

OMBUDSMAN OF THE REPUBLIC OF BULGARIA

ANNUAL REPORT OF ACTIVITIES IN 2024 SUMMARY

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2024 ANNUAL ACTIVITY REPORT - SUMMARY

CONTENTS

ACTIONS AND RESULTS.....	3
KEY INITIATIVES IN 2024.....	4
CHAPTER ONE - THE OMBUDSMAN IN DEFENCE OF HUMAN RIGHTS.....	19
I. THE OMBUDSMAN'S RECEPTION ROOM	20
II. CITIZENS' RIGHTS AS CONSUMERS OF PUBLIC SERVICES.....	26
III. RIGHT TO EDUCATION	41
IV. RIGHTS OF PEOPLE WITH DISABILITIES.....	48
V. RIGHTS OF THE CHILD	58
VI. RIGHT TO HEALTHCARE	71
VII. SOCIAL RIGHTS	79
VIII. RIGHT TO PROPERTY AND ECONOMIC FREEDOM	85
IX. RIGHT TO A HEALTHY AND FAVOURABLE ENVIRONMENT	93
X. RIGHT TO GOOD GOVERNANCE AND GOOD ADMINISTRATION	95
XI. PROTECTION AGAINST DISCRIMINATION, HATE SPEECH AND EQUALITY BETWEEN MEN AND WOMEN.....	101
XII. RIGHT OF DEFENCE IN ENFORCEMENT PROCEEDINGS	108
XIII. NATIONAL PREVENTIVE MECHANISM.....	108
XIV. AUDIT OF WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION ACTIVITIES	114
CHAPTER TWO - IMPACT ON THE LEGAL FRAMEWORK.....	120
I. REQUESTS TO THE CONSTITUTIONAL COURT AND THE SUPREME COURTS	121
II. LEGISLATIVE PROPOSALS	124
CHAPTER THREE - MONITORING THE IMPLEMENTATION OF INTERNATIONAL ACTS IN THE AREA OF HUMAN RIGHTS.....	126
I. GENERAL REMARKS	127
II. EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	128
III. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES	132
IV. UN CONVENTION ON THE RIGHTS OF THE CHILD.....	134
V. UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.....	145
VI. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	149
CHAPTER FOUR - INTERNATIONAL COOPERATION	151



ОМБУДСМАН
НА РЕПУБЛИКА БЪЛГАРИЯ

2024 ANNUAL ACTIVITY REPORT - SUMMARY

CHAPTER FIVE - RESOURCES	155
I. EXPENSES IN 2024	156
II. TEAM.....	158
III. PRIORITIES FOR 2025.....	159
CHAPTER SIX - COOPERATION WITH THE CIVIL SOCIETY AND THE ACADEMIC COMMUNITY	160
I. COOPERATION WITH THE CIVIL SOCIETY AND THE ACADEMIC COMMUNITY	161
II. LETTERS FROM CITIZENS.....	169

ACTIONS AND RESULTS

The Ombudsman in Defence of Citizens' Rights in 2024

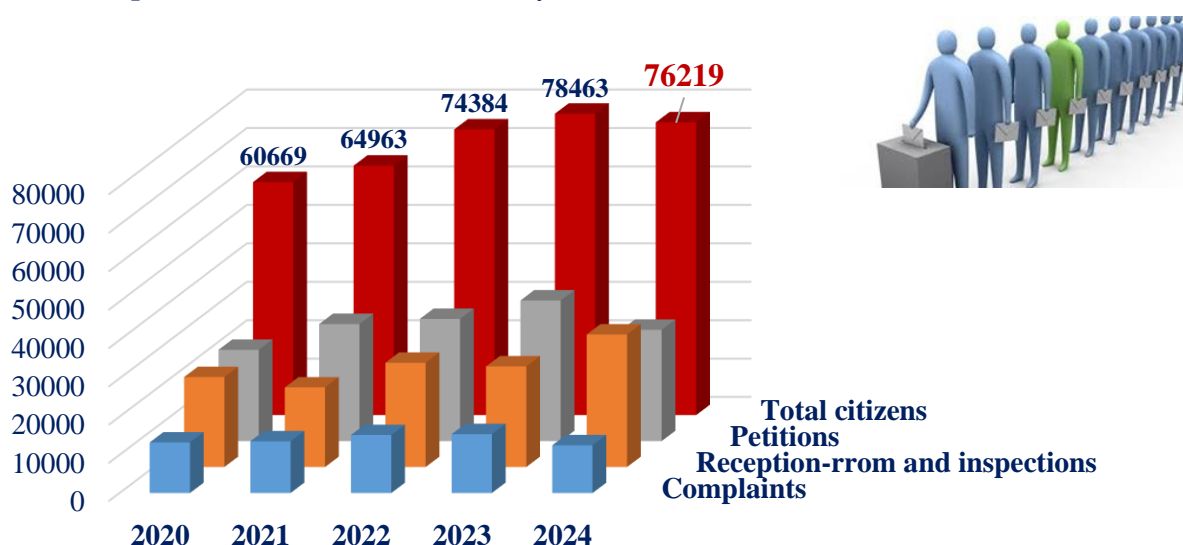
A total of **76 219 citizens** and representatives of various organisations received assistance from the Ombudsman, of which:

- ✓ Complaints submitted to the Ombudsman were **12 510**;
- ✓ **34 648 persons** were received by the Ombudsman or by the Deputy Ombudsman, their requests being followed up and receiving services at the reception-room;
- ✓ The number of citizens who sought the Ombudsman's assistance and whose requests concerning various issues were subsequently consolidated into petitions was **29 061**.

Table 1 – Number of accomplished inspections according to the result 2020 – 2024

2020	2021	2022	2023	2024	Results of the complaints' inspections
2 534	2 855	3 196	3 245	2 431	<i>Recommendation</i>
8 668	9 520	9 837	9 856	8 879	<i>Opinion</i>
1 491	1 229	804	819	1 024	<i>Advice</i>
566	440	414	612	872	<i>Mediation</i>
535	683	714	147	270	<i>Outside the ombudsman's remit</i>

Graph № 1– Ombudsman's Activity Statistics 2020 – 2024



KEY INITIATIVES IN 2024

CAMPAIGN FOR LEGISLATIVE AMENDMENTS – A “SECOND CHANCE” FOR SCHOOL GRADUATES TO SIT FOR STATE MATRICULATION EXAMS, ENTRY TO UNIVERSITIES

As early as 2022, Ombudsman Diana Kovacheva initiated a legislative amendment to give school graduates a second chance to sit for a matriculation exam for the purpose of applying to universities when they are not happy with the grade of the regular exam. In early March 2024, the initiative became a fact.

The proposal was submitted by Education Committee Chair Krasimir Valchev (GERB) and a group of Members of Parliament – Denitsa Sacheva (GERB), Prof. Kostadin Angelov (GERB), Elisaveta Belobradova (PP-DB), Nelly Dimitrova (PP-DB), Hristo Daskalov (PP-DB), Byunyamin Hasan (PP-DB), Ivaylo Mitkovski (PP-DB) and Vanina Vecina (PP-DB). The reason for this amendment tabled by the Ombudsman even in the 48th National Assembly is complaints and signals from parents and school graduates who say that it is unacceptable that there is no second chance to sit for the compulsory matriculation exams to improve the grade and that it should be “for life” with no possibility of correction.

The Ombudsman proposed to the Members of Parliament an amendment to Article 132 of the Pre-school and School Education Act, as well as a supplement to the provision of Article 68, para 1, item 2 of the Higher Education Act, which were approved by the relevant committee at the first reading; however, the time for their final adoption proved to be insufficient. Therefore, in June 2023, Prof. Kovacheva resubmitted her proposal to the 49th National Assembly – to Speaker Rossen Jeliaskov and to the members of the Education and Science Committee.

“The lack of an opportunity for students who did not perform well in the matriculation exams, except for those who received a “Poor” grade, to have a chance to correct their grade, disadvantages them in their further development. The grade obtained in the state matriculation exams is final and decisive for applying to a higher education institution and, consequently, of great importance for their future. The impossibility, under the current regulations, of school graduates to improve their state matriculation exam result by sitting for an exam to improve their grade has negative consequences in the process of applying to higher education institutions,” the Ombudsman reasoned.

The idea of the change was that, for the purpose of applying to higher education institutions, school graduates would be entitled, once within one school year as of passing the first state matriculation exam, to sit for an increase in their grade in a following exam scheduled, for which they would be issued a certificate with the new grade which was more favourable for them. To this end, Article 135a of the Pre-school and School Education Act was created providing for the possibility for school graduates to sit for such an exam.

2024 ANNUAL ACTIVITY REPORT - SUMMARY



14 February – With 15 votes in favour, the Members of Parliament from the Education and Science Committee unanimously supported an amendment to the law initiated by the Ombudsman which will give school graduates a second chance to sit for a matriculation exam to apply to university if they are not happy with the grade in the regular exam.

Despite the initiated legislative change, however, problems remained because, as early as 29 March, Ombudsman Diana Kovacheva strongly objected to the intention of the Ministry of Education and Science to introduce a fee for resitting for the matriculation exam to raise one's grade. The idea was then set out in Regulation No. 11 on the assessment of students' learning results and was presented for public discussion. The Draft Regulation stipulated that the amount of money school graduates would have to set aside would be in accordance with the Tariff of fees collected in the pre-school and school education system, but with no clear idea what its value would be.

Prof. Kovacheva was adamant that the regulation was contrary to the Stamp Duty Act pursuant to which all documents for obtaining primary and secondary education issued by educational institutions and the Ministry of Education and Science are exempt from stamp duty.

The Ombudsman emphasised that the amendments to the Pre-school and School Education Act and the Higher Education Act aimed to improve the results of school graduates and expand their access to the higher education system, while the setting of a fee for admission to this matriculation exam was, in fact, a barrier to the opportunity provided for by the law, which needed to be abolished.

CAMPAIGN FOR AMENDMENTS TO THE CIVIL REGISTRATION ACT

Since 2022, Ombudsman Diana Kovacheva has consistently insisted before members of several parliaments to adopt amendments to the Civil Registration Act to ensure the possibility of address registration for all Bulgarian citizens; to remove the restrictions imposed on address registration based on the way addresses are marked; to expand the possibilities for address registration (e.g. in studios that meet certain requirements; and to expand the possibilities for cancellation of address registrations for residences with respect to which the owners make a reasoned request.

As a result, Ombudsman experts took part in an inter-departmental working group set up in October 2023 by order of the Minister of Regional Development and Public Works with the task to prepare proposals for legislative amendments related to the problem of identity documents of citizens without a valid permanent address by 15 December 2023. The proposals made by the Ombudsman served as the basis for the proposals for amendments to the Civil Registration Act considered by the National Assembly.

On 25 September, the National Assembly adopted on second reading amendments to solve the problem of address registration so that people without a permanent and current address in Bulgaria could register at an “ex officio address” by the mayors of municipalities.

The amendments to the Civil Registration Act were tabled by Revival but the final texts were adopted with the edits made by Members of Parliament from GERB-UDF and PP-DB.

The amendments set out the opportunity for an ex officio address to be used in the case of:

- People who are unable to produce proof of ownership/use of property;
- Bulgarian citizens living abroad registered in the population register who are unable to provide a permanent address in the Republic of Bulgaria or to provide documents for ownership/use of property and consent of the property owner;
- Foreigners who have been granted refugee status or humanitarian status or who have been granted asylum in the Republic of Bulgaria, when registering in the population register for the first time, if they are unable to provide an address in the Republic of Bulgaria or to provide documents for ownership/use of property and consent of the property owner;
- In the event of discontinuance of an address from the National Classification of Current and Permanent Addresses in the Republic of Bulgaria, if those registered there do not register at a new address within one month from service of the discontinuance order;
- People who are not on the current list of the rectors of higher education institutions for those housed in dormitories, at the beginning of each academic year, if they have not requested otherwise;
- A person who is not the spouse or relative by direct descent, by consanguinity up to and including the fourth degree or by marriage up to and including the second degree of the person whose registration has been cancelled at the request of the owner of the property.

**CITIZEN PROTECTION CAMPAIGN IN RELATION TO PROCEDURE
FOR FREE BUILDING RENOVATION BG-RRP-4.023 SUPPORT FOR
SUSTAINABLE ENERGY RENOVATION OF THE RESIDENTIAL
BUILDING STOCK - STAGE I**

In the beginning of 2024, Ombudsman Diana Kovacheva warned of a boom in complaints to the institution due to rejected projects for free renovation of residential buildings. At that time, she referred to the Minister of Regional Development and Public Works, the Chairs of the parliamentary committees on regional policy, public works and local self-government and on energy, the Executive Directors of the Sustainable Energy Development Agency and the Audit of European Union Funds Executive Agency because of the numerous complaints from owners' associations from different regions of the country, as well as from mayors of municipalities related to problems under procedure BG-RRP-4.023 Support for sustainable energy renovation of the residential building stock - Stage I under the National Recovery and Resilience Plan.

The mass dissatisfaction was due to a wide range of issues – from the structure of the procedure itself and the way it was announced, to the implementation of each stage and the announcement of the results of the ranking. People sounded the alarm about not being allowed to participate in the renovation grant even though they had fulfilled the necessary requirements set out in the Procedure Application Guidelines. They expressed their disagreement with the evaluations of investment proposals which they considered unfair. They questioned the objectivity of the energy efficiency audit of the applicant buildings which as not monitored. They also objected strongly to the imbalance in the buildings approved for renovation in the municipalities, in some of which no buildings were approved.

