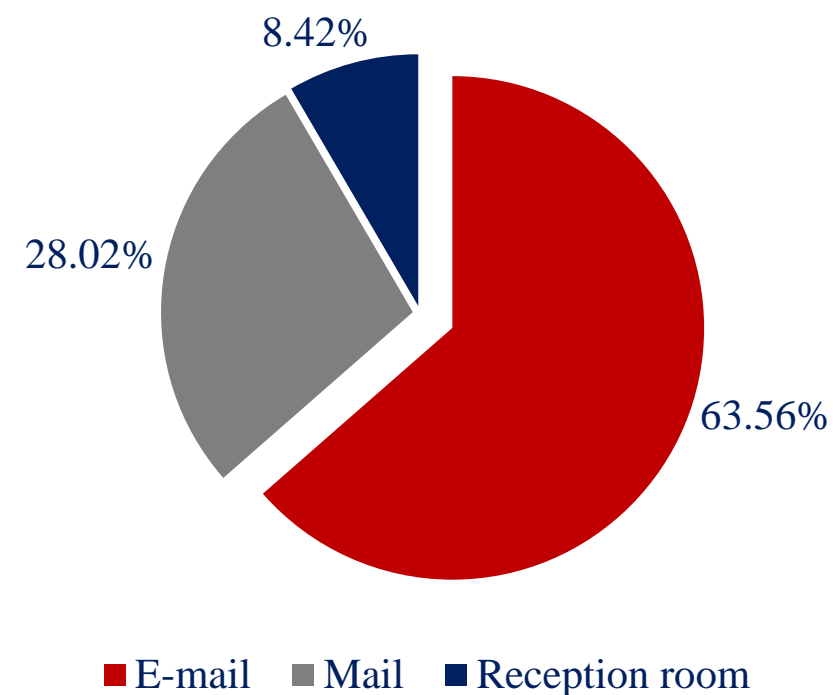


Figure - *% of complaints and signals by manner of submission*

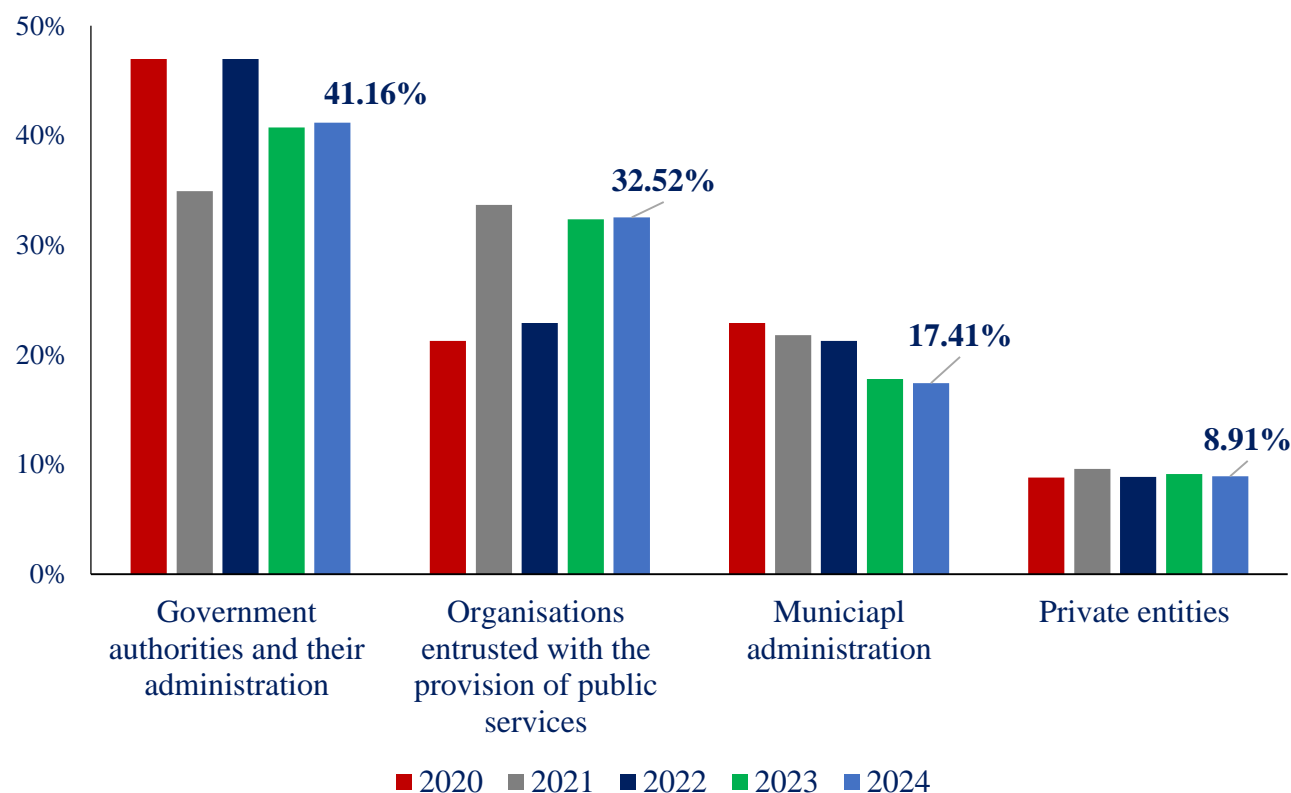


ACTIONS AND RESULTS (3)

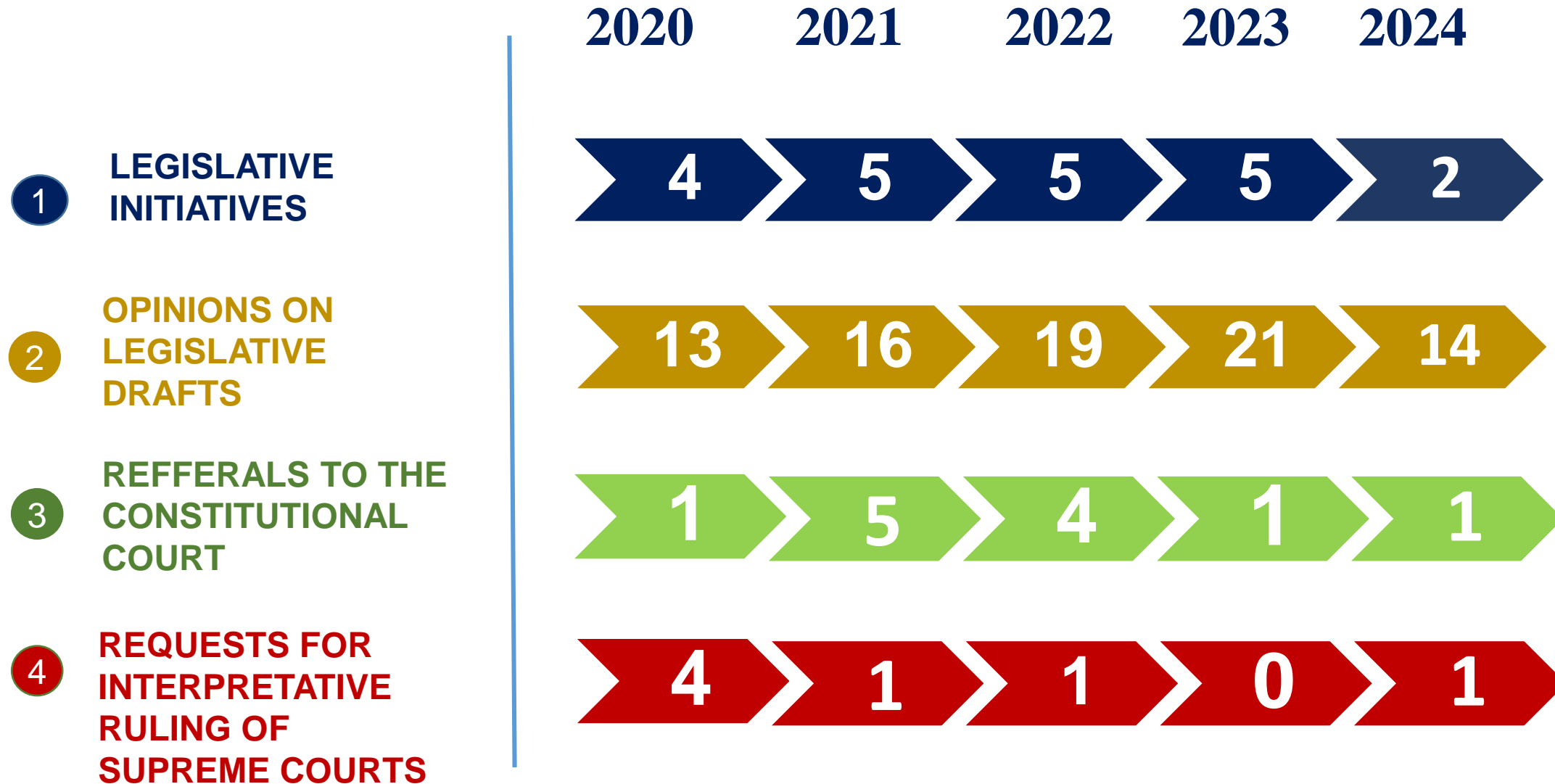
Table. Closed complaints and alerts in 2024 based on the offender stated therein, number and %

Offender	Number	%
Public authorities and their administrations	5,547	41.16
Providers of public services – electricity distribution companies, water supply companies, district heating companies	4 382	32,52
Municipal bodies and their administrations	2,346	17.41
Bodies governed by private law	1,201	8.91

Chart % of Closed complaints and alerts based on the offender stated therein, in the period 2020-2024



IMPACT ON THE LEGAL FRAMEWORK



SUCCESSFUL LEGISLATIVE INITIATIVES

✓ **Criminalization of hate speech** – The Ombudsman has initiated incrimination of all hate crimes

The Ombudsman was 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 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.

