



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

# **MONITORING THE EXECUTION OF THE ECtHR JUDGMENTS IN BULGARIA**

**STATE OF THE ART IN 2024**

# MONITORING THE EXECUTION OF ECtHR JUDGMENTS IN BULGARIA - 2024

*As regards Bulgaria's progress in executing the judgments under the supervision of the Committee of Ministers in 2024, the following main conclusions can be drawn:*

First, according to statistics, in 2024 the total number of ECtHR judgments at the execution stage stood at 171, of which 94 leading and 77 repetitive. Taking into account the data as of December 2022 – 227 judgments, as of 31 December 2021 – 173 judgments, as of 31 December 2020 – 165, and as of 31 December 2019 – again 170 judgments, it is clear that, at present, there is no positive breakthrough in the country's policy regarding the execution of the judgments delivered.

Second, in 2024, 16 new convicting judgments were placed under monitoring by the Committee of Ministers.

Third, the compensation paid by Bulgaria in 2024 amounted to EUR 40,362 718, while in 2023, our country paid EUR 588 ,044 in compensation, significantly less than in 2022 when it paid EUR 725, 695, but relatively more than in 2021 when the amount of compensation stood at EUR 452,546, and almost double the amount paid in 2020 (EUR 320 393) . However, Bulgaria's progress remains extremely unsatisfactory compared to that of other countries in the region – for example, the amount of compensation paid by North Macedonia for 2022 was EUR 112,850.



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In 2024, the conclusions made in the previous years are still valid, namely:

- a significant number of judgments remain under enhanced supervision for a decade;
- A significant number of judgments has remained under enhanced monitoring for more than a decade.
- 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 2024, Bulgaria was still in a situation where it continued to be convicted in similar cases and to pay high amounts in compensation while, at the same time, the citizens' rights continued to be ineffectively protected. This situation is unacceptable and decisive action should be taken to overcome it. As in previous years, the Ombudsman is committed to assisting and supporting the Minister of Justice by making recommendations to the responsible institutions to take specific action on the judgments 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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## 2. New ECtHR judgments against Bulgaria in 2024

In 2024, a total of 16 new judgments were delivered by the ECtHR in cases against Bulgaria.

In the largest number of cases (5), the ECtHR found a violation of **Article 1 of Protocol No. 1 – right to property**.

Second in importance of the judgments issued come the cases concerning violations of **Article 6 of the ECHR – right to a fair trial (5)**.

Next are the ECtHR judgments finding violations of **Article 8 of the ECHR – right to respect for private and family life (2)**, as well as **violations of Article 10 of the ECHR – freedom of expression (2)**.

## 3. ECtHR judgments subject to enhanced monitoring of execution by the Committee of Ministers

Given the large number of cases under enhanced monitoring and the poor results in resolving the problems identified in the judgments, the Ombudsman once again draws attention to the need for serious reforms, some of which are more than a decade overdue.

<https://www.echr.coe.int/documents/d/echr/stats-violation-2024-fra>



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## Main recommendations:

1. **Bulgaria is to sign and ratify Protocol No. 16 to the ECHR.**
2. Criminalise torture in the context of Bulgaria's commitments under the ECHR and the UN Convention against Torture.
3. Abolish the statute of limitation for crimes involving torture in view of the possibility to reopen proceedings following a conviction by the ECtHR or the award of additional adequate compensation with a view to the withdrawal of the victims' claims and the closure of the monitoring of such cases.
4. Develop and implement specific rules for planning police operations, guidelines on how to respond if the spouse or children are present during an arrest, and training for police officers.
5. Take urgent legislative measures to introduce sufficient safeguards against the risk of abuse in the use of special investigative means and introduce effective domestic remedies.
6. Take urgent steps to table the bill on natural persons and support measures before the Council of Ministers and the National Assembly.
7. Amend Article 42, para 1 of the Constitution of the Republic of Bulgaria and the relevant provisions of the electoral legislation in order to comply with the recommendations of the ECtHR.
8. Strengthen the mechanisms of coordination among the various institutions responsible for the execution of the ECtHR judgments against Bulgaria. The lack of progress in this regard in 2024 proves once again that the State needs to take general preventive measures.
9. The Ombudsman's observations in 2024 again show that measures need to be taken to strengthen the role of the Ministry of Justice and of the PRRBECtHRD in coordinating the process of aligning the national legislation and institutional practice to the judgments of the ECtHR.
10. For this reason, the Ombudsman continues to insist on the need to establish an inter-departmental coordination council comprising representatives (experts) of all national institutions that need to be directly involved in the process of coordinating and monitoring the implementation of the measures to execute with the ECtHR judgments.