The Ombudsman urged the competent authorities to examine in full the complaints and objections received from the owners' associations and to monitor compliance with the criteria set out in the Terms for application for the procedure to select proposals for the implementation of investments by final beneficiaries under the sub-measure Support for sustainable energy renovation of the residential building stock, as well as with regard to the energy audit and whether the methodology adopted for the energy efficiency audit was applied correctly.

The Ombudsman requested information on the results of the inspections carried out, including on the energy efficiency certificates, on the violations of the specific complaints and objections of the owners' associations, respectively the measures to be taken in order to ensure the possibility for citizens to participate fairly in the procedure, including the redirection of financial resources from eligible sources in view of the criteria for ensuring priority energy renovation of the building stock.

The Committee on Regional Policy, Public Works and Local Self-Government, the Energy Committee and the Committee for Control over the Management of EU Funds in the 49th National Assembly adopted Decision No. 49-454-02-33 of 19 February 2024 on the implementation of the policy of decarbonisation through energy renovation of the residential building stock in the country. The decision proposes to oblige the Ministry of Regional Development and Public Works to prepare, within 3 months of its entry into force, a medium-term program for securing the funding and to ensure the implementation of all project proposals evaluated under procedure BG-RRP-4.023 Support for sustainable energy renovation of the residential building stock - Stage I under the National Recovery and Resilience Plan, which have successfully passed the evaluation but for which there is insufficient funding.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In a statement to those tabling the proposal and at the joint meeting of the committees, the Ombudsman expressed support for the decision.

The findings as of the end of 2024 show a delay in the procedures for the conclusion of contracts for the approved municipalities which creates a risk for the implementation of the construction works by the deadline – by mid-2026. According to data from the Ministry of Regional Development and Public Works, the process of concluding contracts with the municipalities under Stage I for renovation of condominiums, implemented with 100% grant funding under the Recovery and Resilience Plan, is in its final stage. As of the beginning of 2025, 546 contracts have been concluded with 104 municipalities out of a total of 746 residential buildings approved for energy renovation under this stage. Contract invitations have been sent for the remaining 200 projects. In accordance with the instructions given by the Ministry of Regional Development and Public Works, the municipalities are carrying out procedures for the selection of contractors; some contracts have already been concluded.

The Ombudsman institution recommends that action be taken to implement the construction works within the timeframe of procedure BG-RRP-4.023 Support for sustainable energy renovation of the residential building stock - Stage I and Stage II and to avoid loss of funding, including through:

- Improving the coordination among the responsible institutions such as the Ministry of Regional Development and Public Works and municipalities;
- Strengthening the administrative capacity;
- Exercising effective control over the quality performance of the contracted construction works and the compliance of the inputs with the requirements of Article 169 of the Spatial Development Act;
- Optimising the energy efficiency measures in line with the Long-term National Strategy to support the renovation of the national building stock of residential and non-residential buildings by 2050 and the provisions of the Integrated National Energy and Climate Plan (INECP).

PERMANENT FOCUS – PROTECTION OF THE RIGHTS OF PEOPLE WITH MENTAL ILLNESSES

Following the public reports of the Ombudsman of the Republic of Bulgaria and the European Committee for the Prevention of Torture in relation to violations of the rights of patients with mental illnesses on 23 November 2023, the National Assembly adopted a decision to establish an Interim Committee.

The purpose of the Interim Committee is to examine what violations of the rights of patients with mental illnesses have been found in Bulgaria by the European Committee for the Prevention of Torture and the Ombudsman of the Republic of Bulgaria and to propose legislative amendments to guarantee the equal rights of Bulgarian citizens as provided for in the Constitution of the Republic of Bulgaria and the conventions to which the Republic of Bulgaria is a party. The tasks of the Committee include to prioritise the respect of patients' rights in the National Strategy for Mental Health; to discuss and propose the abolition of the concept of judicial disability; to take the necessary steps, together with NGOs and medical

2024 ANNUAL ACTIVITY REPORT - SUMMARY

experts, to ensure the deinstitutionalisation of patients with mental illnesses and respect for their personal choices. The Interim Committee is composed of 12 Members of Parliament, two from each parliamentary group. The Committee is elected for a period until its subject-matter is exhausted, but not later than 6 months after its establishment. The decision was promulgated in the State Gazette and Denitsa Sacheva, MP from GERB-UDF, was elected Chair.

As early as 26 February, Prof. Kovacheva insisted that the immobilisation (tying) and isolation of the patients with mental illnesses should be carried out in accordance with clear rules and only as a last resort. She sent an opinion to the Chair of the Interim Committee for the Protection of the Rights of Patients with Mental Illnesses in which she proposed that a medical protocol be drawn up with a clear algorithm for the application of the coercive measures of immobilisation (tying, fixation) and isolation.

Prof. Kovacheva insisted that the Ministry of Health revise Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders which was contrary the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe.

She proposed that the protocol to the Regulation provide for how often patients may be isolated and immobilised for a period of 24 hours, including the specific grounds on which these measures were applied, as well as the type of means of immobilisation. The Public Advocate also requested that it be recorded – which and how many staff members may be involved in the application of the measures, as well as the type of drug therapy applied. She emphasised that a recording video surveillance system was to be installed in isolation and immobilisation rooms and that the recordings were to be kept for at least three months.

Unfortunately, the problems continue to this day. On 8 August, a team of the National Preventive Mechanism (NPM) of the Ombudsman institution acted *ex officio* and carried out an ad-hoc inspection of the psychiatric clinic of the St. Marina University Multi-Profile Hospital for Active Treatment in Varna where serious violations were found. The reason was a patient who had died on 5 August after a fire.

The expert inspection found numerous violations that affected the rights of the patient with a mental illness placed at the St. Marina UMPHAT for the purpose of a forensic psychiatric examination.

First, during the fire the patient was immobilised (tied) without complying with the basic requirements of Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders. The room in which the patient was restrained was not monitored by video surveillance and the patient was not subjected to permanent surveillance as required by Article 11 of the Regulation.

The problem with the implementation of Regulation No. 1 of 28 June 2005 has been repeatedly raised by the Ombudsman both in the annual reports of the National Preventive Mechanism and in special reports, the latest of which was presented to the 49th National Assembly.

2024 ANNUAL ACTIVITY REPORT - SUMMARY



9 August – Photographs from the NPM inspection of the burned room of the psychiatric clinic of the St. Marina UMPHAT in Varna.

Over the years, the Ombudsman institution has consistently raised the issue of protecting the rights of people with mental illnesses with particular urgency. In the exercise of the functions as the National Preventive Mechanism, the Ombudsman carries out annual monitoring of state psychiatric hospitals (SPHs), mental health centres and social facilities for people with mental disorders. Within the meaning of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, state psychiatric hospitals are places of deprivation of liberty because some of the patients are placed on the basis of judgments and may not leave freely. This is why, the Ombudsman as NPM takes special care to ensure that torture and other forms of inhuman or degrading treatment are not committed in these places. In the annual reports from 2019 to 2024, the Ombudsman alerted the public authorities to the existence of chronic issues in SPHs that may be deemed to be incompatible with the core standards for protection from torture and other cruel, inhuman or degrading treatment or punishment.



26 April – Participation in the conference on the occasion of the 20th anniversary of the Global Initiative in Psychiatry Foundation focusing on the problems in the care of people with mental disorders and the search for effective solutions to overcome them.



PERMANENT FOCUS – PROTECTION OF CITIZENS AS CONSUMERS OF PUBLIC SERVICES

In 2024, the complaints from consumers of public services totalled 33.21% of all complaints received by the institution during the year, with complaints against electricity companies coming first, followed by those against water supply and sanitation operators, mobile operators, banks, etc.

In the Electricity Supply sector, the Ombudsman institution sent:

Opinion to the Chair of the Energy and Water Regulatory Commission (EWRC) on the Draft Ordinance to Amend and Supplement Ordinance No. 1 of 14 March 2017 on electricity price regulation against the repeal of Article 9 of the said Ordinance, according to which the Commission shall adjust the required revenues and/or prices of the energy undertaking for each price period depending on the performance of the energy quality and service quality indicators in the previous year.

With regard to the prolonged power outage in some areas of the country at the end of 2024, requests to:

- Electricity Distribution Grid West EAD and Electricity Distribution North AD on the actions taken to prepare the power facilities for the winter period, the reasons for power outages in the affected areas, as well as for an opinion on the payment of compensation to the affected consumers.

- Caretaker Minister of Energy on the findings of the inspection of the technical and operational condition of the energy facilities in the country pursuant to Article 75, para 1, item 1 of the Energy Act (EA), their readiness to ensure continuity and security of electricity supply during the winter period 2024–2025.

- EWRC Chair – what are the guarantees for the fulfilment by the electricity distribution companies of the terms of their licences concerning the requirements for security of electricity supply pursuant to Article 76, para 4, item 1 of the EA.

In the Water Supply and Sanitation sector, the Ombudsman institution took part in:

The public discussion on the changes in the prices of water supply and sanitation (WSS) services as of 1 January 2025, strongly objecting to the increase in prices, as this does not lead to an improvement in the quality of the services offered while, on the other hand, the affordability is based on unreliable data provided by the National Statistical Institute on the annual income per household member by regions due to a stochastic error of more than 10%.

Public consultations on the two Water Supply and Sanitation Bills. In opinions to the Ministry of Regional Development and Public Works, it was emphasised that the Water Supply and Sanitation Bill was not accompanied by a legal, economic, social and technical analysis of the water reform carried out so far in the country and that no information had been submitted on the implementation of the objectives set out in the Strategy for the Development and Management of Water Supply and Sanitation in the Republic of Bulgaria for the period 2014–2023 – the WSS sector to meet national/European requirements, to be environmentally friendly, financially and technically viable, prices for WSS services to be affordable for consumers and

2024 ANNUAL ACTIVITY REPORT - SUMMARY

the quality of services and efficiency of WSS operators to be in line with the best European practices.

No information is presented on the results achieved since the introduction of the uniform WSS service price; the implementation of the long-term levels of quality indicators for WSS operators, such as: continuity of water supply; breakdowns in the water supply network; total losses in the water supply systems; pressure in the water supply system; rehabilitation of the water supply network; active control of leakages; efficiency of the construction of water metering, etc. A negative opinion is given on all municipal WSS operators joining the WSS Associations; the uniform price of WSS services within a territorial area; the introduction of separate prices for access and quantity consumed on the basis of cubic metres for each of the three types of services – drinking water supply, waste water disposal and waste water treatment; the issuance of an enforcement order under Article 410, para 1 of the Civil Procedure Code regardless of its amount.



28 November – Participation of an expert from the institution in the public discussion at the EWRC of the Report and Draft Decision on the amendment of the approved prices of WSS services for 2025. At the meeting, the position was expressed that the proposed 3.87% average increase in the prices of WSS services from 1 January 2025 was unfair given the crisis with water supply in 23 regions.

The Ombudsman institution also proposed to:

- Provide for a prompt and clear procedure for applying a lower water price when it does not meet regulatory quality requirements;
- Envisage the payment of water allowances to socially disadvantaged and vulnerable consumers;
- Introduce effective institutional control over the activities of WSS operators;
- Determine the social affordability of the price of WSS services on the basis of reliable data and in view of household income;
- Introduce a new fairer manner of allocating water quantities for “total consumption”.

In the Electronic Communication Services sectors, the Ombudsman took a number of actions to protect the rights and interests of mobile service users in relation to the indexation of their monthly charges such as:

- Recommendations to mobile operators not to apply indexation;
- A request to the Commission for Consumer Protection (CCP) to conduct inspections regarding inequitable clauses and unfair trade practices;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Requests the Communications Regulation Commission (CRC) and the Commission on Protection of Competition to take action in line with their respective competences;
- Requests to the Caretaker Prime Minister, the Caretaker Deputy Prime Minister for Economic Policies and Caretaker Minister for Transport and Communications, the Caretaker Minister for Economy and Industry, emphasising that customers of mobile services would be forced to pay the increased prices without the right to renegotiate the terms of their contracts towards lower charges, without the possibility to terminate their contracts without penalties;
- Participation in meetings of the Standing Subcommittee for Monitoring Consumer Protection and Restriction of Monopolies in the National Assembly, repeatedly expressing the position that indexation should be terminated.



20 March – *The existence of inequitable clauses in the contracts of fast loan companies, excessive interest rates, penalties and fees, the lack of sufficient, accurate and timely pre-contractual information to take an informed decision about entering into a loan agreement or an annex to a loan agreement, the provision of incomplete contract forms for signature, and the small font size of important contract clauses. These and a number of other problems were pointed out by Ombudsman Diana Kovacheva during the meeting of the Subcommittee for Monitoring Consumer Protection and Restriction of Monopolies in the Parliament.*

Video 1 of the statement here: <https://www.youtube.com/watch?v=WhZuq720sfI>

Video 2 here: <https://www.youtube.com/watch?v=FBJs2Xir29I>

In the Heat Supply sector, the Ombudsman recommended that the EWRC urgently review and reduce regulated heat prices that reached record high levels during the price period 1 July 2023 – 30 June 2024. The Ombudsman emphasised that household heat customers bore an excessive financial burden as regulated prices were far removed from the underlying economic factors that should determine them, namely: prices of natural gas as the main fuel and CO₂ allowance exchange prices.

The Ombudsman institution proposed to the Caretaker Minister of Energy an amendment and supplement to Article 1 of the Energy Act, according to which the prices for the service of heat distribution paid by the customers of a heat supply company should also be subject to regulation by the EWRC.