The Ombudsman reiterates that the right to express an opinion or belief is a fundamental human right, which is established in various legal instruments - Article 10 of the ECHR, 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.

Amendments to the Criminal Code were adopted by the National Assembly in 2023 and 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.



SUCCESSFUL LEGISLATIVE INITIATIVES

✓ **Rights of victims of domestic violence**

In the summer of 2023, upon a proposal of the Ombudsman, the Members of Parliament introduced amendments to the Protection against Domestic Violence Act (PDVA) in order to provide victims with more effective protection and eliminate the condition of persistence. The Parliament backed up the Ombudsman's proposal and **dropped the requirement for the systematic nature of domestic violence to allow that such offense is qualified as a graver punishable crime**. This amendment will put an end to the humiliating requirement for victims to report at least three offences in order for this unhuman treatment to be punished adequately. The act introduced as well a number of preventive tools and better coordination instruments for which the Ombudsman was advocating before the CEDAW back in 2020.

✓ **Right to education** – The Ombudsman has initiated amendments to the law to **abolish fees for nurseries and kindergartens** paid by parents, in force from 1 April 2022. The funds are to be paid from the state budget.

✓ **Right to education** - a second chance to high school graduates.

In 2023, another legislative proposal was again submitted to provide a second chance to high school graduates in the event of a grade that does not satisfy them at the matriculation exam, which is used as entrance to higher education institutions. Amendments to the Law on Preschool and School Education are proposed because of the problems associated with passing the mandatory state matriculation exam at the end of grade XII. The purpose of the amendments is to improve the results of matriculation and expand their access to the higher education system. Thus, matriculation students who did not receive a satisfactory grade will be given the opportunity once and within one year of passing the first matriculation exam to take the next exam scheduled at the same school.



SUCCESSFUL LEGISLATIVE INITIATIVES



- ✓ **Rights of disabled people** - 2 legislative changes to address the problem of outdated Experts medical decisions adopted by absolute unanimity by the deputies of the 47th and 48th National Assembly - almost 700,000 disabled people were left on the brink of survival:
 1. **Extension of the term of validity of medical expert decisions after cancellation of the emergency anti-epidemic situation** – new provisions retroactively extended the validity of expert decisions that expired from 13 March 2020 to 30 June 2022. Based on law amendments, citizens got the opportunity to receive the support to which they are entitled as people with disabilities for the entire emergency period;
 2. **Extending the term of validity of medical expert decisions in case of delayed medical examination** - Changes in the **People with Disabilities Act** and the **Health Act** addressed the most serious problems of people with disabilities related to their **delayed re-certification by medical expert examination bodies**, and impossibility to exercise their rights though no fault of theirs + **proposal to remove the discrimination against pensions of military invalids**
- ✓ **Child rights** – 2 legislative proposals to address:
 1. **Children's right to welfare** - legislative change of the Personal Income Tax Act, aimed at **introducing the non-sequestration of the amounts that employers reimburse to employees who have used tax benefits for children or for children with disabilities**;
 2. **Children's right to safe environment** - Amending the **Child Protection Act** **banning the supply, sale, including online, and use by children of laughing gas** – Article 5b, new paragraph 5
- ✓ **Drivers' Rights** - Proposal for changes in the **Roads Act** and the **Road Traffic Act** in order to **put an end to the compensatory fee and the fine for drivers who have made an error when purchasing e-vignette** and **notification of accumulated fines by Road Infrastructure Agency within 3 working days**

SUCCESSFUL LEGISLATIVE INITIATIVES

✓ **Rights of people in COVID-19 pandemic – Immunity from Seizure Enjoyed by Funds Provided as Financial Compensation in the Emergency Epidemic Situation**

In the beginning of 2021, upon a proposal of the Ombudsman, the Members of Parliament agreed to include in the Bill to Amend the Measures during the Extraordinary Situation Act express provisions **that funds provided by the State as social benefits may not be seized.**

✓ **Rights of property and economic freedom** – The Ombudsman has initiated amendments to the law on to specific cases:

✓ **Defence of the Rights of Holders of "Dormant" Shares**

The Ombudsman expressed a negative opinion on the proposed *Settling the Relations Concerning the Personal Accounts for Dematerialized Securities Present in the Central Register of Securities Kept by Central Depository AD Bill* (draft law). She suggested that the solution to the issue of the “dormant” shares should be sought not by excluding minority shareholders from the capital market, but through appropriate forms ensuring their inclusion therein, including institutional support and carrying out a broad information campaign.

The legislative procedure was thus discontinued and the bill was not enacted into law. By maintaining her consistent position, the Ombudsman prevented a violation of the property rights in the “dormant” shares which are owned by nearly 2.5 million shareholders and whose face value is estimated at some BGN 2 billion (according to the statement of the reasons for draft law regarding the potentially affected shareholders).

✓ **Protecting the Rights of Previous Vehicle Owners**

In view of the multiple complaints submitted by Bulgarian citizens convicted of traffic offences committed with vehicles whose current owners had failed to transfer the vehicle ownership into the buyer's name, the Ombudsman proposed specific legislative changes to the **Bill to Amend the Road Traffic Act** to allow private sellers of used vehicles sold before 27 December 2017 to transfer the vehicle ownership at the Traffic Police until the end of 2023 by presenting the Bill of Sale alone. The Bill was voted on by the Members of Parliament and was enacted into law. The provisions in question entered into force on 30 March 2021.



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 outstanding 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 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 card 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 essential healthcare professionals about the government's failure to disburse the supplementary remuneration of BGN 1,000 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 put forward 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 because of the 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 the city of Sofia signed a protest 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

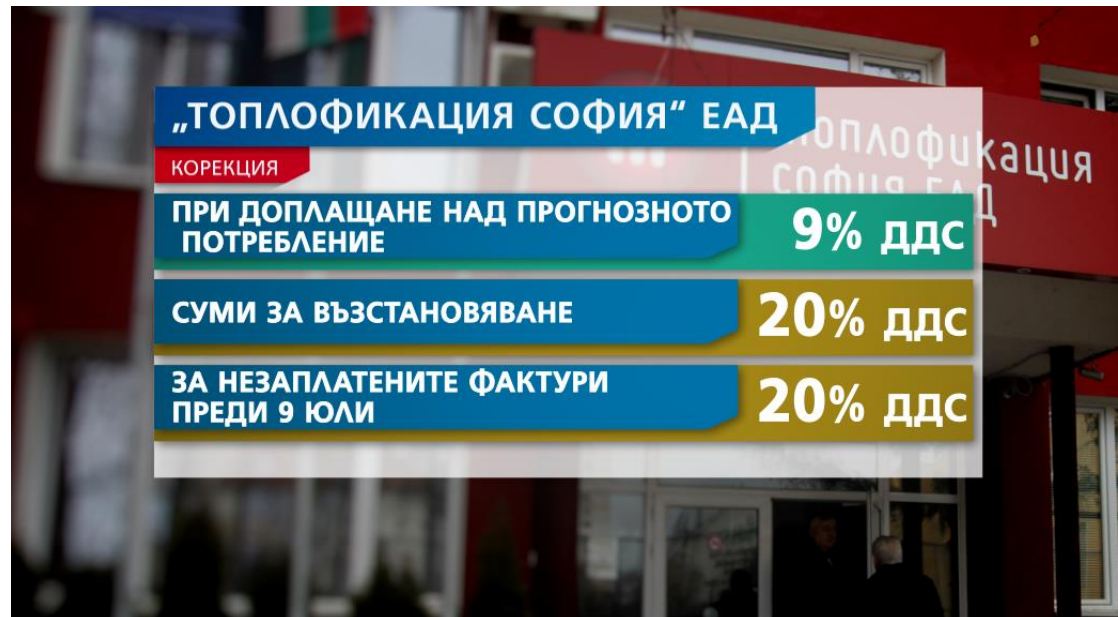
In the context of a number of elections held in 2021 - 2023, the Ombudsman has pointed out the numerous citizen complaints received by the institution related both to restrictions of their voting rights and to the degrading treatment of the members of the section electoral commissions (precinct election 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 conditions of work 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 refunded to 201,222 households the total amount of BGN 3.025 million for incorrectly charged VAT



SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



- **Limitations in the freedom of movement** - The Constitutional Court held unanimously that suspending a driver's licence for unpaid traffic fines, removing number plates, and seizing vehicles at border crossings for unpaid fines constituted a violation of citizens' fundamental constitutional rights. The case was based on a complaint by the Ombudsman in the summer of 2020 when the Ministry of Interior launched large-scale checks at border crossings whether travellers to Greece for a holiday had outstanding fines. The Ombudsman challenged specific provisions of the Road Traffic Act, i.e., Article 171(1)(e) and Article 171(2)(k)
- **Limitations to the right of property** - Request for establishing the unconstitutionality of Article 143, paragraph 1, sentence 2 of the Road Traffic Act. The provision of the RTA challenged by the Ombudsman stipulates that certain categories of motor vehicles may be registered only by a legal entity, a sole trader or a farmer. The Constitutional Court found that the provisions challenged by the Ombudsman are in conflict with Article 4, paragraph 1 and Article 17, paragraphs 1 and 3 of the Constitution and declared unconstitutional the challenged provisions.
- **Limitations to the right of property** - The Ombudsman challenged provisions of the Criminal Code which provide for the confiscation of certain types of vehicles in favour of the state. The Constitutional Court accepts that the partially disputed provisions of the Criminal Code constitute constitutionally intolerable interference of the state in the right to private property of the persons and determine the existence of the contradiction alleged by the petitioner with Article 17, paragraphs 1 and 3 and with Articles 56 and 122 of the Constitution.
- **Limitations to the right of property** - The provision of Article 148, paragraph 16 of the Spatial Development Act, disputed by the Ombudsman, introduces as a requirement for issuing a construction permit in a regulated land property the application of a detailed zoning plan regarding the regulation, including street regulation, connecting the site with the street or road network and providing access to the land property. According to the Ombudsman, these texts of the Spatial Development Act interfere excessively with the right to property and violate the constitutional guarantees for its protection and inviolability of private property. By Decision No.17 of 4 November 2021 the Constitutional Court found unconstitutional the challenged provisions.

SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT



- **Access to justice and right of defense** - The Constitutional Court declared unconstitutional the provision of Article 158, paragraph 5, third sentence of the Health Act (promulgated in SG No.70 of 2004, last amended and supplemented No.62 of 2022), which was contested by the Ombudsman. In the grounds for issuing the decision, the CC accepted the Ombudsman's arguments that the inability to be physically present in the courtroom prevents the person whose compulsory treatment is sought from fully enjoying all the opportunities of participation afforded to him/her by law as a party to the proceedings, relating to access to and acquaintance with evidence, the possibility of making requests for evidence, expressing an opinion on the subject-matter of the case, direct contact with his/her counsel, etc. His/her vulnerable mental and physical state constitutes an additional obstacle to full participation in this way via video conference, insofar as it may hinder his/her ability to perceive the facts of the objective reality related to the trial.
- **The right of persons with mental disorders to be heard in person before the court** - Article 158, paragraph 5, third sentence of the Health Act – *the CC found unconstitutional the provisions of Article 158, paragraph 5, third sentence of the Health Act (SG No. 70 of 2004, last amended and supplemented SG No. 62 of 2022)*
- **The requirement that vignette and toll fees are paid prior to the regular periodic technical inspection of a road vehicle** - Article 10, paragraph 16 of the Roads Act – *the CC admitted for examination on the merit the request of the Ombudsman to establish the unconstitutionality of Article 10, paragraph 16 of the Roads Act (SG No. 26 of 29.03.2000, last amended and supplemented SG No. 23 of 19.03.2021)*
- **The prohibition of the state providing scholarships to students in private higher education institutions** - Article 8, item 3 in the part “state” of the Higher Education Act – *the CC admitted for examination on the merit the request of the Ombudsman to establish the unconstitutionality of the provision of Article 8, item 3 of the Higher Education Act (SG No. 112 of 27.12.1995, last amended and supplemented SG No. 102 of 23.12.2022) in the part regarding “State”.*

CAMPAIGNS IN SUPPORT OF THE RIGHTS OF VULNERABLE GROUPS OF CITIZENS

Adoption of legislative measures for protection against domestic violence

Support for citizens in their disputes with monopolies

Support for children in conflict with the law

Support for migrants and refugees

SUPPORT FOR CITIZENS IN THEIR DISPUTES WITH MONOPOLIES

– KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2024

CAMPAIGNS FOR ADOPTION OF “PERSONAL BANKRUPTCY” ACT AND FOR PROTECTION AGAINST COLLECTION AGENCIES AND PRIVATE ENFORCEMENT AGENTS

- A **recommendation** to the Chairman of the 47th National Assembly and the MPs from the parliamentary committees on labour and social policy and on budget and finance for an explicit norm by which the **COVID supplements, paid as an anti-crisis measure to pensions, to become non-seizable in the event of imposed garnishments** – adopted provision prohibiting enforcement in respect of the above-mentioned funds
- Support of the bill submitted to the National Assembly on **Bankruptcy of Individuals Act** or so-called “**Individual bankruptcy Act**”



PROTECTION OF CITIZENS FROM PRIVATE BAILIFFS, DEBT COLLECTORS AND PAYDAY LENDERS

In striving to defend citizens' rights, as early as at the start of the emergency epidemic situation, the Ombudsman called for the suspension of limitation periods, prescription periods, and procedural time limits in civil actions, as well as for suspending the actions of bailiffs relating to disposal of assets, inventories of movable and immovable property, and attachment of debtors' earnings and bank accounts. In a recommendation put forward to the Association of Collection Agencies in Bulgaria and the Association for Responsible Lending, the Ombudsman called on debt collectors and payday lenders to be heedful of the coronavirus pandemic and to be considerate towards citizens who were temporarily unable to repay their debts because they had fallen into difficult financial circumstances in the middle of the pandemic crisis.

The Ombudsman held discussion meetings with citizens where she listened to their problems relating to order for payment and enforcement procedures. The Ombudsman then held a meeting on the subject with representatives of government institutions, the judiciary, and professional organisations to discuss the issues and to get competent responses to the citizens' questions and concerns.

In 2021, the Ombudsman continued to send **recommendations to the Association of Collection Agencies in Bulgaria** calling on them not to allow misleading practices on the part of the firms for collection of receivables which are members of their Association. **In discussion meetings, the Ombudsman heard citizens on the problems with execution and enforcement proceedings.**

The Ombudsman drew the attention of the Members of the 45th NA and the 47th NA to the need to adopt an **Insolvency of Individuals Act**, the so called “**Personal Bankruptcy Act**”, in order to resolve the issue with the “eternal debtor”.

Due to the intensifying **problems the citizens have with the firms for collection of receivables** (collectors) and payday loan firms, the Ombudsman insisted before the Members of the 45th NA and the 47th NA to resolve, at the legislative level, the matter with the introduction of rules for the work of collectors, including strengthening the control over these companies.

CITIZENS' AGENDA – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2024

Protection of rights of pensioners

Provisions of the Social Security Code (SSC) effective as of 1 September 2021 changed the mechanism to determine the reduction in insurance income used to **calculate the individual coefficient in setting the amount of labour pensions for people born after 31 December 1959 and ensured in a universal pension fund**. The problem emerges because close to 70,000 citizens affected by the change need to submit applications for recalculations of their pensions. After the timely involvement of the Ombudsman, the case was analysed and the legislator adopted a provision for an *ex officio* recalculation of the pensions as of 1 September 2021.

In 2021, pensioners sought assistance to resolve an issue related to the amendment of the provision of Article 102, paragraph SSC in force as of 1 January 2021 pursuant to which the pension is subject to *ex officio* **recalculation when the pensioner acquired insurance length of service during the previous calendar year and did not submit an application by the date of *ex officio* recalculation**. The problem is that the *ex officio* recalculation of the pensions from 1 April loses amounts for four months from the increased pension which is for insurance length of service and insurance income for the period 1 January – 31 December of the previous year.

In 2021, more than 20,000 elderly people turned to the Ombudsman in collections of signatures to change the model of recalculating and updating pensions. In this context, in order to resolve the issue with low pensions, the Ombudsman suggests the possibility for the next recalculation of pensions to use the average monthly insurance income in the country for the year preceding the update.

Another problem faced by the elderly which was brought to the attention of the Ombudsman is the amount of the **minimum pension which is below the poverty line and the maximum amount of one or more pensions received**.

In 2021, people who retired as of 1 September sought the assistance of the institution due to the **insufficient information about the terms and procedure to exercise the right to retirement and the amount of the second pension from the Second Pillar of the state social security**. The first citizens to be affected are the women born before 1960.



After numerous complaints concerning the **COVID pension benefits**, the Ombudsman proposed the adoption of express legislative provisions for the benefits to be paid out as a crisis measure and to become **non sizable in the event of distress**.

SUPPORT FOR CHILDREN IN CONFLICT WITH THE LAW

– KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2020 - 2024

Ongoing campaign:

1. Adopt a **Law on juvenile justice**;
2. Adopt a **national policy and strategy for juvenile justice 2030**;
3. **Harmonize national legislation with EU Directive 2016/800 on procedural safeguards for children** who are suspected or accused in criminal proceedings in the Criminal Procedure Code.

Disturbing practice of violating the rights of children during police custody

In 2022, the Ombudsman acting as NPM, found a disturbing practice of violating the rights of children during police custody involving the completion of a declaration of waiver of the right to protection by a minor in violation of all international standards of the Council of Europe and the European Union.

