



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

# RIGHTS OF ELDERLY PEOPLE CAMPAIGN

**REVIEW OF EVENTS 2019 - 2024**

# RIGHTS OF THE ELDERLY PEOPLE

## – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2019 - 2024

### **Campaign aims:**

- 1. Keep the rights of elderly people a priority in public authorities agenda;**
- 2. Adopt standards for services provided to elderly people;**
- 3. Raise public awareness about the rights of elderly people;**
- 4. Promote compliance with the UN, CoE and EU standards for the rights of elderly people;**
- 5. Mobilize public resources in support of elderly people in need.**



### Rights of the Elderly

Older people should be able to actively participate in all aspects of public life, namely:

- social participation;
- volunteering opportunities as a means of coping with isolation and loneliness;
- active civic participation in decision-making processes;
- access to care;
- adequate health care;
- social services tailored to their individual needs;
- home care for those with permanent disabilities; etc.

# RIGHTS OF THE ELDERLY PEOPLE

## – KEY CAMPAIGNS OF THE OMBUDSMAN INSTITUTION 2019 - 2024

### PROTECTION OF RIGHTS OF PENSIONERS

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.

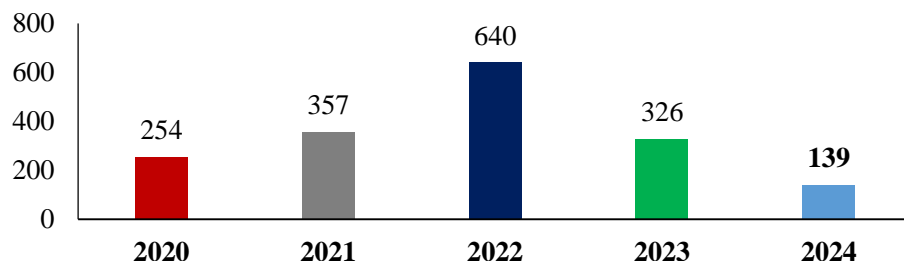


In 2021, pensioners sought assistance to resolve an issue related to the amendment of the provision of Article 102, paragraph SSC in force as of 1 January 2021 pursuant to which the pension is subject to ***ex officio* recalculation when the pensioner acquired insurance length of service during the previous 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.

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 sequestrable in the event of distraint.**

# SOCIAL RIGHTS – PENSION RIGHTS

*Chart* Number of complaints and alerts relating to citizens' pension rights in the period 2020-2024



*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

- **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.
- **Despite the Ombudsman's insistence** on finding a lasting solution to the problems of older people, the institutions suggest options which do not guarantee the citizens' rights fully. As a result, unresolved problems continue to pile up.

Most frequently during the past years, citizens sought support on issues related to:

- Low amount of pensions;
- Updating of pensions;
- Maximum amount of one or more pensions received without supplements;
- Ex officio recalculation of pensions as of 1 April each year for social security service acquired after retirement;
- Right to a disability pension due to general illness under Article 74, para 1, item 2 of the Social Security Code;
- Delay in the exchange of information on the social security service of Bulgarian citizens who have worked outside the country.

## Recommendations:

1. Consider the possibilities to recalculate all pensions based on the average social security income for the country for the previous year and to make this a permanent annual measure.
2. Change the model for updating pensions under Article 100 of the Social Security Code.
3. Set up a legal mechanism to determine the minimum amount of pensions for social security service and age which would annually align the amount of these pensions to the poverty line.
4. Cancel the condition for the maximum amount of one or more pensions received (paragraph 6 of the Transitional and Final Provisions of the Social Security Code);
5. Revise the provision of Article 102, para 2 of the Social Security Code, effective as of 1 January 2021, so as not to restrict the right of pensioners whose pensions are recalculated ex officio to lose amounts for four months of the increased pension which is for social security service and social security income for the period from 1 January to 31 December of the previous year.
6. Amend the terms for acquiring the right to a disability pension due to general illness for persons disabled since childhood and for the removal of the requirement in Article 74 of the Social Security Code that their social security service be acquired only up to the date of disability.
7. Take urgent action to protect the interests of Bulgarian citizens who have acquired pension and social security rights in EU Member States and, in particular, in the Republic of Greece.