The Ombudsman insisted that the Minister of Energy carry out a thorough analysis of the results of the application of Ordinance No. E-RD-04-1/12.03.2020 on Heat Supply (“Heat Supply Ordinance”) and the Methodology for Heat Distribution in Buildings – Condominiums (Annex to Article 61, para 1 of the same Ordinance). The Ombudsman proposed:

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Clear provisions for the liability of heat cost allocation companies for errors made by them in taking the measurement of devices in the case of allocation and in the preparation of balancing bills for the customer accounts;
- Introduction of a procedure for heat customers to turn to an independent control body for verification of the accuracy of the heat cost allocation made by the heat cost allocation company;
- Creation of a possibility to correct errors made by heat cost allocation companies in the allocation of heat cost within an extended period after 31 August in view of the complexity of the calculations and the objective difficulties customers encounter in verifying balancing bills;
- Establishment of a procedure for customers to object to additional billing adjustments to balancing bills made by heat distribution companies after 31 August.

The Ombudsman institution turned to the Caretaker Minister of Energy for an opinion on the repeal of the provision of Article 71, para 3, item 1 of the Heat Supply Ordinance, pursuant to which a customer's application for a reduction in the estimated heating bills for an unoccupied property is allowed only after coordination with the building manager and two neighbours. The interest of the other neighbours in such cases is protected by another text (Article 71, para 4 of the Heat Supply Ordinance).

Fast loan companies – In March 2024, the Ombudsman took part in a meeting of the Subcommittee for Monitoring Consumer Protection and Restriction of Monopolies in the Parliament. The Ombudsman raised the problems citizens faced in repaying a fast loan – inequitable clauses in contracts; excessive interest, penalties and fees, lack of accurate pre-contractual information, providing incomplete contract forms for signature, and small font size of important contract clauses. The Ombudsman emphasised the need for effective control by the Commission for Consumer Protection and for legislative amendments to limit the arbitrary actions of fast loan companies.



MONITORING OF FUNDAMENTAL RIGHTS AND RULE OF LAW

The Ombudsman institution participates in the project Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law funded through a grant from the European Economic Area and the Kingdom of Norway.

The project is implemented in cooperation with the European Union Agency for Fundamental Rights, the European Network of National Human Rights Institutions, and it involves six more human rights ombudsman institutions from Cyprus, Latvia, Poland, Slovakia, Slovenia and Croatia.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In 2024, the Ombudsman institution of the Republic of Bulgaria organised and conducted four capacity building trainings on the implementation of the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities as horizontal triggers in the management of EU funds at national level. The target groups of the training seminars were experts from the Ombudsman institution of the Republic of Bulgaria, representatives of the public administration, public mediators in municipalities (local ombudspersons) and representatives of civil society organisations.

In the framework of the project, the Ombudsman institution committed to developing four key materials;

- Assessment and development of the potential to improve the situation of fundamental rights through greater use of the EU Charter of Fundamental Rights;
- Mapping the national human rights structures in Bulgaria;
- Compendium of promising practices on the use of the Charter by national human rights institutions;
- The role of national human rights bodies in Bulgaria in ensuring respect for fundamental rights in the spending of EU funds.



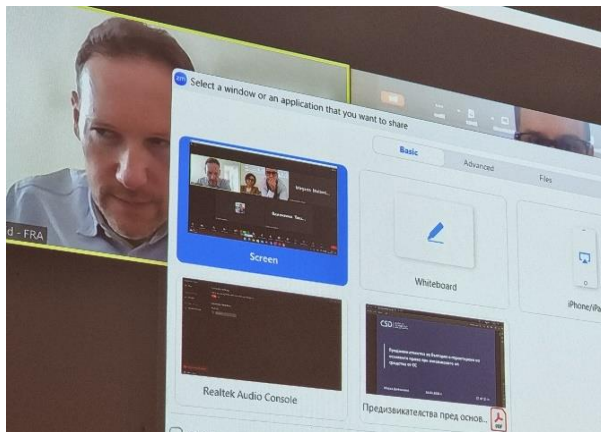
7-9 February – Training seminar for the Ombudsman staff on the application of the EU Charter of Fundamental Rights in the work of the institution organised under the project Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law funded through a grant from the European Economic Area and the Kingdom of Norway.



21-22 February – Participation of the Chief of Staff in a seminar and final conference in Brussels, Kingdom of Belgium, under the project No. 2018-1-1440 (6) Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law funded through a grant from the European Economic Area and the Kingdom of Norway. A workshop was held on 20 February on: Ensuring compliance of EU funds:

2024 ANNUAL ACTIVITY REPORT - SUMMARY

strategic exchange with national authorities, national human rights institutions and civil society organisations; a final conference was held on 22 February under the project: Strengthening the implementation of the EUCFR: Strong and effective national human rights institutions in the EU.



26 February – Training with representatives of civil society organisations on capacity building in the implementation of the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities as horizontal triggers in the management of EU funds at the national level organised by the Ombudsman institution.



27 February – Training with representatives of the public administration and public mediators in municipalities (local ombudsperson) to increase the capacity to implement the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities as horizontal triggers in the management of EU funds at the national level.

WORK OF THE MONITORING COUNCIL UNDER THE PERSONS WITH DISABILITIES ACT CHAIRED BY THE OMBUDSMAN INSTITUTION

In 2024, the Monitoring Council continued its active work to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities in Bulgaria.

Pursuant to the requirements of Article 3 of the Persons with Disabilities Act, the Ombudsman institution administers the Council's activities throughout the year. A total of three meetings were held: on 28 March 2024, 11 October 2024 and 17 December 2024.

The issues highlighted as priorities include the continuing problems in expert medical examinations and the significant delays in the certification/recertification of citizens, as well as the existing difficulties with the adequate payment of their disability pensions.

Discussions were held and actions were taken in relation to the issues of quality, service life and lack of adequate updating of aids, appliances, equipment and medical devices falling outside the scope of compulsory health insurance.

Use was made of the statutory mechanisms to address the issue with the failure to ensure timely information on the provision of high-tech aids to people with disabilities under the project "Provision of assistive devices for people with permanent disabilities"; in this regard, the Ombudsman institution alerted the Ministry of Labour and Social Policy.



1 October – The Ombudsman institution alerted Sofia Mayor Vasil Terziev about broken pavements, non-functioning lift and lack of signs in the area of the Central Railway Station and insisted on a thorough inspection and action to ensure accessibility of the square in front of the Central Railway Station.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The actions were prompted by dozens of complaints from people with difficulties with mobility sent to the institution of the Public Advocate. Citizens reported about the deteriorated and unusable place which, according to them, was dangerous and life-threatening in view of the busy schedules of the Central Bus Station and the Central Railway Station.

Prompted by a signal, the Ombudsman experts carried out an inspection on site and found that the citizens had serious difficulties in moving around in the area of the station square and the subways linking it to the Sofia Central Bus Station and the Central Railway Station. They were adamant that people were right to demand adequate measures to provide an accessible environment for people with reduced mobility and those with disabilities, as well as parents with young children who used prams.



11 October – The Monitoring Council focused on the criteria for issuing preferential parking passes to people with disabilities under Article 99a of the Road Traffic Act, as well as the problems with the security of the underpasses and the accessibility of the environment in the area of the Central Railway Station and the Sofia Central Bus Station.



17 December – Expert discussion: Right to Access to Education for Children with Special Educational Needs organised by the Ombudsman institution in the framework of the Monitoring Council. Representatives of relevant authorities, NGOs, parents of children with disabilities and school principals discussed the challenges children with special educational needs and their families faced.



CHAPTER ONE

THE OMBUDSMAN IN DEFENCE OF HUMAN RIGHTS

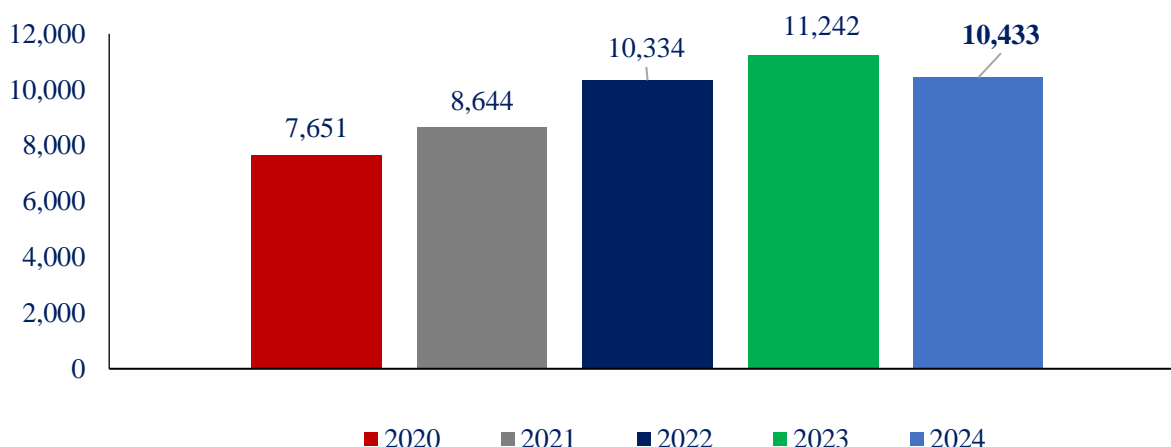
I. THE OMBUDSMAN'S RECEPTION ROOM

The Reception Room of the Ombudsman institution is the place of direct contact with citizens and representatives of individual organisations. It provides services to approximately 40 people daily. The team of experts with different focuses on the protection of rights responds promptly to any question or problem brought to its attention, which is indicative of the flexible reception and the dynamics of the process. The conditions created guarantee the right of the community to effective and uninterrupted access during working hours, including that of its vulnerable groups.

When they visit or call the Reception Room, citizens receive up-to-date information on the issues/problems they bring to the attention of the team. The information, in the form of detailed advice, relates to the powers of the institution and the possibilities for its intervention. Complaints and signals are registered and, later, complainants are able to check the status of their processing in person (or through an authorised representative), by telephone (including by calling one of the service numbers posted on the institution's website) or electronically (e-mail, Secure Electronic Delivery System, Public Register of Complaints).

Last year, 10,433 citizens sought assistance through the Reception Room. A substantial part of them were people with disabilities, elderly people and mothers with children. In each case, the experts pay the necessary attention and they do remain indifferent to the questions/problems raised even from a moral point of view. The high level of trust in the Ombudsman institution through the prism of the reception of citizens was maintained for yet another year.

Figure - Number of citizens who sought the assistance of the Ombudsman through the Reception Room during the period 2020–2024



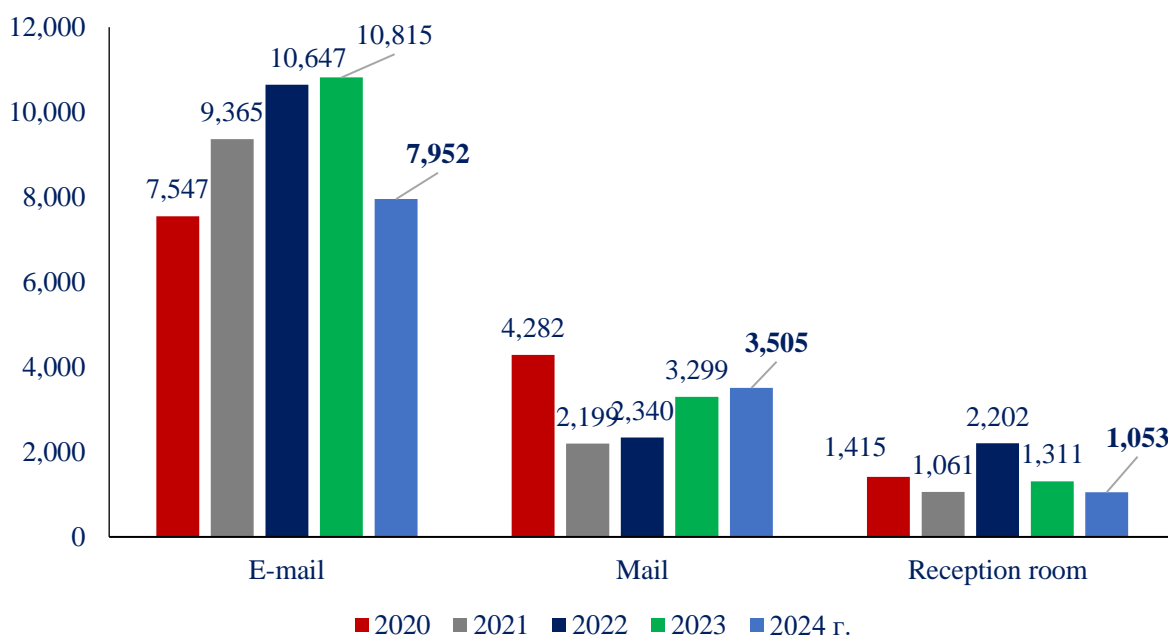
The questions usually raised relate to the powers of various authorities, including their administrations, as regards the protection of civil rights and freedoms.

Complaints received

Understandably, the e-filing of complaints and signals continued to be the preferred way of referral to the Ombudsman institution in 2024. The online form on the website is a quick and easy option for communication, with automatic registration after filling in the required information (23.92% of all submissions). The Public Complaints Register allows for real-time checks on the status of complaints and signals being processed.