The Ombudsman clearly emphasizes that the first and most important condition to be taken into account is that the detention of a minor is permissible only as an exception.

Where children are concerned, depriving them of basic human rights while in police custody is absolutely unacceptable.

The Ombudsman institution has consistently maintained that the competent authorities must take timely action to bring legislation in line with the existing international standards in order to ensure effective access to justice for children and treatment that is appropriate to their age, development and needs.



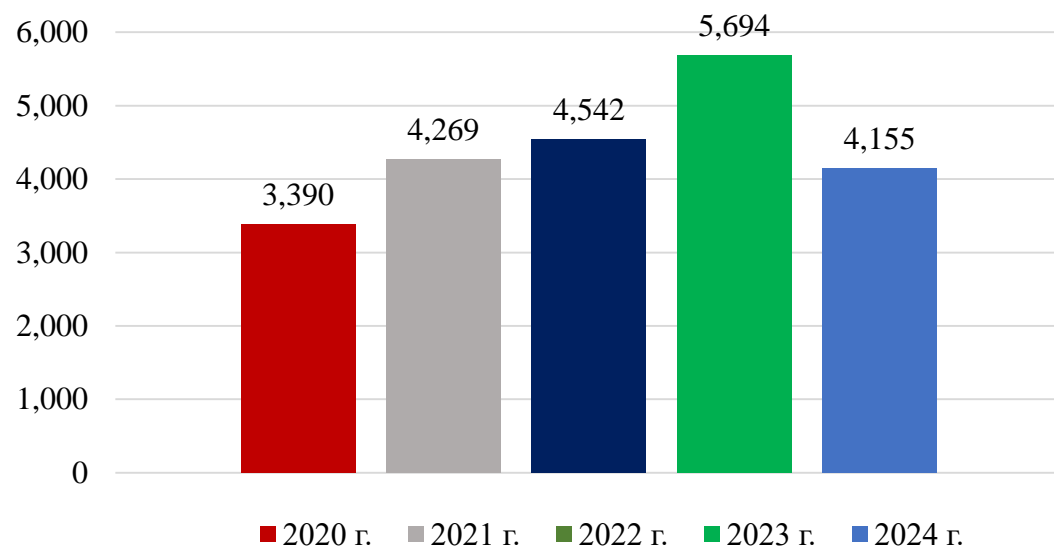
CAMPAIGN TO SUPPORT REFUGEES FROM THE WAR IN UKRAINE

- **Direct 24-hour contact hotline** for timely and up-to-date information on the rights of Ukrainian citizens;
- Participation in an online meeting of the ombudsmen of Ukraine and the Russian Federation, organised by the World Organization of National Human Rights Institutions;
- **Extraordinary inspections in:**
 - the municipalities of Russe, Varna and Burgas and in the regional administrations of these cities,
 - the Danube Bridge checkpoint and Durankulak checkpoint,
 - the buffer centres for distribution of citizens with temporary status shelter in Elhovo and Sarafovo and in SOS Children's Villages in the village of Dren, Pernik region, where 81 Ukrainian citizens are accommodated, 44 of whom are children
- **Special reports with findings and recommendations** sent to the attention of responsible institutions;
- Help to refugees from Ukraine with confiscated non-excise goods worth over BGN 394,000;
- Visit to a volunteer centre for temporary accommodation of Ukrainian citizens in Mladost district, Sofia, and distribution of aid to refugees from Ukraine.



CONSUMER RIGHTS

Chart - Number of complaints and alerts received from consumers in the period 2020-2024



Source: Statistics of the Ombudsman of the Republic of Bulgaria

- In 2024, in 393 cases recommendations were made, of which:
 - 328 implemented
 - 51 partially implemented
 - on 2,451 cases opinion was expressed
 - on 201 cases advice was given
 - on 81 cases mediation was provided

Table - Complaints and alerts filed by consumers by industry in the period 2020-2024, %

Sectors	2020	2021	2022	2023	2024
Electricity supply	275	1 503	1 259	1 702	1237
Water supply services	1 097	1 060	1 344	1 481	1153
Electronic communication services	322	313	370	621	525
Financial services	302	234	228	334	325
Heating supply services	964	583	411	728	291
Transport services	153	49	225	290	197
Mail services	16	33	31	19	88
Debt collection companies	44	44	49	63	41
Waste management services	37	278	338	81	38
Insurance services	22	16	25	45	38
Gas supply	31	67	108	35	5
Other consumer disputes	137	90	154	295	217

RIGHTS OF PEOPLE WITH DISABILITIES

Chart - Number of complaints received and closed and related to the rights of people with disabilities in the period 2020-2024

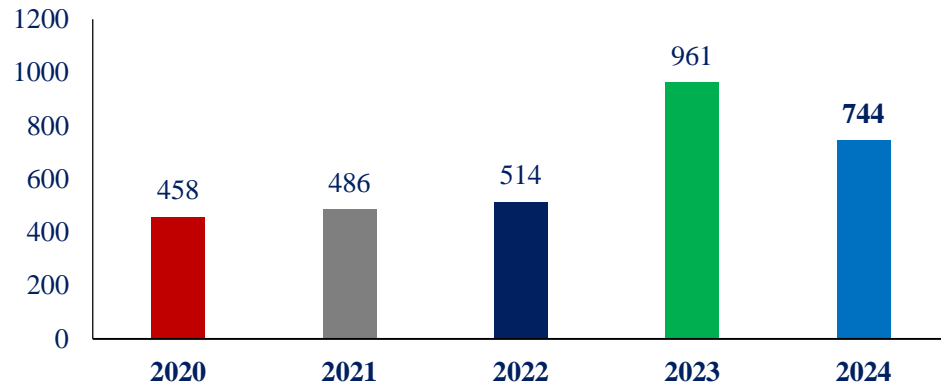
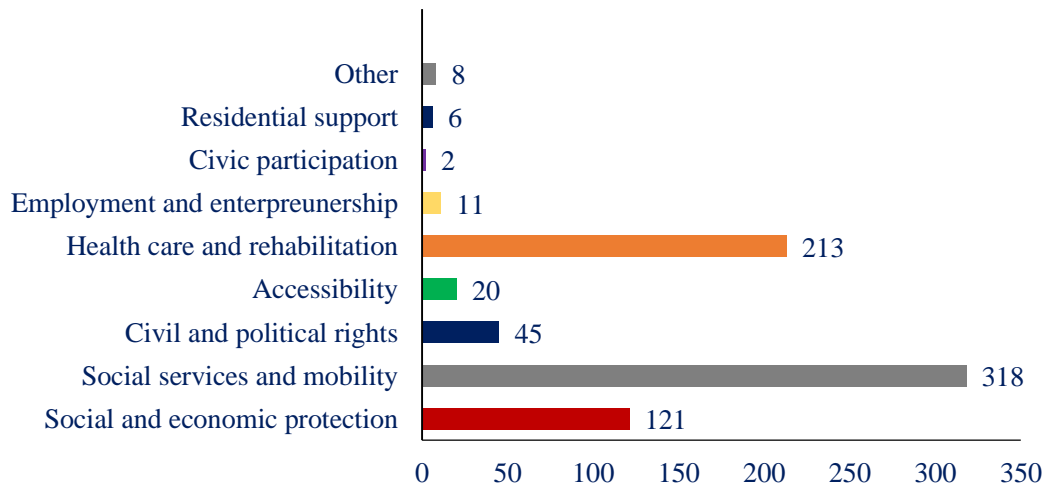


Chart No. 10. Number of complaints and alerts by type of violation regarding rights of people with disabilities for 2024



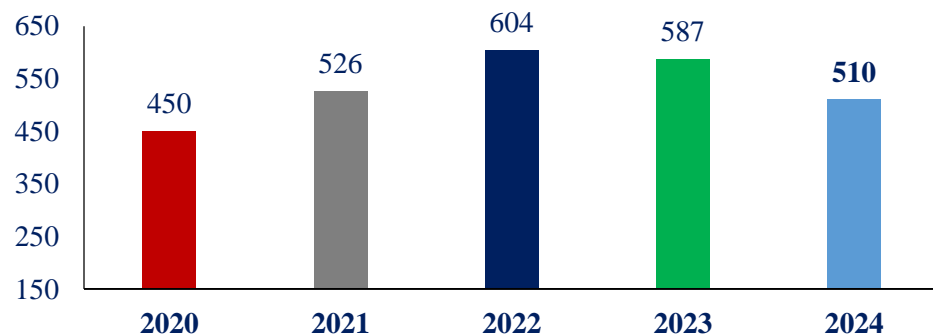
Source: Statistics of the Ombudsman of the Republic of Bulgaria

Problems of people with disabilities

- Definition of right holders under Article 70 of the People with Disabilities Act (PDA)
- Updating the poverty line for 2024
- Amount of monthly allowances for children under Article 8e of the Family Allowance Act for children with permanent disabilities
- Amount of tax relief under Article 18 of the Personal Income Tax Act (the proposal was not adopted)
- Contributory years of service for disability pension arising from general illness
- Requirements for exemption from payment of vignette fee
- Requirements for personal assistant
- Remuneration of personal assistants under the Personal Assistance Act
- Electricity and natural gas prices for social service providers
- Extension of the term of validity of medical expert decisions after cancellation of the emergency anti-epidemic situation
- Extending the term of validity of medical expert decisions in case of delayed medical examination
- Criteria under the Medical Expertise Ordinance
- Limited possibilities for certification/re-certification by the Transport Regional Expert Medical Commissions (TREMCS)
- Accessible environment

CHILD RIGHTS

Chart - Number of complaints and alerts related to children and their rights in the period 2020-2024



Source: Statistics of the Ombudsman of the Republic of Bulgaria

- In 80% of the complaints submitted to the Ombudsman, a breach was found that led to violation or infringement of children's rights
- 92 opinions were provided, 37 statements were made, in 59 cases advice was given, more than 45 of the recommendations made were implemented in full, 50 of the recommendations were partially implemented.

