



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

MONITORING THE EXECUTION OF THE ECtHR JUDGMENTS IN BULGARIA

STATE OF THE ART IN 2023

MONITORING THE EXECUTION OF ECtHR JUDGMENTS IN BULGARIA - 2023

As regards Bulgaria's progress in executing the judgments under the supervision of the Committee of Ministers in 2023, the following main conclusions can be drawn:

First, in 2023 the ECtHR ruled on 53 cases against Bulgaria. In 25 of them, the ECtHR issued judgments finding a violation. In 2 cases, the Court concluded that there were no violations of the Convention. Judgments of inadmissibility on various grounds were passed in 10 cases, 5 cases were struck out, in 3 cases there were unilateral declarations, 6 settlements were concluded and 27 judgments of conviction were ruled.

Statistics show that as of 2023, the total number of ECtHR judgments in the execution phase is 170. Taking into account the data as of December 2022: 227 judgments, as of 31 December 2021: 173 judgments, as of 31 December 2020: 165 judgments, and as of 31 December 2019: 170 judgments, it is clear that at the moment there is no positive breakthrough in the country's policy regarding the execution of the judgments rendered.

Secondly, in 2023, 30 new convictions were placed under the scrutiny of the Committee of Ministers. When compared with the judgments under observation in previous years, it is clear that there was a steady increase since 2019, which is a negative trend that should be given particular attention.

Third, regarding the compensations paid by Bulgaria in 2023, our country paid EUR 588,044 in compensations, significantly less than in 2022, when it paid EUR 725,695, but comparatively more than in 2021, when the amount of compensations was EUR 452,546, and nearly double the amount of payments in 2020 (EUR 320,393). However, Bulgaria's progress remains extremely unsatisfactory when compared to the progress of other countries in the region, e.g. the amount of due compensations paid by Northern Macedonia in 2022 is EUR 112,850.



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In 2023, the conclusions made in the previous years are still valid, namely:

- a significant number of judgments remain under enhanced supervision for a decade;
- there is also a steady tendency of convictions, which are still under enhanced supervision and unfortunately concern a large number of ECHR texts, which requires a large number of complex measures to be taken;
- the number of leading judgments on which the general recommendations of the ECtHR have been implemented is still incomparably smaller than those on which no satisfactory progress has been made
- Bulgaria continues to pay extremely high compensations for violated rights. Although actions for implementation have been taken on almost all convictions in the years since they were issued, they are still not enough to close the monitoring, despite the efforts of various institutions and working groups. For this reason the recommendations of the Committee of Ministers on the implementation of such judgments has hardly changed.
- In 2023, Bulgaria continued to be in a situation of being sentenced in similar cases and will pay great amounts of compensation while the citizens' rights are not effectively protected. This situation is unacceptable and decisive actions need be taken to overcome it. As in previous years, the Ombudsman is committed to assisting and providing support to the Minister of Justice through recommendations to the responsible institutions to take specific actions in relation to the sentences against Bulgaria.



- **Signing and ratification of Protocol No. 16 to the ECHR by Bulgaria**

There has been no progress in relation to the signing of Protocol No. 16 to the ECHR by Bulgaria. The Ombudsman will continue to monitor the process and insist on its ratification in 2021.

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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 2023 once again proves the need for general prevention measures to be taken by the State;
2. The Ombudsman's observation for 2023 again shows that 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 decisions of the ECtHR;
3. For this reason, the Ombudsman proposes the creation of 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;
4. Such a mechanism can ensure the effective execution of ECtHR judgments and contribute to a fruitful cooperation between the competent authorities and institutions in this area;
5. In addition, 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;
6. The 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;
7. A similar interdepartmental coordination mechanism should include mostly representatives of the executive;
8. The mechanism would be effective, however, only if representatives of the judicial and legislative authorities are also present at its meetings;
9. It is good for the Council to meet periodically (at least four meetings a year) so that its members can discuss the measures that should be taken, commit to their implementation, ensure the coordination of the implementation in their own institution and provide information on the progress;
10. 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.