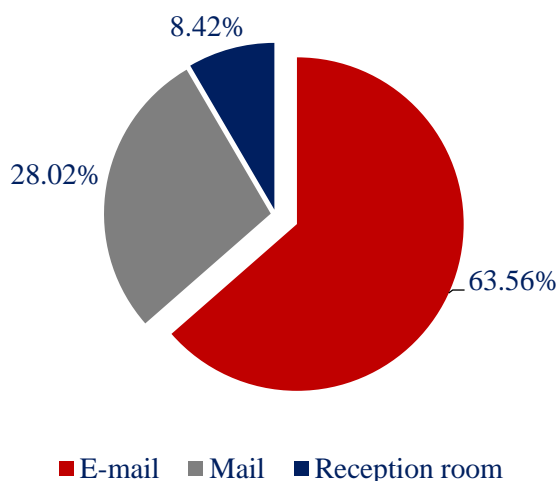
2024 ANNUAL ACTIVITY REPORT - SUMMARY

Figure 3 – Number of complaints and signals by manner of submission for the period 2020–2024



The complaints and signals sent to the institution electronically stood at 7,952; followed by those sent by post – 3,505; and, in third place, those registered at the Reception Room and via telephone (after drawing up protocols of oral complaints) – 1,053. The distribution in percentages is as follows:

Figure 4 - % of complaints and signals by manner of submission in 2024



In 2024, 12,510 complaints and signals were registered. The credibility of the institution in the performance of its functions undoubtedly helps to resolve the problems that citizens raise in a timely manner, especially in the interaction with executive authorities, public service providers and various private entities.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Table 2 - % of complaints by category of violations for the period 2024–2020

CATEGORY OF VIOLATION	2024	2023	2022	2021	2020
	%	%	%	%	%
Consumer rights	30,29	35,99	27,92	29,50	25,25
Social rights, healthcare and education	17,60	17,87	19,59	21,40	24,24
Right to property and economic freedom	11,29	9,30	12,35	10,94	10,9
NPM and fundamental rights and freedoms	9,85	5,02	10,48	5,95	6,28
Rights breached by private entities – loan and financial institutions, debt collection companies and private enforcement officers	6,52	5,80	4,87	5,62	6,13
Right to good administrative service	6,04	5,50	5,64	7,29	7,41
Rights of persons with disabilities	5,95	6,23	3,38	3,60	3,45
Rights of children	4,08	3,81	3,98	3,88	3,39
Right to a clean environment	3,08	2,98	3,69	2,83	4,03
Other violations	3,00	5,43	4,11	3,87	1,29
Request for changes in the regulatory framework	0,77	0,73	1,75	1,18	6,03
Discrimination	0,56	0,36	0,11	0,12	0,08
Request for referral to the Constitutional Court	0,41	0,66	0,45	0,53	0,62
Protection of whistleblowers	0,32	-	-	-	-
Request for an interpretative judgment	0,12	0,06	0,05	0,07	0,10
Absence of a specific violation	0,12	0,26	1,63	3,22	0,81
Total %:	100	100	100	100	100

The trend over the last few years to have the largest share of complaints and signals of violated consumer rights of all registered ones continued in 2024 – 30.29% (3,789). As usual, those concerning healthcare, education and social rights rank second with 17.60% (2,202); followed by property issues in third place with 11.29% (1,413).

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The number of collective complaints and signals, petitions and submissions – 96 – is also indicative of the steady increase in the trust in the Ombudsman institution. The civil associations which sought assistance in protecting their rights covered **29,061** people. The issues they raised in 2024 were motivated primarily by the inaction of individual government and municipal bodies.

Unlike 2023 with only 5 complaints and signals from foreign citizens, 2024 saw an increase of 700%. Thus, in the past calendar year, the Ombudsman institution was recognised as an ally in the fight against the Bulgarian administration by dozens of people of different nationalities (Armenia, Belarus, Great Britain, Germany, Israel, India, Ireland, Jordan, Canada, Kyrgyzstan, Norway, Poland, North Macedonia, Romania, Russia, Turkiye, Ukraine, Croatia and others).

Completed inspections upon complaints and signals

The work on 13,476 complaints and signals was completed last year, of which:

- 11,310 completed with letters sent in relation to inspections and opinions to government and municipal authorities and their administrations, persons entrusted with the provision of public services and private entities;
- 1,896 completed with advice and intermediation;
- 270 completed with detailed instructions about the statutory powers of the Ombudsman institution.

Table 3 – Number and % of completed complaint and signals in 2024 based on the actions taken by the Ombudsman

Actions taken	Number	%
Upon complaints and signals within the powers of the Ombudsman (admissible) of which:	13 206	98,00
– Recommendations sent	2 431	18,04
– Opinions expressed	8 879	65,89
– Advice given	1 024	7,60
– Intermediation carried out	872	6,47
Upon complaints and signals outside the powers of the Ombudsman (inadmissible):	270	2,00
Total:	13 476	100

The admissible complaints and signals make up, logically, the higher percentage of those completed on an annual basis. The reasons for this: the role and activities of the Ombudsman institution which are increasingly recognised by the Bulgarian society and this leads inevitably to an increase in its reputation among the other bodies. The direct contact with the experts in the Reception Room helps to ensure that the issues/concerns raised in complaints and signals are presented accurately and clearly.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Table 4 - % complaints and signals by manner of completion for the period 2021–2024

Complaints and alerts completed	2020	2021	2022	2023	2024
Admissible	96,12	95,36	95,22	99	98
– Recommendations	19,11	20,32	21,35	22,11	18,04
– Opinions	65,37	67,78	69,02	67,14	65,89
– Advice	11,25	8,75	5,64	5,58	7,60
– Intermediation	4,27	3,15	2,99	4,17	6,47
Inadmissible	3,88	4,64	4,78	1	2,00
Total:	100	100	100	100	100

It is noteworthy that the number of cases of intermediation has increased year after year, especially with regard to citizens' rights affected or breached by credit and financial institutions, debt collection companies and private enforcement officers. There is also an increase in the number of closed complaints and signals where advice was provided.

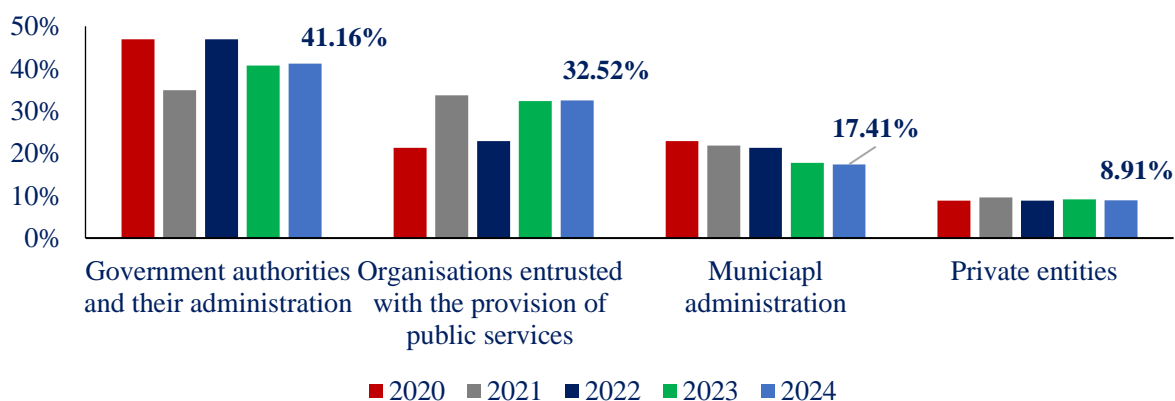
An important tool used by the Ombudsman institution in 2024 is the letters about inspections, which were taken into account, in part or in whole, in 78% of the cases by the government and municipal authorities, public service providers and private entities. The opinions expressed play a key role in protecting citizens' rights and freedoms against the abovementioned offenders.

Table 5 – Number of complaints and signals completed in 2024 by offenders

Offender	Number	%
Government authorities and their administrations	5 547	41,16
Persons entrusted to provide public services	4 382	32,52
Municipals authorities and their administrations	2 346	17,41
Private entities	1 201	8,91
Total:	13 476	100

As every year, in the past year, the largest number of completed complaints concerned government authorities and their administrations as offenders, and the smallest number – various private entities.

Figure 5 - % of complaints and signals completed for the period 2020–2023 by offenders

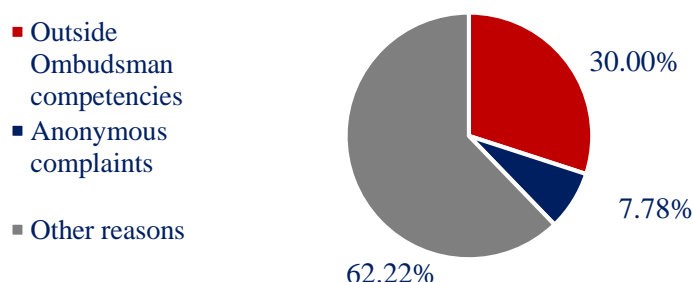


2024 ANNUAL ACTIVITY REPORT - SUMMARY

As a whole, the figures for complaints and signals closed in 2024 compared to those for 2023 against individual offenders remain the same. The pace at which the Ombudsman institution responds to each individual or collective case is indicative enough of the right direction in the promotion and protection of human rights and fundamental freedoms.

The trend that emerged for the entire five-year period is related to the leading share of complaints about rights breached by government authorities and their administration (with an average of 40%), followed by organisations entrusted with the provision of public services (with an average of 30%), municipal administrations (with an average of 20%) and private entities (with an average of up to 10%) of the total volume of requests sent to the Ombudsman by citizens regarding the protection of their violated rights.

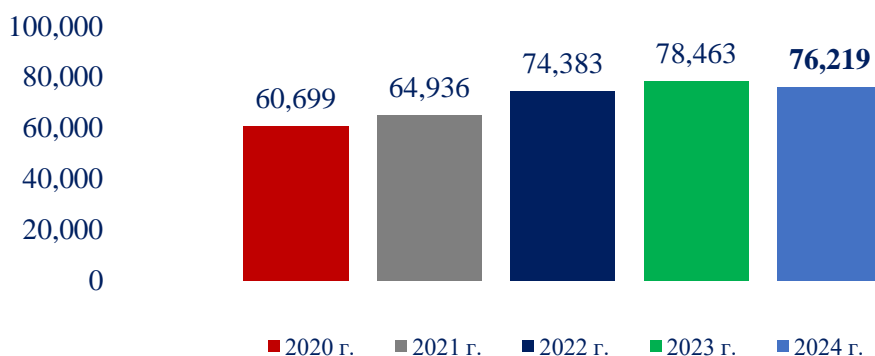
Figure 6 - % completed inadmissible complaints and signals in 2024



The lack of a legal basis for the examination of inadmissible complaints and signals does not prevent citizens from receiving detailed explanations about the powers of the institution to ensure an informed choice for the future protection of their rights and freedoms. In addition, the advice included provides various options for responding in this regard.

In total, 76,219 citizens received direct or indirect assistance from the Ombudsman institution in 2024. This is 33.27% of all those who sought support in the last three years.

Figure 7 – Number of citizens who received assistance from the Ombudsman in the period 2020 – 2024

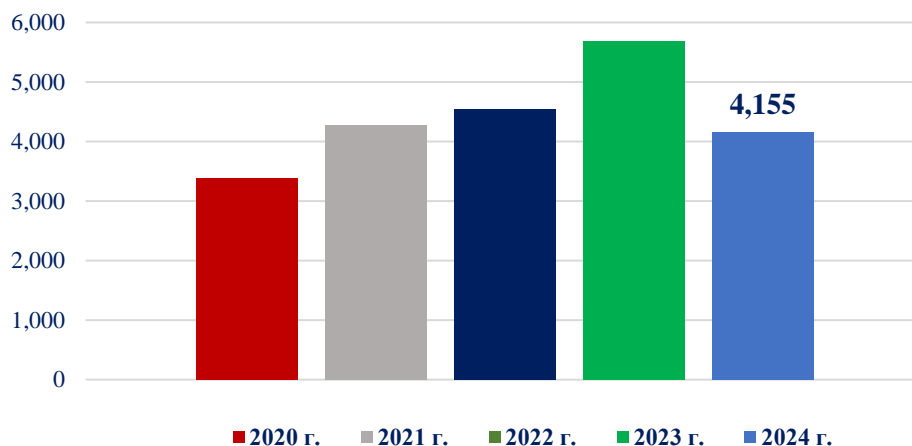


In view of the numerical indicators, it can be reasonably and unequivocally concluded that the Ombudsman institution is a strong proponent and guardian of the principles of good governance and the right to good administration, striving to implement them to the maximum extent, by the means provided for by law, in the activities the Ombudsman carries out, to the extent to which such activities are not constrained by statutory restrictions or moral or other considerations.

II. CITIZENS' RIGHTS AS CONSUMERS OF PUBLIC SERVICES

In 2024, 4,155 complaints from consumers of public services were received which make up 33.21% of the total number of complaints in the institution for the year.

Figure 8 – Number of complaints and signals from consumers for the period 2020–2024



In 2024, 4,812 inspections were completed; of them, in 1,459 violations were found; in 3,219 no violations were found; 134 were inadmissible.