The issues most frequently brought to the attention of the Ombudsman include:

- Applications for financial and social support from parents who are raising their children alone and currently have no income;
- Complaints about protection measures imposed under the Child Protection Act (CPA);
- Support for children at risk;
- Children with special educational needs and their right to integration in the educational environment;
- Prolonged parental conflicts;
- Harassment at schools and quality of the education process;
- Violence and harassment at children institutions – nurseries and kindergartens;
- Sale of laughing gas and various smoking devices to minors;
- Abandoned playgrounds;
- Advertisements with inappropriate messages;
- Online harassment of a child.

RIGHT TO EDUCATION

Chart - Number of complaints and alerts received in the field of education in the period 2020-2024

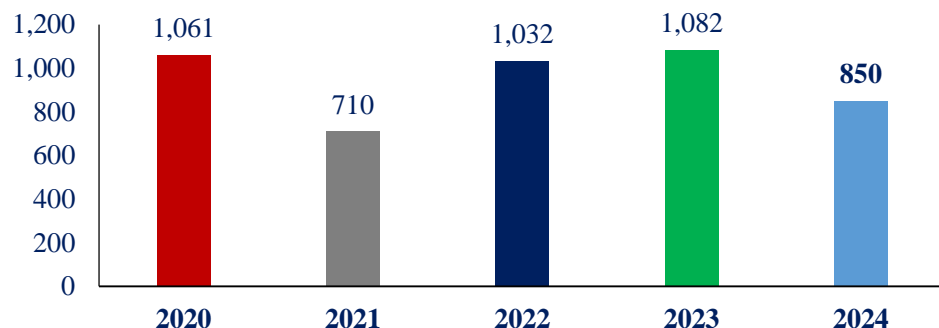
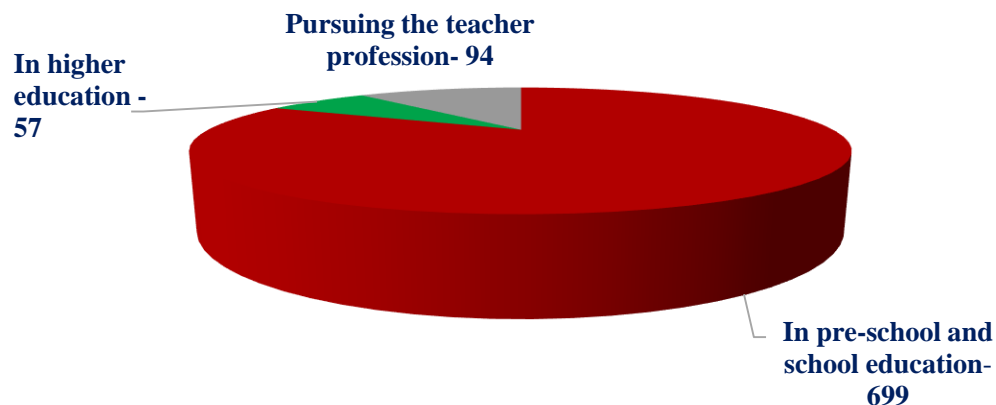


Chart – Number of complaints and alerts received in the field of education in 2024



- **Problems in pre-school education:**

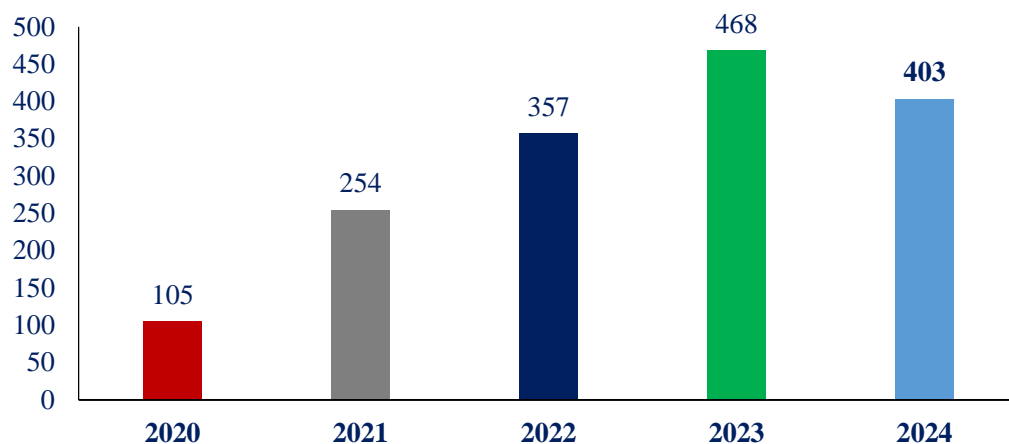
- **Shortage of places in nurseries and kindergartens** in the capital, the rules for admission to nurseries and kindergartens, ensuring the quality of pre-school preparation and improving the scope of pre-school education, the zoning in some municipalities in the country regarding the system for admission to nurseries and kindergartens, the number of children in one group and the staff who cared for them, as well as with collective groups in the summer months, the closing of kindergartens in remote areas or villages with a declining population or with a population of vulnerable social groups
- The qualification of assistant educators and their low pay, the provision of resource specialists to work with children with special educational needs

Achievements: abolished fees for nurseries and kindergartens paid by parents, in force from 1 April 2022, and the funds are to be paid from the state budget



SOCIAL & LABOUR RIGHTS

Chart - Number of complaints and signals related to social security and benefits for the period 2020–2024



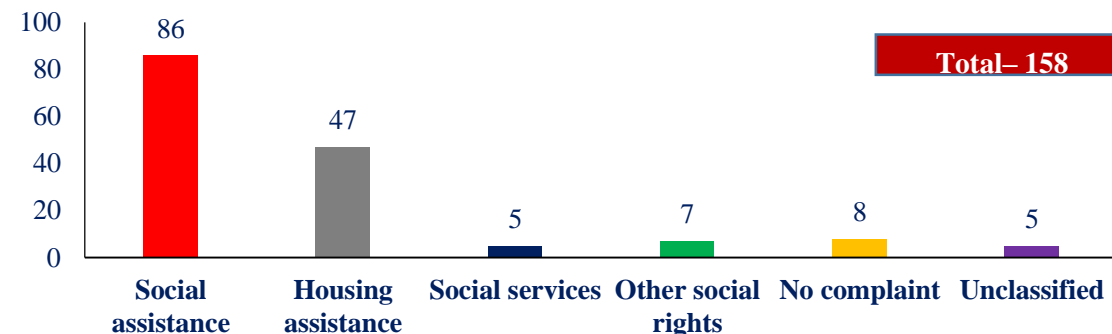
Source: Statistics of the Ombudsman of the Republic of Bulgaria

Recommendations:

1. Recommendation relating to changes in legislation :

- To create a legal mechanism for tying the amount of the minimum wage for the country to the reference values under the Directive of the European Parliament and the Council of Europe on adequate minimum wages in the EU;

Chart - Number of complaints and alerts by type of rights for 2024



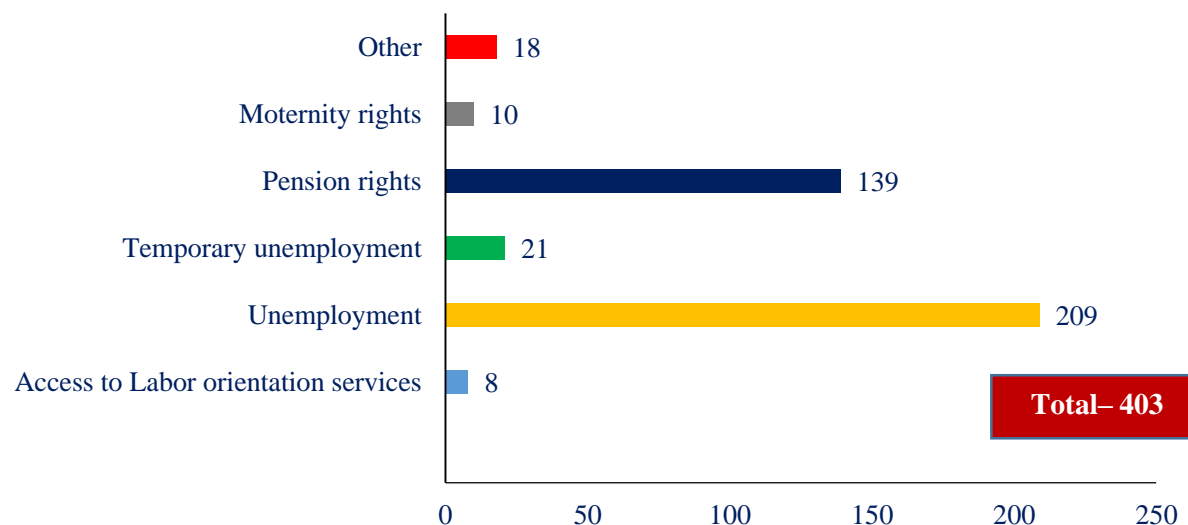
*Note: * Other social rights, incl. social assistance and social services; housing assistance and housing support*

2. Recommendations made by the Ombudsman of the Republic of Bulgaria regarding complaints and questions posed by workers and employees to the Ombudsman:

- 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;
- Establishing an effective control mechanism to ensure occupational safety and health, both for workers who have returned to employers' offices and for those working remotely;
- Establishing a sustainable system for 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.

