

LEGISLATIVE INITIATIVES OF THE OMBUDSMAN OF THE REPUBLIC OF BULGARIA

REVIEW OF PROPOSALS 2019 - 2024

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 supported up the Ombudsman's proposal and **removed the requirement for the systematic nature of domestic violence to allow that such offense is qualified as a graver punishable crime**. This amendment aimed to put an end to the humiliating requirement for victims to report at least three offences in order for this unacceptable treatment to be punished adequately. The Act also introduced a number of preventative tools and better coordination instruments for which the Ombudsman was advocating before the CEDAW Committee back in 2020.

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

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

In 2023, another legislative proposal was 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, used as an entrance exam to higher education institutions. Amendments to the Preschool and School Education Act 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 access to the higher education system. Thus, matriculation students who did not receive a satisfactory grade are now 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✓ **Rights of people with disabilities** - 2 legislative changes to address the problem of outdated expert medical decisions adopted by absolute unanimity by the deputies of the 47th and 48th National Assembly - almost 700,000 people with disabilities were left on the brink of survival:

1. **Extension of the 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 legal 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 persons with disabilities**;

✓ **Children's 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 a safe environment** - Amending the **Child Protection Act** **banning the supply, sale, including online, and use by children of nitrous oxide (laughing gas)** – Article 5b, new paragraph 5;

✓ **Drivers' Rights** - Proposal for changes to 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 the 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 to ensure **that funds provided by the State as social benefits may not be seized.**

✓ **Rights of property and economic freedom** – The Ombudsman has initiated legal amendments in 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.