Table 6 – Number of signals and complaints from consumers by sectors for 2020–2024

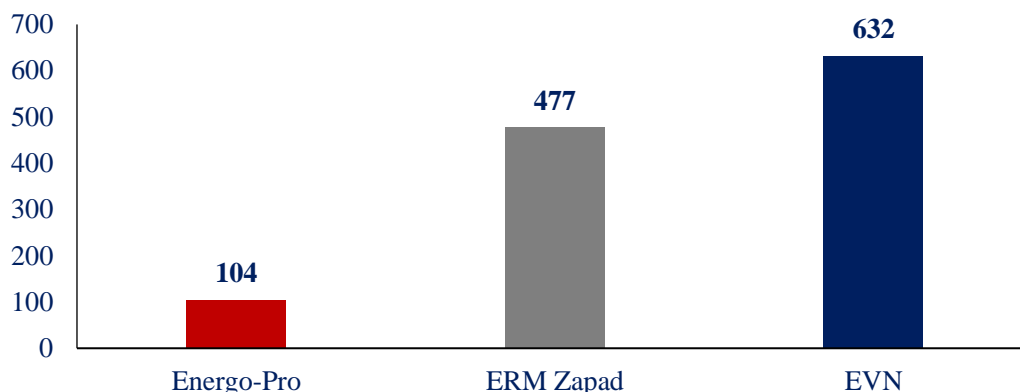
Sectors	2020	2021	2022	2023	2024
Electricity supply	275	1 503	1 259	1 702	1237
Water supply services	1 097	1 060	1 344	1 481	1153
Electronic communication services	322	313	370	621	525
Financial services	302	234	228	334	325
Heating supply services	964	583	411	728	291
Transport services	153	49	225	290	197
Mail services	16	33	31	19	88
Debt collection companies	44	44	49	63	41
Waste management services	37	278	338	81	38
Insurance services	22	16	25	45	38
Gas supply	31	67	108	35	5
Other consumer disputes	137	90	154	295	217

1. ELECTRICITY SUPPLY

In 2024, 1,237 complaints were received in the sector. The inspections of 1,681 case-file were completed; of them, 1,046 were related to poor service provision – frequent outages, low voltage, power surges, etc.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Figure 9 – Number of complaints and signals against electricity companies in 2024



A significant increase in the number of complaints is reported at the end of December 2024 concerning prolonged power outages in many locations, which again, as in November 2023, are explained by deteriorating weather conditions.

Right to a quality service

Once again, the poor quality of service is the most significant problem in the sector. Complaints were received from residents of the villages of Debrashtitsa, Patalenitsa and Tsrancha (Pazardzhik Municipality); Gramatitsi and Kostel (Elena Municipality); Chitakovtsi, Sharani, Bankovtsi, Solari, Ivanili, Bobevtsi, Grablevtsi, Bekriite, Vetrovo, Sedyankovtsi, Svinarski Dol and Gaikini (Gabrovo Municipality), individual areas in Lom, Kostinbrod, Koprivshtitsa and others.

In March 2024, the Ombudsman sent an opinion to the Chair of the Energy and Water Regulatory Commission (EWRC) on the Draft Ordinance to Amend and Supplement Ordinance No. 1 of 14 March 2017 on electricity price regulation.

The Draft provides for the repeal of Article 9 of the current Ordinance No. 1, pursuant to which the Commission shall adjust the required revenues and/or prices of the energy undertaking for each price period depending on the performance of the energy quality and service quality indicators in the previous year.

The Ombudsman is adamant that this would violate basic principles in the exercise of the regulatory powers of the EWRC, including ensuring the necessary measures for the supply of customers with electricity of a certain quality. The Ombudsman emphasises that Task Force report does not list any reasons as to why this provision should be abolished. The Ombudsman also insists that Article 9 of Regulation No. 1 should be retained with a revision so that it is relevant to the prices regulated by the EWRC for access and transmission through electricity distribution networks.

In the period after 25 December 2024, the institution received numerous complaints against Electricity Distribution Grid West EAD (EDG West) and Electricity Distribution North AD (ED North) for interrupted power supply for different periods of time – 50, 63, 144 hours, from 3 to 5 days – from residents of different places, again, as in the beginning of the winter period in 2023, due to the snowfall. The victims sought assistance in relation to the payment of compensation for the period without electricity.

In view of the recurrent extremely difficult situation, a year later the Ombudsman institution immediately turned to:

1. Electricity distribution companies on the actions taken to prepare the power facilities for the winter period, the reasons for power outages in the affected areas, as well as for an opinion on the payment of compensation to the affected consumers.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

2. Caretaker Minister of Energy on the findings of the inspection of the technical and operational condition of the energy facilities in the country pursuant to Article 75, para 1, item 1 of the Energy Act (EA), their readiness to ensure continuity and security of electricity supply during the winter period 2024 – 2025.

3. EWRC Chair for an opinion on the guarantees for the fulfilment by the electricity distribution companies of the terms of their licences concerning the requirements for security of electricity supply pursuant to Article 76, para 4, item 1 of the EA.

In response, EDG West stated that it was fulfilling its obligations to maintain, operate and develop the electricity distribution network in accordance with applicable law; all overhead power line easements were maintained in accordance with the statutory requirements. They gave the following as reasons for the numerous accidents: bad weather conditions; fallen trees growing outside the easement area of the power lines which caused breakage of poles and snapping of power lines.

ED North also referred to the complicated weather situation and stated that the payment of compensation to the victims would be based on an individual assessment of each complaint/request.

The EWRC provided information that annual and extraordinary inspections were carried out of the electricity distribution companies regarding the quality of the supplied electricity and, in case of violations, administrative criminal liability was imposed on the offenders if violations were found.

The Ministry of Energy did not provide a response.

Other problems related to the provision of electricity supply service

Citizens turned to the Ombudsman regarding high electricity bills that they believe do not reflect the consumption in their properties. The inspections did not show any irregularities in the formation of the bills – there was no inaccurate reading or self-running of the commercial metering device, or incorrect data entry.

Main recommendations:

1. The Ministry of Energy to conduct the necessary analysis of the causes of the prolonged power outages in late 2024, including the act/omissions of those responsible for dealing with such situations and to announce the results and conclusions publicly.

2. The electricity distribution companies to undertake the necessary activities in a timely manner to improve the condition of the electricity distribution networks in areas where there are frequent problems with the quality of the electricity supply service in order to minimise the number and duration of accidents and power outages.

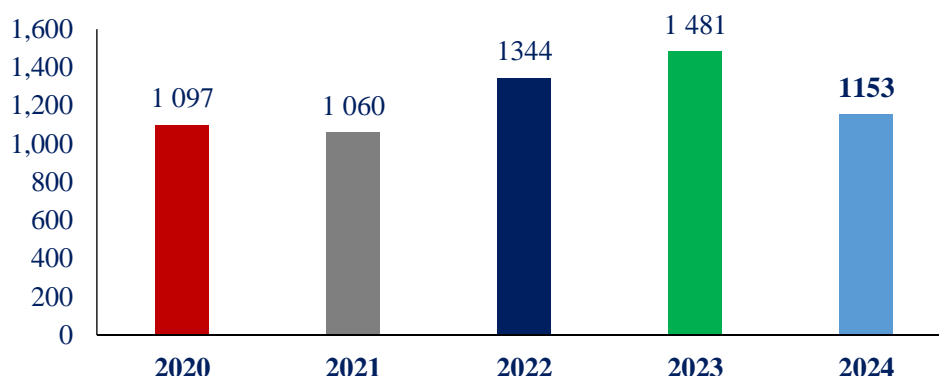
3. The EWRC and the Ministry of Energy to carry out effective inspections within their competence regarding the fulfilment of the license obligations of the electricity distribution companies, the quality of the electricity supplied and the operational status of the electricity facilities.

2. WATER SUPPLY SERVICES

In 2024, the Ombudsman institution received 1,153 complaints, which is 22.15% less than in 2023.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Figure 10 – Number of complaints and signals related to problems in the ESS sector for the period 2021–2024



The inspections in 1,159 case-files were completed; of them, violations were found in 1,065, there were no breaches in 62 and 32 were inadmissible.

Table 7 - % of complaints and signals in the WSS sector by regions in 2024

Region	%
Sofia Region	20,40
Sofia City	11,37
Dobrich	11,10
Lovech	10,92
Montana	10,38
Pleven	8,48
Plovdiv	5,05
Gabrovo	3,43
Silistra	2,89
Pernik	2,17
Kyustendil	2,17
Varna	2,08
Burgas	1,53
Veliko Tarnovo	1,26

Region	%
Haskovo	1,17
Sliven	0,99
Shumen	0,99
Stara Zagora	0,90
Pazardzhik	0,63
Blagoevgrad	0,36
Vidin	0,36
Targovishte	0,36
Yambol	0,36
Vratsa	0,18
Razgrad	0,18
Kardzhali	0,09
Ruse	0,09
Smolyan	0,09

First came, as in previous years, the complaints against the poor quality of WSS services (67.56%) – their share increased significantly compared to 2023 (42.23%), followed by complaints about violations of the right to: real metering and billing, including charges for water for “total consumption” (12.06%), access to service (3.04%).

In December 2024, the Ombudsman institution participated in the public discussion on the changes in the prices of WSS services as of 1.01.2025. The Ombudsman firmly objected to the price increase because this did not lead to an improvement in the quality of the services offered.

Right to access to and quality water supply service

Citizens turned to the Ombudsman due to frequent breakdowns in the water supply network and prolonged water outages, non-compliance with the water regimes, low pressure, poor water quality, failure to provide alternative water supply, including water trucks during water outages of more than 8 hours.

Complaints about disrupted water supply and water regimes in 80 places in the regions of: Burgas; Varna; Veliko Tarnovo; Vratsa; Gabrovo; Dobrich; Kyustendil; Kardzhali; Lovech;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Montana; Pazardzhik; Pernik; Pleven; Plovdiv; Sliven; Sofia Region; Stara Zagora; Targovishte; Shumen; Haskovo; Yambol.

Complaints about poor quality of the drinking water were received from the regions of: Shumen; Kyustendil; Stara Zagora; Pleven; Sofia Region; Montana, etc.



The water in Shumen

The findings of the inspections show that the legal framework does not protect sufficiently the rights of consumers when they do not receive quality water supply service – the victims pay the price of water as drinking water, the penalties laid down are extremely small compared to the extraordinary costs that households are forced to make.

In addition, municipal administrations do not fulfil their obligations under Article 41, para 6 of Ordinance No. 4 of 14 September 2004 on the terms and procedures for the connection of consumers and for the use of water supply and sewerage systems (“Ordinance No. 4”) – in the event of a total shutdown or a significant reduction in the quantity of water in urbanised areas or parts of such, regardless of the reasons that caused them, in cooperation with the WSS operator to provide drinking water to the population until the water supply is restored.

Right to pay for a WSS service actually used

The complaints about violations of the right to pay for a service actually used accounted for over 12% of complaints in the WSS sector. Of these, most were related to the allocation and charging of water for “total consumption” by Sofiyska Voda AD, WSS-Dobrich, WSS-Varna, WSS-Haskovo, etc.

In most cases, it was found that the high consumption of water for “total consumption” was due to: failure to provide access for water meter reading; the presence of water meters with expired metrological validity; charging water quantities based on the number of occupants of the property (due to the lack of installed water meters); providing inaccurate data when self-reporting water meters, etc. In addition, there was failure to comply with the obligations under Ordinance No. 4 and the General Terms and Conditions for the Provision of WSS Services in Condominium Buildings to read the common and individual water meters at least once every three months and to serve instructions for the replacement of water meters with expired metrological capacity. There are no provisions for independent monitoring of compliance with these obligations, or for penalties.

The view of the Ombudsman institution is that the current legislation does not provide for fair and effective mechanisms to protect the rights of honest consumers in the allocation of the quantities of water for “total consumption” on individual accounts. Checks of the “total

2024 ANNUAL ACTIVITY REPORT - SUMMARY

consumption” of water need to be carried out not only when there is a difference of more than 20% between the total and the individual consumption.

New Water Supply and Sanitation Act

In June and December 2024, the Ombudsman institution took part in public consultations on two proposed Water Supply and Sanitation Bills. Ombudsman representatives submitted opinions to the Ministry of Regional Development and Public Works (MRDPW) highlighting the following:

- The new WSS Bill was not appended with any legal, economic, social and technical analysis of the water reform in the country so far;

- No information was provided on the implementation of the objectives set out in the Strategy for the Development and Management of WSS in the Republic of Bulgaria for the period 2014–2023, namely: the WSS sector to meet national/European requirements; to be environmentally, financially and technically viable; the prices of WSS services to be affordable for consumers and the quality of services and efficiency of WSS operators to be in line with the best European practices;

- No information was provided on the results achieved since the introduction of the uniform price for WSS services, on the implementation of the long-term levels of quality indicators for WSS operators such as: continuity of water supply; breakdowns in the water supply network; total losses in the water supply systems; pressure in the water supply system; rehabilitation of the water supply network; active control of leakages; efficiency of the construction of water metering, etc.

Main recommendations:

New Water Supply and Sanitation Act shall:

- Guarantee the right of consumers to access WSS services at an economically justified price which is linked to the way water is supplied and to the fulfilment of quality indicators;
- Provide for a prompt and clear procedure to apply a lower price for water when it does not meet the statutory quality requirements;
- Envisage the payment of water allowances to socially disadvantaged and vulnerable consumers;
- Introduce effective institutional control over the activities of WSS operators;
- Determine the social affordability of the price of WSS services based on reliable data and in view of household income;
- Introduce a new and fairer way of allocating water quantities for “total consumption”;
- Introduce clear rules for the institution of a water supply regime and its enforcement, ensuring the right of consumers to receive a quality alternative water supply;
- Ensure simultaneous reading of common and individual cold and hot water meters, including via remote reporting;
- Provide for a prompt and simplified procedure for consumers to receive compensation from WSS operators if they fail to provide quality WSS services.

The Ombudsman institution provided a negative opinion on: all municipal WSS operators joining the WSS Associations; the uniform price of WSS services within a territorial area; the introduction of separate prices for access and quantity consumed on the basis of cubic metres for each of the three types of services – drinking water supply, waste water disposal and waste water treatment.