SOCIAL RIGHTS – PENSION RIGHTS

Chart No. 20. Number of complaints and alerts relating to citizens' pension rights



- **Main problem:** over 20,000 dissatisfied pensioners with the model for recalculating and updating the pensions, with a request for its change and periodic recalculation of the amount of all pensions based on the average insurance income for the country for the previous year

Recommendations:

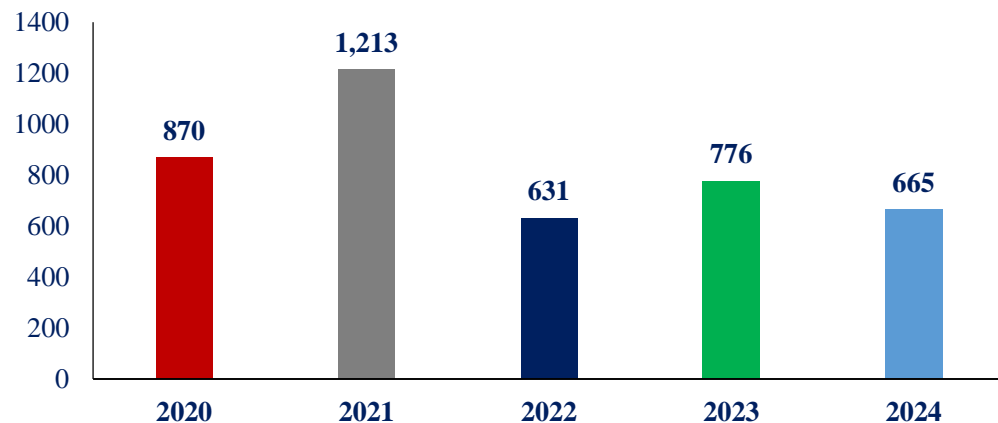
1. Taking the necessary steps so that the minimum amount of pensions is above the poverty line determined for the country;
2. Examining the possibilities of increasing pensions based on the average social insurance income for the country for the previous year and updating as a permanent annual measure;

Recommendations:

3. Abolishing the condition for the maximum amount of one or more pensions received (paragraph 6 of the transitional and final provisions of the Social Insurance Code);
4. Revising the provision of Article 102, paragraph 2 of the Social Insurance Code, in force from 1 January 2021, so as not to limit the right of pensioners whose pensions are recalculated ex officio, to lose amounts for four months of the increased pension, which is for contributory service and insurance income for the period 1 January 1–31 December of the previous year;
5. Regulatory amendment of the conditions for acquiring the right to disability pension due to general illness of those disabled since childhood and to remove the requirement in Article 74 of the Social Insurance Code that their work experience was acquired only before the date of disability;
6. Taking urgent actions to protect the interests of Bulgarian citizens who have acquired pension and insurance rights in EU Member States, in particular in the Republic of Greece.
7. Recalculating, from time to time, all pension amounts based on the average social insurance income for the previous year;
8. Setting up a legal mechanism for establishing a minimum amount of pensions that would bring annually their amount closer or equal to the poverty line.

RIGHT TO HEALTHCARE

Chart - Number of complaints and alerts related to healthcare rights in the period 2020-2024



Recommendations relating to the right to healthcare:

1. Long-term strategy and measures to ensure equal access to a full range of health activities for all citizens, regardless of their place of residence;
2. Conducting medical examination in reasonable terms on the territory of the entire country;
3. Measures to guarantee the quality of inpatient care, treating all diseases that require active treatment, not only the main one;
4. Enhanced quality control measures, taking into account patient satisfaction;

Table – Number of Healthcare-related complaints and alerts received in the period 2020-2024

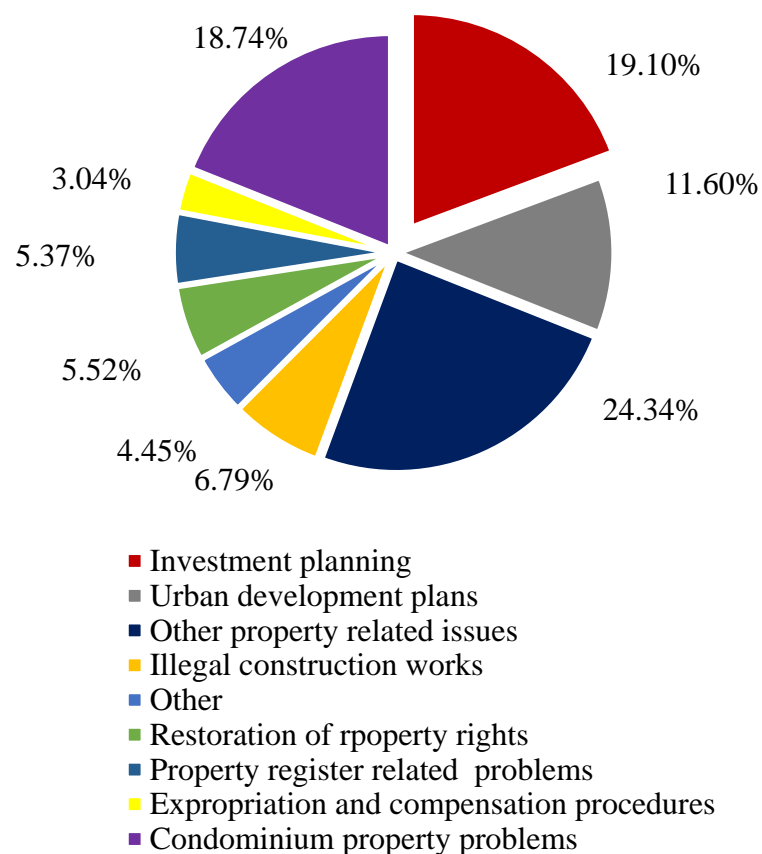
Rights in healthcare	2020	2021	2022	2023	2024
COVID-19 and anti-epidemic measures	320	553	47	-	-
Medical expert examinations	175	179	180	175	68
Quality of medical services	71	90	92	60	82
Access to medical services	72	84	80	56	204
Access to medicinal products, medical devices and dietetic foods	39	47	44	318	173
Health insurance rights	41	46	26	33	38
Promotion and prophylaxis, immunisation, health control	11	79	15	8	6
Access to health information	9	11	18	4	21
Other	132	124	129	122	73

Source: Statistics of the Ombudsman of the Republic of Bulgaria

5. Reduction of the level of co-payment by health insured persons;
6. Expansion of promotion and prevention activities, screening tests and treatment in outpatient care;
7. Completely free children's healthcare;
8. Long-term strategy for training and retention of doctors and medical specialists in the country.

RIGHT TO PROPERTY AND ECONOMIC FREEDOM

Chart - Complaints and alerts on problems with property rights in 2020 - 2024, %



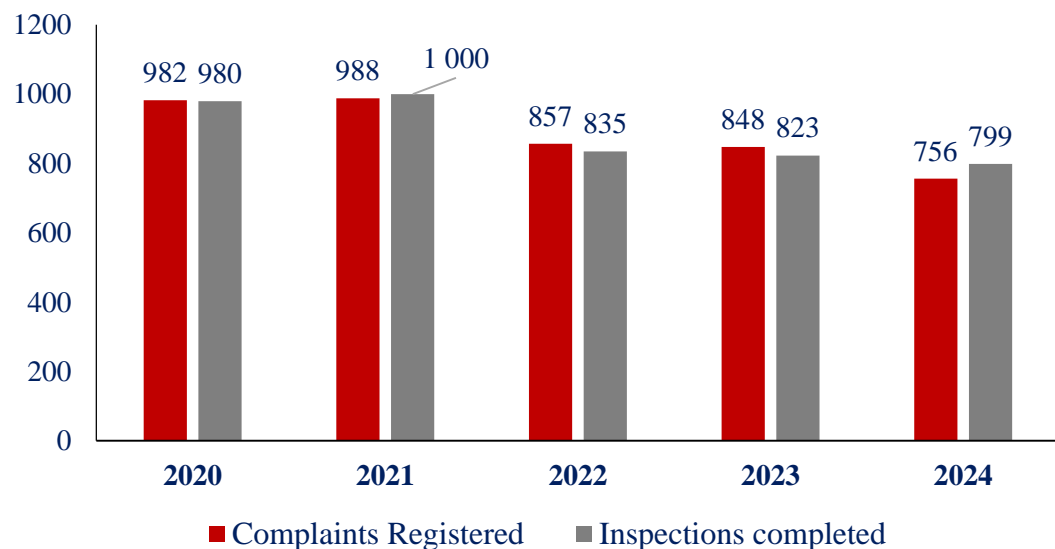
Source: Statistics of the Ombudsman of the Republic of Bulgaria

