



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

Constitutional Case No. 3/2022

EQUAL ACCESS TO HIGHER EDUCATION

REJECTED REFFERALS TO THE CONSTITUTIONAL COURT



LIMITATION OF EQUAL ACCESS TO HIGHER EDUCATION – challenging the prohibition of the state providing scholarships to students in private higher education institutions

- Request for establishing the unconstitutionality of Art. 8, item 3 in the part “state” of the Higher Education Act regulating the subsidies for the education of students by the State only in public higher education institutions, granting them scholarships, dormitories and canteens. The State is not allowed to provide scholarships to students in private higher education institutions.
- According to the Ombudsman, this contradicts fundamental constitutional rights set out in Art. 53, paragraphs 1 and 6 of the Constitution (right to education) and Art. 6 of the Constitution (equality of citizens before the law).
- **Constitutional Case No. 20/2022** was instituted on the request. The Constitutional Court admitted the case 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”.
- **By Decision No. 5 of 9 April 2024 the Constitutional Court rejected the Ombudsman’s request.**