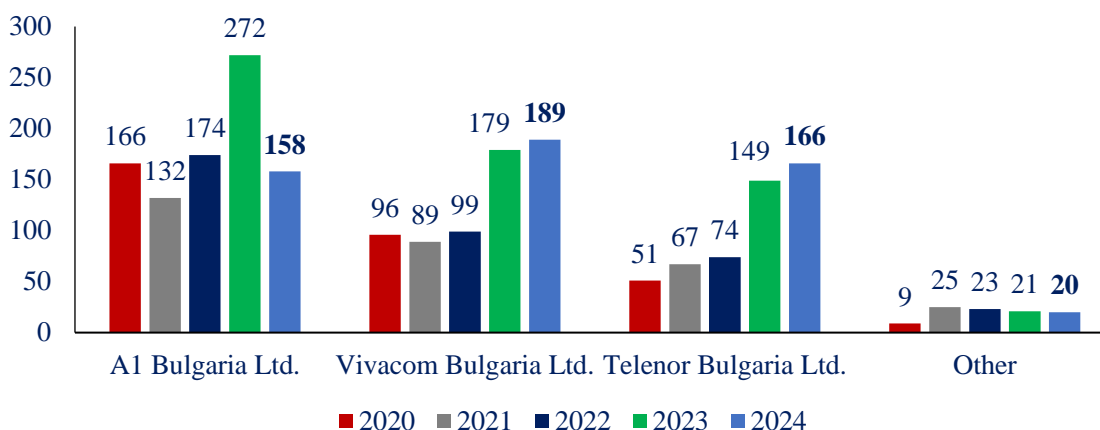
3. ELECTRONIC COMMUNICATION SERVICES

The number of complaints received in relation to the provision of telephone, internet and television services in 2024 was 525. Complaints against Vivacom Bulgaria EAD are in first place – 187, followed by Yettel Bulgaria EAD – 164, A1 Bulgaria EAD – 158, and others – 16.

The citizens complain mainly about the indexation of monthly fees, the unsolicited inclusion of services, the payment for unused services, the quality of services.

The inspections in 533 case-files were completed.

Figure 11 – Number of inspections completed against suppliers of electronic communication services for the period 2020–2024



Unilateral adjustment of consumer bills by companies

The complaints against the indexation of the monthly fees of A1 Bulgaria EAD, Yettel Bulgaria EAD, Vivacom Bulgaria EAD are in the first place – 153 complaints.

In relation to the indexation, the Ombudsman took a number of actions to protect the rights and interests of citizens such as:

- Recommendations to mobile operators not to apply indexation;
- A request to the Commission for Consumer Protection (CCP) to carry out checks for inequitable clauses and unfair commercial practices;
- Requests the Communications Regulation Commission (CRC) and the Commission on Protection of Competition to take action in line with their respective competences;
- Requests to the Caretaker Prime Minister, the Caretaker Deputy Prime Minister for Economic Policies and Caretaker Minister for Transport and Communications, the Caretaker Minister for Economy and Industry, emphasising that customers of mobile services would be forced to pay the increased prices without the right to renegotiate the terms of their contracts towards lower charges, without the possibility to terminate their contracts without penalties;
- Participation in meetings of the Standing Subcommittee for Monitoring Consumer Protection and Restriction of Monopolies in the National Assembly, repeatedly expressing the position that indexation should be terminated.

Payment for unused services

The citizens complain mainly about subscriptions for value added services, charging for roaming services in border areas, charging a standard monthly fee after the expiry of the contract period.

Right to a quality service

These complaints are related to the unsatisfactory and poor mobile coverage in smaller locations in the country, interruptions or suspension of television and/or internet services due to breakdowns.

Right to information

Citizens complain most often about misleading or incomplete information when signing contracts, and that they are not allowed to read the terms of contracts when signing them on electronic displays.

Main recommendations:

1. Provide clear and accurate pre-contractual information when entering into a contract with a mobile operator.
2. Mobile operators to take the necessary action to optimise their networks to ensure quality mobile coverage.
3. Ensure the provision of services at economically justified prices.

4. FINANCIAL SERVICES

In 2024, the institution received 325 complaints, of which 163 against banks and 162 against fast loan companies.

Banks

Consumers of financial services most often complain about:

- Unilateral change in interest rates and bank charges;
- Problems when making payment transactions. In such cases, the Ombudsman institution directs the citizens to seek assistance from the Conciliation Commission on Payment Disputes with the CCP;
- Refusal by banks to renegotiate the terms of loans (repayment amount, repayment period, etc.). In such cases, the Ombudsman institution asks the creditor to seek options to defer/reschedule the debt or modify its other parameters in a manner consistent with the financial capacity of the borrowers;
- Poor administrative service by bank staff.

Fast loan companies

In 2024, the Ombudsman institution received complaints against City Cash OOD, Easy Asset Management AD, Credirect EOOD, Viva Credit OOD, Access Finance AD, FERRATUM Bulgaria EOOD, PROFI CREDIT Bulgaria EOOD, Credissimo EAD, Credit Plus OOD and others.

The complaints are related mainly to:

- Excessive interest rates, penalties and fees in loan agreements;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Exerting psychological pressure on the debtor in connection with the repayment of the loan;
- Creditor's refusal to reissue the loan agreement to the debtor arguing that there is no such legal obligation;
- Creditor's refusal to grant the debtor's request for rescheduling or deferral of the debt;
- Granting fast loans to financially insolvent persons without first examining their financial situation and their actual ability to repay their debt on time;
- Failure to inform the borrowers that their debts have been assigned.

On 20 March 2024, the Ombudsman took part in a meeting of the Subcommittee for Monitoring Consumer Protection and Restriction of Monopolies in the Parliament. At the meeting, the Public Advocate drew the participants' attention to the main problems that citizens encountered when repaying fast loans, namely: the presence of inequitable clauses in the contracts of fast loan companies, excessive interest rates, penalties and fees, the lack of sufficient, accurate and timely pre-contractual information to make an informed decision on concluding a loan agreement or an annex to a loan agreement, the provision of incomplete contract forms for signature, as well as the small font size of important contractual clauses. **The Ombudsman highlighted with concern that almost 90% of the fast loan companies were in breach of the Consumer Protection Act and circumvented court rulings.** The Ombudsman emphasised the need for effective control by the CCP of the presence of inequitable clauses in the general terms and conditions of contracts and expressed the view that legislative changes were needed to limit the arbitrary actions of fast loan companies, stressing that the problem with fast loan companies was not isolated but linked to the problem of debt collection companies and should be considered on a larger scale together with the Perpetual Debtor Act.

Main recommendations:

1. Bank charges to be economically justified.
2. The bank transfer fee on charitable donation accounts to be cancelled.
3. Improve the administrative service to citizens who are consumers of financial services.
4. Exercise effective control over the activities of fast loan companies, including over the presence of inequitable clauses in loan agreements.
5. No methods on the edge of the law to be used in the collection of overdue payables under loan agreements.
6. Adopt a Perpetual Debtor Act.

5. HEATING SUPPLY SERVICES

In 2024, 291 complaints and signals were received from heat energy consumers, 60% less than in 2023. Complaints against heat cost allocation (HCAC) decreased by 42%.

The inspections in 313 case-files were completed during the year.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Figure 12 – Number of complaints and signals in the Heat Supply sector for the period 2020–2024

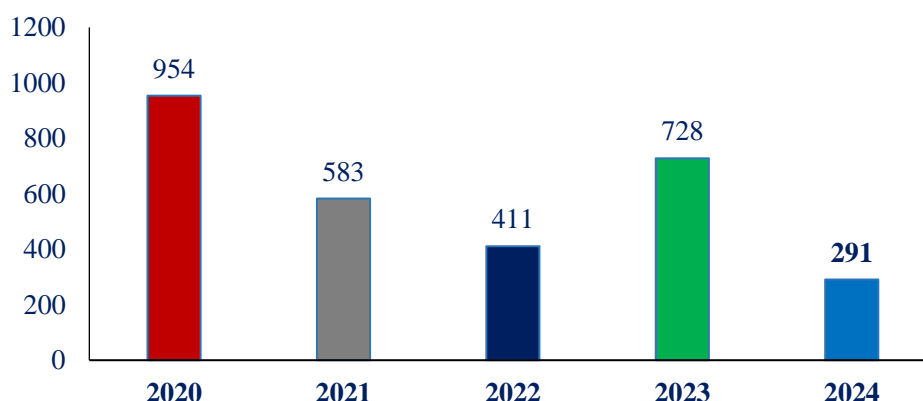
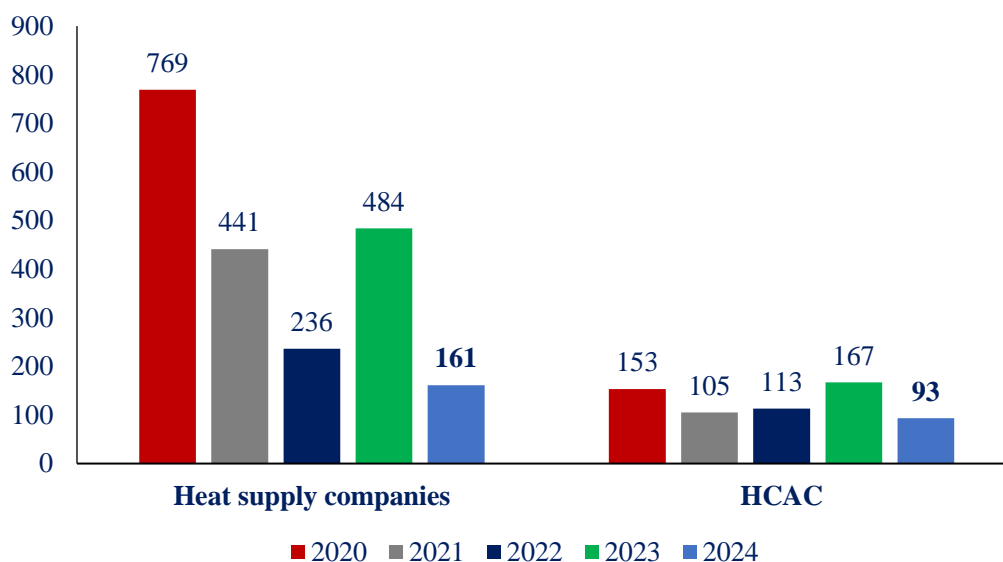


Figure 13 – Number of complaints and signals against district heating companies and heat cost allocation companies for the period 2020–2024



First among the complaints against district heating companies comes those against Toplofikatsia-Sofia EAD – 141, followed by Toplofikatsia-Pernik AD, Toplofikatsia-Ruse AD, EVN Bulgaria Toplofikatsia EAD, Toplofikatsia-Sliven – Eng. Angel Angelov EAD, Toplofikatsia-Vratsa EAD, Veolia Energy-Varna EAD, Toplofikatsia-Burgas AD and Toplofikatsia-Gabrovo EAD.

First among the complaints against HCAC are those against Techem Services EOOD – 38, followed by Brunata OOD with its legal successor Dalsia OOD, Nelbo AD, Direct EOOD, MH Elveko OOD with its legal successor Dalsia Elveko EOOD, Termocomplect OOD, Toplocontrol OOD, Holiday and Reisen EOOD.

Right to pay an economically justified price

At the beginning of 2024, the Ombudsman acted *ex officio* and sent to the Chair of the EWRC another reasoned recommendation for an urgent review and reduction of regulated heat energy prices which reached record highs during the price period 1 July 2023 – 30 June 2024.

The Ombudsman noted that, during the 2023–2024 heating season, household customers of district heating companies bore an excessive financial burden as a result of the prices approved by the EWRC. In addition, the Ombudsman pointed out that the regulated prices

2024 ANNUAL ACTIVITY REPORT - SUMMARY

deviated significantly from the main underlying economic factors, namely: the prices of natural gas as main fuel and the market prices of CO₂ allowances.

In view of these circumstances, it was recommended that the EWRC conduct a timely analysis and comprehensive assessment within its competence in order to reduce the regulated heat energy prices as quickly as possible before the end of the price period.

The Ombudsman states firmly that when consumer prices are fixed for a long period, and especially when they have reached very high levels, it is necessary to take into account in a timely manner the factors that enable a dynamic reduction in the price of heat supply services.

Citizens seek assistance due to the periodic and uncontrolled increase in the prices of services provided by HCACs. The problem persists as in the minimum package of services for heat cost allocation where the prices are negotiated with the heat supply companies and in the price lists for additional services for customers which are determined freely and unilaterally by the persons under Article 139b, para 1 of the EA.

In this regard, the Ombudsman institution suggested that the Caretaker Minister of Energy consider the possibility to table an amendment to Article 30, para 1 of the EA, according to which the prices for the service of heat cost allocation paid by customers of heat supply companies would also be subject to regulation by the EWRC.

Right to pay for a service actually used

Complaints to the Ombudsman institution point to gaps and shortcomings in the current regulatory framework for the heat cost allocation as a result of which customers are required to pay for quantities of heat energy that they have not actually used. The inspections reveal significant weaknesses in the protection of consumer rights in the application of the heat cost allocation system. In this regard, in a series of recommendations, the Ombudsman insisted that the Minister of Energy carry out a thorough analysis of the results of the application of Ordinance No. E-RD-04-1/12.03.2020 on Heat Supply (“Heat Supply Ordinance”) and the Methodology for Heat Distribution in Buildings – Condominiums (Annex to Article 61, para 1 of the same Ordinance). In the recommendations, the Ombudsman proposes specifically:

- Clear provisions for the liability of HCACs for errors made by them in taking the measurement of devices in the case of allocation and in the preparation of balancing bills for the customer accounts;

- Introduction of a procedure for heat customers to turn to an independent control body for verification of the accuracy of the heat cost allocation made by HCAC;

- Creation of a possibility to correct errors made by HCACs in the allocation of heat cost within an extended period after 31 August in view of the complexity of the calculations and the objective difficulties customers encounter in verifying balancing bills;

- Establishment of a procedure for customers to object to additional billing adjustments to balancing bills made by HCACs after 31 August.