Recommendations on problems concerning the property right in procedures for developing, communicating, approving, and implementing general and detailed development plans:

1. The general development plans (GDP) should be developed with a clear vision for the territorial location of the sites of national and regional importance and the layout of development zones, in accordance with the planning and programming documents of a higher degree pursuant to the Spatial Development Act and the Regional Development Act. To continue building a better balance between the phases of the multi-level process of regional planning and general development plans to provide a basis for sustainable spatial development in accordance with the Constitution and the obligations of Bulgaria as a full member of the EU;
2. GDP projects should create prerequisites for faster implementation of street regulation plans and other public property sites. In order to achieve an optimal territorial structure, the guidelines of the ecological assessment for harmonising planning with agricultural, forest and protected territories should be observed;
3. When drawing up and amending projects for detailed development plans (DDP), the approach for a one-time achievement of the maximum indicators for development of the zones defined in the GDP should be considered, in view of the actual load on the territory in the horizon of operation of GDP. DDPs should be accompanied by plans-programmes for the funding of their implementation, including for initiation of expropriation measures within the timeframes under Article 208 of the Spatial Development Act;
4. The Ombudsman recommends to the competent administrative authorities that development projects submitted at the initiative of citizens be processed within the legally established terms and in accordance with the principle of speed and procedural economy, pursuant to Article 11 of the Administrative Procedure Code;
5. The regulation of public relations regarding forced expropriation of real estate allocated for public purposes should be done through a predictable legal framework that would allow the government and municipalities to initiate and complete, within a reasonable time after the entry into force of DDP, alienation and compensation procedures.

RIGHT TO GOOD GOVERNANCE AND GOOD ADMINISTRATION

Chart - Number of complaints and alerts received and inspections closed relating to the right to good governance and good administration in the period 2020-2024



Source: Statistics of the Ombudsman of the Republic of Bulgaria

Recommendations:

1. Establish clear and transparent procedures and rules ensuring compliance with the statutory requirements.
2. Comply with the obligation that every decision shall state the reasons on which it is based, clearly indicating the relevant facts and legal grounds.

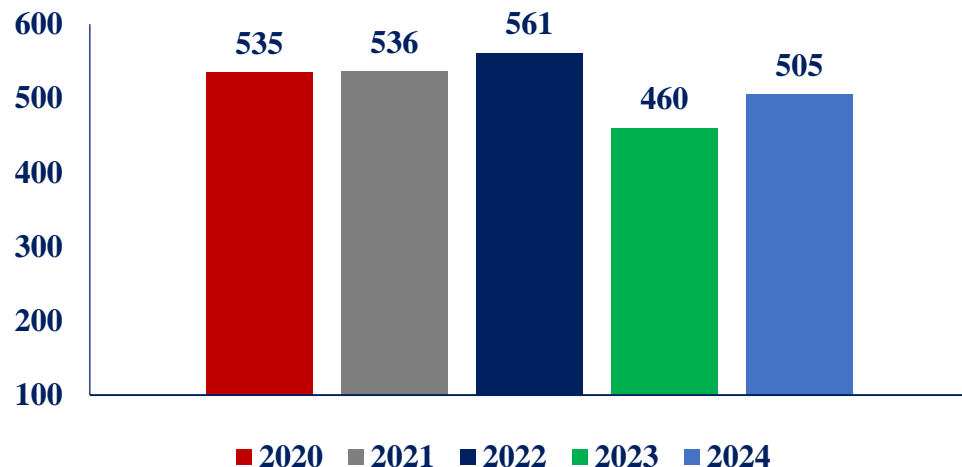
• Major issues raised by citizens

- Poor condition of the national road network, street network and the technical infrastructure to it in settlements (331 complaints, 39.64%)
- Violation of legal requirements (216 complaints, 25.87%) and/or non-performance of obligations (28 complaints, 3.35%) by administrations
- Problems related to payment of road fees (98 complaints, 11.74%)



RIGHT TO HEALTHY AND FAVOURABLE ENVIRONMENT

Chart - Number of complaints and alerts in the field of healthy and favourable environment in the period 2020-2024



Source: Statistics of the Ombudsman of the Republic of Bulgaria

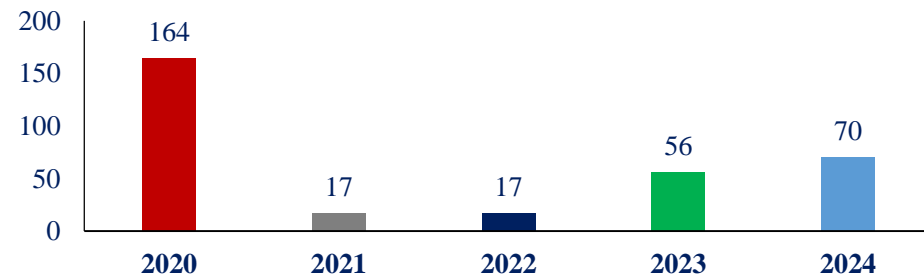
- Support for the draft amendments and supplements to the Clean Ambient Air Act (CAAA), submitted by the Council of Ministers regarding the rights of access to information on air quality monitoring data, as well as the right to access to justice for contesting the programmes under Article 27 of CAAA – not adopted by the National Assembly
- Opinion against the adoption of a draft ordinance for the repeal of Ordinance No. 7 of 2004 on the requirements that must be met by sites for waste treatment facilities (SG No. 81 of 2004)

Problems:

- Increase in the number of petitions addressed to the Ombudsman in addition to the complaints filed by citizens;
- Violations and bias in carrying out an environmental assessment, environmental impact assessment and assessment of compatibility with Natura 2000 areas when authorising large-scale investment proposals
- Insufficient protection of settlements from activities representing a source of harmful emissions in the air, water and soil near them
- Non-compliance with the conditions of complex permits for the prevention of industrial pollution
- Insufficient regulation of the permit regime and non-application of measures to limit noise and pollution from waste-related sites in populated areas
- Lack of predictability in opening and expansion of quarries for extraction of construction materials in ecologically clean areas
- Violation of the public interest when changing the purpose of land properties related to common use of mineral waters
- Other

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

Chart - Number of complaints and alerts in the field of discrimination in the period 2020-2024



Source: Statistics of the Ombudsman of the Republic of Bulgaria

Even though the Ombudsman institution of the Republic of Bulgaria is not a specialised authority for protection against discrimination, the complaints received this year are an expression of the citizens' trust in it and recognition of the efforts made to support and protect their rights.

The institution has repeatedly emphasised in its opinions and annual reports to the National Assembly that discrimination does not affect only the specific victim but that it is also dangerous and harmful to the contemporary society as a whole in the context of globalisation, both nationally and internationally, because it can undermine the democratic values and principles of dignity, equality and mutual respect among people, whose denial in the past caused world wars with terrible consequences for peace and humanity, including for the world's economies.

Problems:

- Poor treatment of children with disabilities at school by other students and teachers, as well as by parents of healthy children;
- Poor treatment of people of other nationalities and ethnic origin/race;
- In a statement issued in 2022 on a bill to amend and supplement the Criminal Code, published for public consultation on 23 August 2022, the Ombudsman stated that all hate crimes should be criminalised and effectively investigated and punished, and that victims should receive moral satisfaction and compensation for the damage they had suffered. Bulgaria is one of the few countries in Europe whose legislation did not include hate crimes against people of different sexual orientations.
- 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.

AUDIT OF WHISTLEBLOWER RIGHTS PROTECTION

In 2023, the Ombudsman of the Republic of Bulgaria took on a new role, expanding the powers in advocating for the rights and freedoms of citizens. Pursuant to § 5 of the Final Provisions of the Whistleblower Protection Act (published in State Gazette, issue 11 of 2 February 2023) and Article 19, para 1, item 14 of the Ombudsman Act, the Ombudsman shall carry out an external audit of the activities related to whistleblowing and the protection of whistleblowers. In addition, pursuant to Article 30, para 3 of the Whistleblower Protection Act, the Ombudsman shall receive and examine complaints against the Personal Data Protection Commission (PDPC/“the Commission”) from persons who have already submitted signals, including for failure to ensure protection or violations of the confidentiality of information about them.