# RIGHT TO HEALTHCARE

*Table. Healthcare-related complaints and alerts received in the period 2020-2024*

**Among the most frequently brought to the attention of the institution problems related to the rights of the elderly in health care are:**

- the **unsecured access** of people with difficulty moving and bedridden patients, as well as elderly people from small, remote and hard-to-reach settlements to medical assistance, medicinal products and medical devices;
- **impossibility for citizens to pay with their own funds the necessary sums for medical devices** (for example, intraocular lenses, dental prostheses, co-payments for artificial joints, implants, etc.), which are not paid or paid insufficiently by the National Health Insurance Fund (NHIF);
- the **lack of an affordable opportunity to provide palliative and health care for the terminally ill**, including in hospices, long-term treatment and rehabilitation;
- payment and the **additional payment** for medicinal products for home treatment, etc.

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

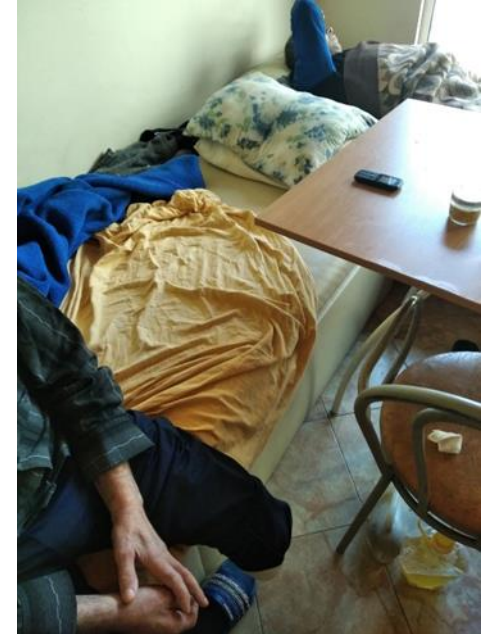
*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

# RIGHT TO GOOD QUALITY RESIDENTIAL SERVICES

The ombudsman initiated inspections in her capacity as NPM on the occasion of scandalous cases of accidents that led to the death of elderly people in nursing homes.

## **The most common findings:**

- the social service for the elderly is often **not well resourced**;
- in most cases, when the residential service is organized by the municipal authorities, it is provided in centers where other social services are also provided (for persons with disabilities, dementia, etc.).



**MAJOR RECOMMENDATIONS:** The ombudsman, in her capacity as a public defender, has repeatedly expressed the opinion that mixing persons with different health profiles is a bad practice, as it presupposes poor quality provision of the service. Consumers with physical disabilities require a different and special type of care and environment to meet their specific needs



# PUBLIC AWARENESS CAMPAIGNS

## Easter for Everyone – Make a Gift for Grandma and Grandpa National Campaign

On Good Thursday, Ombudsman Maya Manolova together with more than 250 children from 10 Sofia schools and 5 kindergartens painted 1,000 eggs on St. Nedelya Square which were given out to elderly people.



The event was part of the Easter for Everyone – Make a Gift for Grandma and Grandpa National Campaign which the Public Advocate organised for the fourth year in a row in support of Bulgarian pensioners. Over this period, the initiative gathered close to BGN 1,650,000 in support of tens of thousands elderly people.



# OMBUDSMAN KEY RECOMMENDATIONS

There is a striking **need for a general legal regulation** to provide the elderly with effective protection of the:

- ✓ Right to life, to dignity and respect;
- ✓ Right to adequate, fair and affordable services;
- ✓ Right not to be neglected or exploited;
- ✓ Right to non-discrimination;
- ✓ Right to solidarity between generations;
- ✓ Right to material assistance and support right to mandatory minimum maintenance;
- ✓ Right to work;
- ✓ Right to participate in public life.



## CONTACTS



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