Currently, Article 70, para 8 of the Heat Supply Ordinance explicitly rejects the possibility to accept such complaints (objections) from customers after 31 August, even though there is 8 of the Heat Supply Ordinance expressly rejects the possibility of accepting such complaints (objections) from customers after August 31, even though there is clearly a possibility of errors in the preparation of adjustments to the settlement accounts after the deadline for submitting complaints has expired.

In connection with inspections, the Ombudsman institution drew the attention of the Caretaker Minister of Energy to the fact that the current regulatory framework did not provide for sufficient protection of the rights of household heat energy customers in condominiums

2024 ANNUAL ACTIVITY REPORT - SUMMARY

against possible unfair practices of HCAC employees during their “one-on-one” visits in citizens’ homes and the control of unregulated use of heat energy.

In a series of recommendations, the Ombudsman institution also pointed out the need for effective control over the implementation of the regulatory obligation of heat supply companies to maintain consistency between the heat energy needs of customers in condominiums, on the one hand, and the quantities of heat energy supplied by heat supply companies, on the other hand. Failure to comply with this obligation could result in bills for large quantities of heat energy that were not requested by consumers. Indicators of such a problem are the formation of very high specific cost for water heating – above 150 kWh, as well as a high share of heat energy from the building installation – above 50% of the total heat energy for heating supplied to the building.

Citizens turned to the Public Advocate due to unresolved issues between HCAC and WSS operators regarding the exchange of data on individual hot water meter readings. In this regard, the Ombudsman institution stated firmly that the exchange of data should be regulated and that it should not result in additional financial burdens for customers of companies in the sectors Heat Supply and WSS.

Right to a quality service

Citizens complained about the deteriorating technical condition of the heat distribution network and building installations.

The inspections of the specific cases found that the current regulatory framework did not sufficiently protect consumers’ rights to receive high-quality and uninterrupted heat supply services.

Another problem was for the affected customers to prove the deterioration in quality. There is also a regulatory vacuum regarding the permissible frequency of unplanned interruptions in heat supply to customers for which no penalties are due.

In order to protect better the right to a quality service, it is appropriate for the requirements for the quality of heat supply to be detailed in the Heat Supply Ordinance, ensuring effective control over the fulfilment of the obligations of HCAC and heat supply companies which is independent of them.

Right to information

Citizens reported that they did not receive paper-based invoices or annual adjustment bills from heat supply companies. After the inspections, these documents are provided to customers at no additional charge.

Under the current regulatory framework, these violations cannot be proven and, in practice, companies are not liable even if they fail to fulfil their obligation to deliver invoices or adjustment bills to the customer.

Cases were found where:

- A heat supply company did not provide consumers with debit notes for additional payments on adjustment accounts, either paper-based or electronic. The lack of information on how these additional charges are calculated prevents customers from submitting reasoned objections and defending their fundamental rights as consumers;

- HCACs did not provide customers with all adjustments made to their adjustment accounts. In an opinion to the Minister of Energy, the Ombudsman proposed that adjustments to adjustment accounts be provided mandatorily to customers as paper-based documents at the mail address of the property supplied with heat or at another physical or electronic address specified by the customer.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In the process of equipping heat-supplied residences with devices for heat cost allocation with remote metering, a problem arises with the timely provision of information by HCACs to consumers on the readings recorded by the devices.

The Ombudsman institution received reports that when readings were taken remotely from individual hot water meters and heat cost allocation devices on radiators, they were recorded in the respective lots only electronically on the website of the relevant company. These practices violate the right to information of customers who are not computer literate and do not use the internet. This is why, it is necessary for the regulatory framework to ensure equal treatment of these consumers who should be able to receive the information as paper-based documents upon request.

Main recommendations:

1. Conduct an in-depth analysis of the results of the implementation of the Heat Supply Ordinance and the General Terms and Conditions for the Sale of Heat Energy for Domestic Use in order to adopt amendments to ensure better protection of the rights of consumers of heat supply services.
2. Introduce effective control over the fulfilment of statutory obligations of heat supply companies and HCACs in providing services to household customers.
3. Reduce the costs and increase the efficiency of district heating in order to improve its quality and accessibility for customers from different income groups.

6. TRANSPORT SERVICES

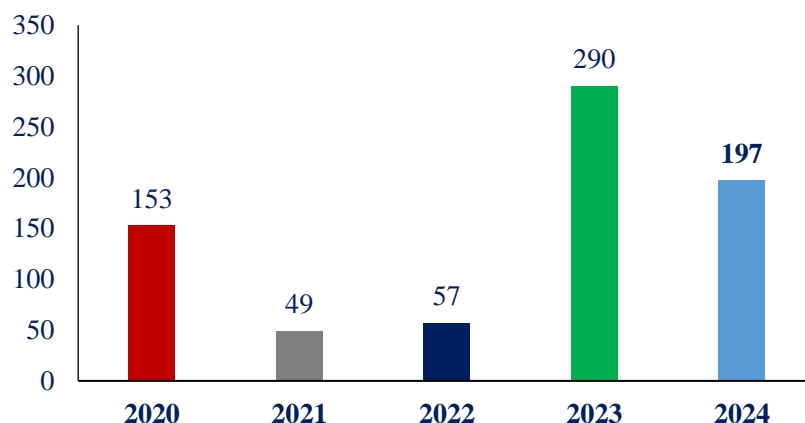
In 2024, the institution received 197 complaints related to transport services.

The complaints most often were relate to:

- Poor quality of the transport services provided;
- Non-observance of the published timetable of trains/intercity buses/public transport;
- Flight cancellation/delay;
- Lost/damaged luggage on a flight.

In 18 of the complaints, violations of the law were found and recommendations were made to the competent authorities.

Figure 14 – Number complaints and signals related to transport services for the period 2020–2024



2024 ANNUAL ACTIVITY REPORT - SUMMARY

By transport sector, the highest number of signals was related to the use of urban transport – 72, followed by complaints against airlines – 50, Bulgarian State Railway Company – 48, and intercity bus transport – 27.

City transport

The greatest number of complaints was received about the public transport in the capital. A significant number of reports were also submitted about poor transport services in Varna and Plovdiv.

Most often, the citizens complained about the failure of public transport drivers to adhere to timetables, old and unhygienic vehicles, ticket inspectors not checking passengers' tickets and others.

Another issue frequently brought to the attention of the Ombudsman was the lack of a sufficient number of buses on specific public transport routes as a result of which they ran at long intervals.

In this regard, the Ombudsman institution insisted that opportunities be sought to increase the number of buses on the relevant routes in order to ensure regular urban transport.

Intercity passenger bus transport

The greatest number of complaints was received in relation to the lack of regular bus transport for small places (the villages of Mirkovo, Golemo Malovo, Rayanovtsi, Malo Malovo, Vasilovtsi and Tsraklevtsi) and inconvenient timetables.

The irregular and missing transport connections cause significant inconvenience to citizens in the affected areas as these people find it difficult to access medical and administrative services.

In response to complaints received, the Ombudsman institution asked local authorities to look into ways of providing public bus transport and increasing the frequency of services.

Air transport

The complaints in 2024 were related most often to cancelled or delayed flights, and denied boarding.

In connection with the reports received, citizens were advised to contact the competent authorities – Directorate General Civil Aviation Administration and the European Consumer Centre.

Railway transport

The complaints concerned mainly train delays, inconvenient timetables, poor travel conditions – cold and dirty carriages.

In relation to the complaints received, the Ombudsman institution made recommendations to the Bulgarian State Railway Company to:

- Improve the passenger transport services and ensure compliance with the current timetable;
- Take measure to improve the travel conditions.

Main recommendations:

1. Ensure accessible and convenient public transport for residents of small places.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

2. Strengthen control over carriers providing public bus transport services with regard to the compliance with the approved timetable.
3. Take measures to maintain the necessary hygiene and comfort in trains, intercity buses and the urban transport.
4. Observe the announced train timetables which should take into account the work commitments of passengers.

7. MAIL SERVICES

In 2024, the Ombudsman institution received 88 complaints related to the provision of mail services, including: against courier companies – 53, against Bulgarian Post EAD – 35.

The complains concerned mainly:

- Poor service quality (delayed or lost mail packages);
- Payment for unused services;
- Right to access to mail services.

Depending on the nature of the complaint, inspections were carried out or citizens were referred to the Communications Regulation Commission for assistance.

Main recommendations:

Ensure accessibility and quality of the mail services in small places.

8. DEBT COLLECTION COMPANIES

In 2024, 41 complaints were received against debt collection companies.

As in 2023, the main complaints from citizens concerned psychological harassment in connection with debt collection, as well as claims for debts that had expired.

During inspections, the Ombudsman institution emphasises to representatives of debt collection companies that unlawful methods should not be used in the collection of debts. It requests that, where violations are found, the necessary measures be taken to improve the debt collection practices.

In cases of psychological harassment, citizens are advised to seek assistance from the District Police Department with the Ministry of Interior as per one's place of residence as well as from the District Prosecutor's Office.

Main recommendations:

Adopt provisions for the activities of debt collection companies.

9. WASTE MANAGEMENT SERVICES

In 2024, the institution received 38 complaints regarding issues related to the charging of household waste collection fees (HWCF). The inspections in 40 case-files were completed.

The largest number of complaints concerned the poor service quality – failure to comply with household waste collection schedules; damaged containers or containers in unsuitable locations; irregular cleaning of public areas; waste collection at very early hours which disturbed the citizens' sleep and rest.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In response to complaints received, the Ombudsman institution turned to the relevant municipalities, reminding them that the municipal administration had clearly defined responsibilities to ensure a healthy and favourable living environment, while the municipal waste management regulations imposed on mayors certain responsibilities to organise household waste management, provide a sufficient number of waste containers, carry out control activities, etc. In this regard, it is proposed that the necessary measures be taken to ensure the quality of service and the appropriate peace for residents in the collection and transport of household waste.

Main recommendations:

1. Local authorities not to impose additional requirements not provided for by law for exemption from waste collection and disposal fees in cases of non-use of property.
2. Exercise effective control over the quality of the services of household waste collection and disposal with timely response to reports from citizens.

III. RIGHT TO EDUCATION

RIGHT TO EDUCATION IN 2024

An important priority in the work of the National Ombudsman in 2024 was the support for the provision of accessible and quality education for all children and young people in the country.

The National Ombudsman agrees that education should offer equal opportunities to every person, regardless of their origin and social status, build skills for success in life, and lead to the overcoming of inequalities. The institution of the National Ombudsman monitors closely the processes in the country's education system. The signals and complaints submitted by citizens cover almost the entire range of problems and provide an opportunity for feedback and analysis of the appropriateness of the measures taken and the functioning of the education system.

The State makes efforts and provides investments to create conditions for modern and high-quality education, for building skills for success in life, and for overcoming inequalities. It is important for the projects in the framework programs financed by European funds, which have proven their effectiveness in practice, to be transformed into sustainable policies through state funding after the end of their financing by European funds.

Following regulatory changes, which were also called for by the National Ombudsman, free textbooks and learning sets for general education subjects are provided for students in grades VIII through XII for the first time in the 2024/2025 school year; in this way, all students in grades I through XII will receive free textbooks.

Upon a proposal of the National Ombudsman, in 2024, school graduates will have the opportunity to take an exam to improve their state matriculation exam (SME) grade for the purposes of applying to higher education institutions (HEIs). On 6 March 2024, Members of Parliament voted on a proposal initiated by the Ombudsman in the meaning that, for the purposes of applying to HEIs, school graduates and individuals with a secondary education diploma would be given the right, once in the course of a school year as of sitting for their first SME, to re-sit the exam to improve their grade when such an exam is scheduled and, to this end, they would be issued a certificate with the new grade which would be more favourable to them.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Ombudsman Prof. Diana Kovacheva strongly objected to the intention of the Ministry of Education and Science (MES) to introduce a fee for resitting for the matriculation exam to raise one's grade. The Draft Regulation No. 11 on the assessment of students' learning results stipulated that the amount of money school graduates would have to set aside would be in accordance with the Tariff of fees collected in the pre-school and school education system. However, there was no clear idea what its value would be. Prof. Kovacheva was adamant that the regulation was contrary to the Stamp Duty Act pursuant to which all documents for obtaining primary and secondary education issued by educational institutions and the MES are exempt from stamp duty.

The Ombudsman supported the raising of salaries of academic staff, insisting that funds be provided for a sustainable increase in the remuneration of university lecturers. In 2023, agreement was reached among stakeholders and, following regulatory changes voted in 2024, the remuneration of those working in higher education was increased.

Despite the achievements, challenges remain in the Bulgarian education system in terms of overcoming inequalities in education, the dropout rate of children and students from the education system, the quality of teaching in schools and higher education institutions, student performance, the education of children with special educational needs (SEN) and ensuring the availability of specialists to work with them, the high average age of teachers and academic staff, the improvement of teaching practices, the modernisation of facilities of educational institutions, dual education, and adult education.

Schools need to work purposefully and systematically to develop the students' social and emotional skills and to help them acquire competences and learn skills.

This requires adapting curricula to this goal and changing the format of national external assessment (NEA) exams, which the Ombudsman has been insisting on in recent years. The Ombudsman believes that all education policies and investments, as well as programs, should be aligned to this goal.