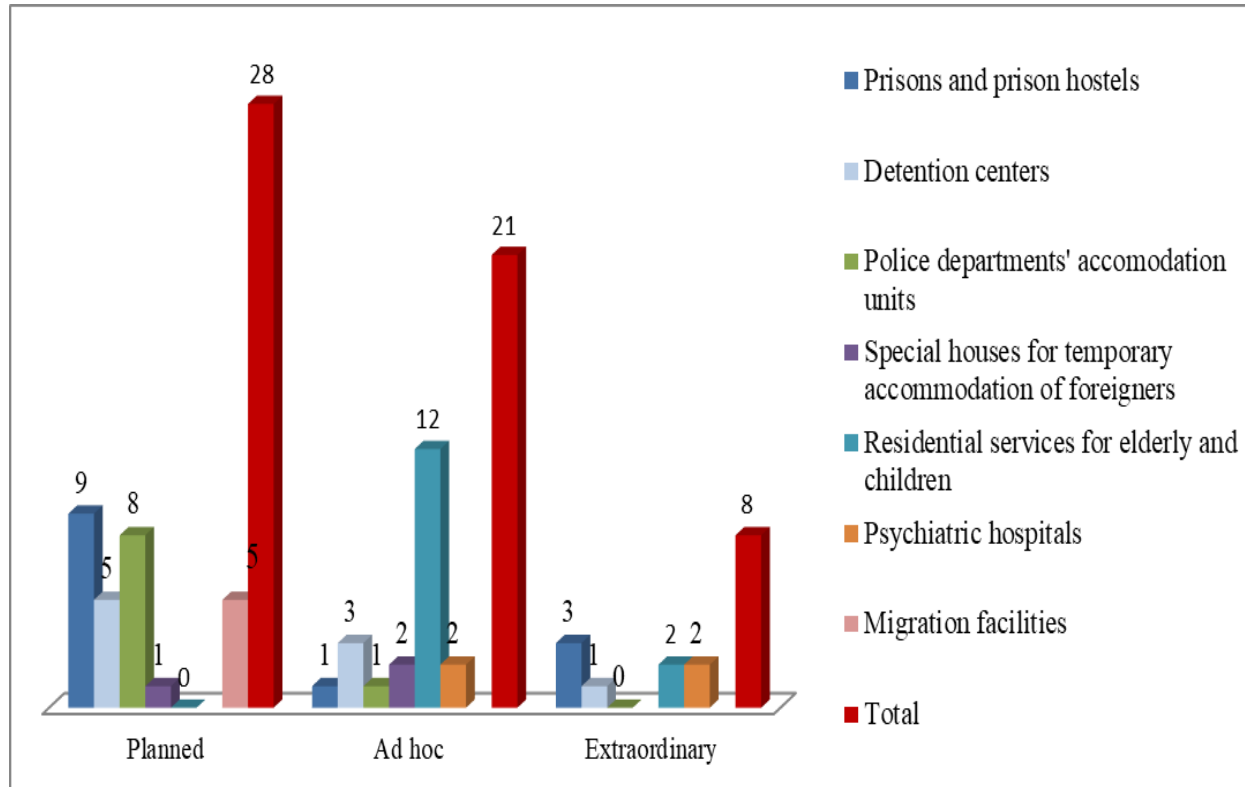
The Ombudsman conducts on-site checks of the work of the external whistleblowing channel (the CPDP), which includes evaluating: deadline compliance with whistleblowers’ protection requests; the quality of interaction between the CPDP and the other competent authorities (as per Article 20 of WPA); compliance of the CPDP’s registers with the WPA; and other aspects of the CPDP's activities that allow for an assessment of its whistleblowing protection work’s effectiveness (Article 30(1) and (2) of WPA).

In its annual report to the National Parliament, the Ombudsman includes information on its audits of CPDP's performance in implementing the WPA.

NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (1)

- **50 inspections were carried out in 2023 and 53 inspections were carried out in 2024**

Chart. Number of NPM inspections conducted by category of inspected body in 2023



- **Main problems:**
 - Systemic deficits in the medical care of prisoners
 - Continuing deficits with depreciated, obsolete and hygienically unreliable bedding inventory
 - Unsolved problems with the presence of cockroaches and bed bugs in places of deprivation of liberty, etc.
 - In detention facilities – absence of service premises, lack of access to ventilation and natural light, and outdated material facilities



- ✓ **A total of 129 recommendations were sent to various authorities and institutions**
- ✓ **The implementation of specific measures to improve the conditions in the places of accommodation, detention or imprisonment was monitored**

NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (2)

- **Increased number of inspections in refugee and migrant accommodation centres** – 11,761 foreign nationals without any status in the Republic of Bulgaria were covered by the checked accommodation institutions within the system of the Ministry of Interior and the State Agency for Refugees in the period 2022 - 2024
 - **Main problems:**
 - Unresolved problems with the setting up of a safe zone for unaccompanied minors outside the capital (at Registration and Reception Centre-Harmanli)
 - Unresolved problems with the control of hygienic and sanitary conditions in the centers for accommodation of foreigners
 - Problems with access to dental and specialised health care, etc.
 - **Outstanding violations of the rights of persons with mental illnesses**
 - **Main problems:**
 - non-started implementation of the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021-2030
 - persistently low values of the “food day” and “medication day” indicators
 - unsatisfactory healthcare for patients in inpatient psychiatric care
- The rights of children and adults accommodated in residential services – the critical findings remain valid regarding the persistent worrying trend of poor-quality care for elderly people and children with disabilities in family-type centres
- Residential social institutions of the old type (homes) – do not meet the criteria for providing quality social services for people with disabilities. The accommodated people are not properly treated and their stay there is not only bad and humiliating, but their basic human rights are violated



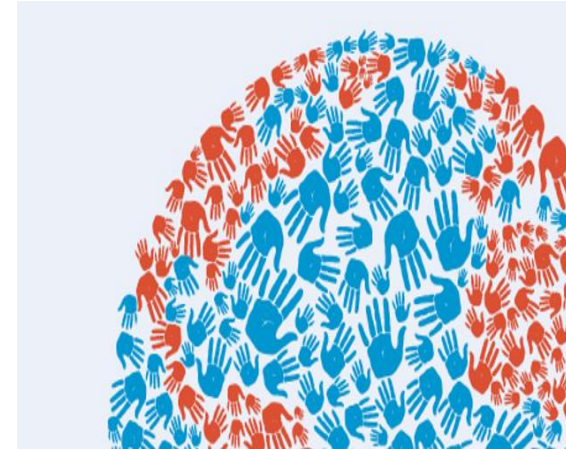
NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (3)

Rights of children in conflict with the law

In 2023, Ombudsman institutional teams from the NPM Directorate and the Rights of the Child Directorate carried out three joint inspections at correctional boarding schools (CBS) and social-pedagogical boarding schools (SPBS) to assess the absence or presence of progress in terms of the Third Thematic Report on the Rights of Children Placed in CBS or SPBS.

As a result of the systemic pressure on the part of the Ombudsman, four boarding schools were closed down such as the one in Dragodanovo Village, Sliven Municipality. The number of the children placed in the other three dropped down to 88. Most children are the victims of the circumstances of their lives – poverty, absence of normal living conditions, separated parents and/or parents who are economic emigrants abroad. The state of the facilities is poor, regardless of the partial renovation works. The investment of resources (financial, technical and human) in the system of CBS and CPBS is inappropriate. The state bodies should focus their efforts entirely on the swift closing down of these institutions and the creation of a protective social system which includes a network of services (integrated services and educational, psycho-social and protective measures and support mechanisms) with respect to the children in conflict with the law.

The Ombudsman recalls that the Third Thematic Report on the Rights of Children Placed in CBS or SPBS finds a number of chronic deficiencies such as the fact that CBS and SPBS do not comply with the international standards because they have the so-called “barrack-type buildings” with common rooms for sleeping, bathrooms, toilets. The children placed there do not only lack access to quality education and medical care but are also unable to have their relatives visit them due to the remoteness of the institutions and the lack of money. Furthermore, the correctional measures exhibit the characteristics of criminal repression, i.e. their correctional effect lies in imposing a sanction or a restriction. It is also established that there is no follow-up periodic judicial control or legal aid for the children placed there in relation to the correctional measures imposed on them.



NATIONAL PREVENTIVE MECHANISM AND FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS (3)

Rights of persons with mental health problems

In her annual reports from 2019 to 2022 the Bulgarian Ombudsman invariably alerted the public authorities about chronic problems in the public psychiatric hospitals that could only qualify as incompatible with the fundamental standards for protection against torture and other forms of 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.

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.

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.

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 organization 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) Prioritize improving the quality of life in the public mental health policy by means of a successful deinstitutionalization of patients with mental illnesses and their socialization through services in the community.

MONITORING THE IMPLEMENTATION OF INTERNATIONAL ACTS IN THE AREA OF HUMAN RIGHTS

- **OMBUDSMAN'S FINDINGS 2020 - 2024**

- **Bulgaria is 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;
- **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**;
- **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 – a mechanism that will significantly facilitate the harmonisation of the case law of the Bulgarian courts with that of the ECtHR and will contribute to fewer convictions;



EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (2)

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 2022 once again proves the need for general prevention measures to be taken by the State;
2. 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 judgments of the ECtHR;
3. Establish 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 - Such an inter-departmental coordination mechanism should include mostly representatives of the executive, but it will most effective, however, only if representatives of the judicial and legislative authorities are also present at its meetings;
4. 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;
5. 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;
6. 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.



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