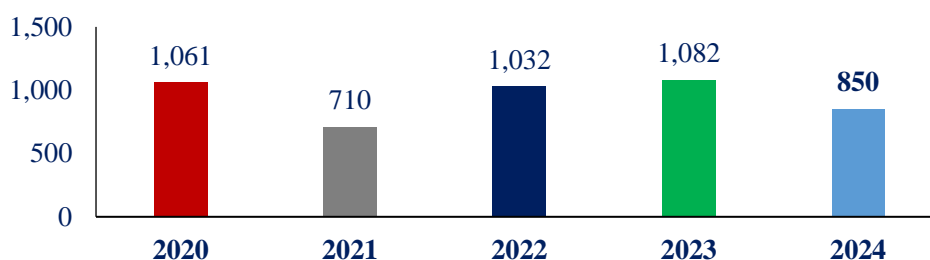
The Ombudsman finds that it is necessary to accelerate the implementation of activities related to reducing inequalities, integrating vulnerable groups, teaching Bulgarian to children for whom it is not their mother tongue in pre-school education, and their effective inclusion in the education system, working with parents of children from vulnerable groups, strengthening the role of educational mediators and providing more opportunities for parental involvement in their children's education.

For reforms to happen, there needs to be political will and consensus on how to make them happen, as well as joint efforts from educational institutions, non-governmental organisations, and parents who care about these issues.

The problems and difficulties citizens encounter in the field of education are reflected in the number of complaints and signals received by the National Ombudsman.

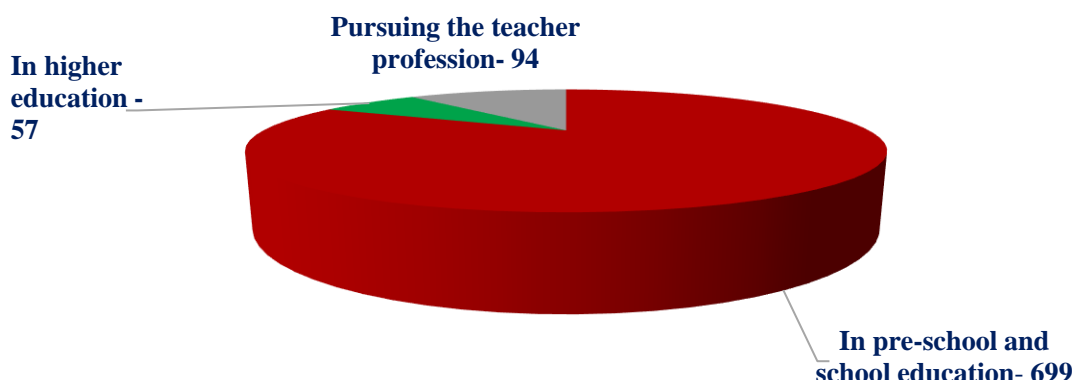
In 2024, a total of 850 complaints and signals were received in the field of education; however, **the inspections in them covered a total of over 5,700 citizens.**

Figure 15 – *Number of complaints and signals in the area of education for the period 2020–2024*



2024 ANNUAL ACTIVITY REPORT - SUMMARY

Figure №16 – *Number of complaints and signals in the area of education in 2024*



In defence of citizens' rights, the Ombudsman issued 285 recommendations, advice, and opinions.

In 2024, the inspections in complaints and signals in the area of education totalled **856**.

Pre-school education

The complaints received by the National Ombudsman concerning pre-school education were largely related to the access to pre-school education, the children's right to quality care and an appropriate educational environment.

The majority of the complaints concerned: the lack of sufficient vacancies in childcare facilities on the territory of Sofia Municipality and certain admission criteria; the zoning adopted in some areas regarding the admission system to nurseries and kindergartens in Sofia, where there are entire neighbourhoods without childcare facilities and parents are forced to take their children to facilities located far from their place of residence; the number of children in a group and the number of staff taking care of them; the closure of kindergartens in small places, villages with declining populations or with populations from vulnerable groups.

The lack of sufficient vacancies in municipal nurseries and kindergartens on the territory of Sofia Municipality increases the citizens' dissatisfaction, especially since, pursuant to the Pre-school and School Education Act, compulsory pre-school education for 4-year-old children was also introduced on the territory of Sofia Municipality as of the 2023/2024 school year.

Parents alerted the Ombudsman that, due to the lack of places, their children who had reached the age of 4 had not been accepted into municipal kindergartens and, hence, the parents were unable, for reasons beyond their control, to fulfil the requirement to provide them with compulsory pre-school education.

The recommendations made by the Ombudsman to the Mayor of Sofia Municipality and to the mayors of districts in the capital concerned the need for urgent measures to build nurseries and kindergartens and to open new places in childcare facilities where there were insufficient places to meet the needs of working parents.

Another problem identified based on the citizens' complaints is the months-long delay in the payment of allowances for children who have applied but have not been accepted at municipal childcare facilities.

In this regard, the Ombudsman made recommendations to district mayors to take action to ensure the timely payment of allowances.

Parents also expressed their disappointment with the refusal to be paid allowances because the municipal administration had offered places in other kindergartens but those were far from the child's place of residence and the child could not attend them.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Parents find that failure to comply with the principle of proximity of the childcare facility to the child's home not only causes difficulties for families for years to come but also raises concerns about the safety of their children when they traveling long distances to and from the childcare facility, taking into account the heavy traffic and the traffic jams during rush hours in large cities and in the capital.

The citizens also continued to submit complaints regarding the replacement of teachers in kindergartens during the school year when the parents were happy with the teachers' work and would like for such teachers to be given the opportunity to teach their children until the end of pre-school education.

Another reason for complaints from citizens is the lack of transport in small places for children aged 4 and over who are subject to compulsory pre-school education. On the one hand, parents are obligated to ensure that their children attend kindergarten but, on the other hand, they are unable to provide transport or an escort for their children to a neighbouring place with a functioning kindergarten.

In such cases, a possible solution is for the child to opt for home schooling but this again leads to an obligation for the parents to ensure an adult to take care of the child while, at the same time, the child is disadvantaged because the child cannot be among peers. In such cases, even if there is a school bus passing through the place, this cannot be a solution because, pursuant to the provisions of Article 23c of the Road Transport Act, when specialised, occasional and private transport is organised for children and/or pupils, the person requesting the transport, respectively the organiser, needs to ensure an escort and to take measures to guarantee the children board and get off from the vehicle safely.

Another problem that has yet to be resolved is the study of Bulgarian in kindergartens by children whose mother tongue is not Bulgarian. It is important for such children to attend kindergarten in order to learn the language that is official in the country and in which they will need to acquire knowledge at school in order to become successful citizens.

The difficult socialisation of children who do not speak Bulgarian is becoming a serious problem in pre-school and school education. Children who do not speak Bulgarian enter the first grade which makes their education impossible.

In this sense, the Ombudsman believes that the problem should not be underestimated, as it is one of the reasons for students to drop out of school.

Main recommendations:

1. Strengthen the cooperation between institutions to improve policies and practices for the care and education of children from an early age.
2. Increase investment in the modernisation of childcare facilities and the construction of new ones in order to achieve high quality and accessibility.
3. Renovate and build playgrounds and outdoor sports facilities in kindergartens.
4. Sofia Municipality to prioritise finding locations to build childcare facilities in new neighbourhoods to ensure sufficient vacancies in nurseries and kindergartens for all those who need them.
5. Work to achieving high quality of services provided by childcare facilities.
6. Introduce more classes for intensive Bulgarian language learning in kindergartens for children whose mother tongue is not Bulgarian.
7. Ensure better conditions for physical activity, sports, and outdoor games for children.
8. Hold an active dialogue and joint work to build trust between parents and staff of childcare facilities.
9. Update the curricula for teachers and pedagogical specialists working in the pre-school education system.

School education

In 2024, the variety of issues raised by citizens in the field of secondary education remained high and the trend of having the highest number of complaints continued. A large part of them were related to difficult and age-inappropriate learning content, the quality of teaching, the formats of testing and assessment of knowledge, the manner of holding the SME after grade XII and the independent external assessments after grades IV, VII and X, the integration of children from vulnerable groups, the organisation of exams for students with mobility or visual impairments, the accessible environment in schools, the cost of school uniforms, the lack of gymnasiums and sports grounds (or their poor condition) in schools for quality physical education and sports classes.

The heavy backpacks of young students continued to cause outrage and discontent among parents.

Citizens expressed their dissatisfaction with the lack of sufficient free extracurricular activities in schools, the lack of opportunities for physical education and sports in schools due to poor facilities or facilities which did not meet the needs of the respective school, the impossibility to organise a single-shift system and full-day schooling for pupils in schools with a large number of pupils, the low amount and provision of scholarships for academic achievements and for gifted children.

A significant number of the problems identified relate to school management; unacceptable behaviour by school principals; irregularities in the procedures for selecting school principals; teacher selection in some schools in the country; the role of regional education authorities in providing methodological assistance to teachers and principals; teacher workload; poor material resources and facilities in schools; provision of transport for pupils to central and combined schools; archiving by host schools; the exercise of the teaching profession.

The admission system for first grade in municipal schools in the capital once again caused public outrage. Parents expressed their disagreement with the zoning system as children living near a particular school were not admitted to that school but forced to attend another one located far from their place of residence.

Parents and teachers were indignant about the plans of local authorities in Sofia to close or merge primary and secondary schools in certain areas. The local authorities justified the move with the lack of sufficient facilities to take in all the students in the big schools in the capital.

In this regard, the Ombudsman recommended to the responsible institutions to conduct an in-depth and objective analysis of the problem and to hold a broad discussion with all stakeholders, including parents, so that their arguments could be heard and all options to resolve the issue could be considered before proceeding with the closure or merger of schools. The Ombudsman emphasised that the closure of primary and local schools was not in the interest of children and citizens living in that area and limited the families' choice of school type.

Other issues raised by parents in the country were related to school renovations and concerned both the failure to meet the deadlines for their completion and the transfer of children to schools that were far away or did not offer good conditions for learning.

In recent years, a number of steps have been taken to improve the quality of vocational education in order to enhance its attractiveness and relevance to the labour market and the needs of regional economies in the country. The reforms in this area are linked to the need for

2024 ANNUAL ACTIVITY REPORT - SUMMARY

amendments to the Vocational Education and Training Act, the updating of the list of professions and vocational training standards, and the revision of curricula and training plans.

At the same time, dual education continues to face a number of challenges. These include the need to upgrade the facilities in vocational schools; to develop such curricula that the training provides the necessary knowledge and skills in line with the modern requirements and responds to the challenges of new technologies; and to ensure that the system has qualified teachers. There are also difficulties in finding companies interested in participating in the creation of dual education classes.

Citizens also reported problems related to the validity of licenses issued by the National Agency for Vocational Education and Training (NAVET) for training at vocational training centres, the quality of the training provided and the supervision of the activities carried out by these centres, as well as refusals to issue duplicate vocational training certificates after successful completion of a course at a vocational training centre.

The problem of optimizing the school network in the country as a result of demographic and migration processes also continues. The merger and closure of schools has caused considerable public discontent and protests in some areas of the country.

Matters related to the exercise of the teaching profession

A large group of issues is related to poor practices in school management; the lack of transparency and clear criteria in the procedures for selecting teachers and educational specialists for vacancies in schools and kindergartens; rude and unacceptable behaviour of school principals towards teachers and non-pedagogical specialists which worsens relationships and creates a negative working atmosphere and tension among staff.

The problems teachers encounter in their daily work are also related to the failure of school principals to observe financial discipline, to unpaid wages, the administrative burdens on teachers, the working hours of teachers, and ineffective teacher training.

A large number of complaints to the Ombudsman raise issues related to the holding of competitions for principals of educational institutions; the lack of transparency in the selection of teachers; and the insufficient control over the activities of principals. The exclusion of candidates from competitions for principals, the lack of clear criteria, and the lack of feedback to unsuccessful candidates are also issues that cause discontent among citizens.

Main recommendations:

1. Ensure investment in educational and technological infrastructure in schools and create conditions for all students to have access to education and a high-quality learning process.
2. Simplify curricula and teaching content making it appropriate for the students' age.
3. Take measures to boost the students' practical skills.
4. Increase sustainably the extracurricular activities and sports in schools beyond participation in projects or national programs.
5. Take measures for intensive Bulgarian language learning for children who are Bulgarian citizens but whose mother tongue is not Bulgarian to ensure their inclusion and stay in the education system.
6. Appoint psychologists and model teachers at schools.
7. Ensure possibilities to transition to a single-shift training system at schools in accordance with the Pre-school and School Education Act.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

8. Promote cooperation among institutions to ensure the return of vulnerable students who have dropped out of the education system through the Mechanism for Joint Work of Institutions on the Inclusion and Retention of Children and Students in the Education System.
9. Increase the funding for scholarships based on the educational results of students and set precise parameters for excellent performance that are the same for all schools.
10. Modernise vocational education, ensuring innovative practices in vocational schools.
11. Expand the dual education in line with the labour market.
12. Ensure effective training for teachers.
13. Adopt measures to overcome the coming crisis in teaching staff due to the aging of teachers, particularly in the area of natural sciences.
14. Reduce the administrative burden on teachers and school principals.
15. Interact actively with parents to achieve trust and partnership.

Higher education

The problems in higher education raised by citizens concern the funding of certain specialties, the quality of education offered by higher education institutions, the process of occupying academic positions and the funding of specific areas of higher education, the lack of a sustainable link between education, science and business, the high tuition fees, the poor condition of student dormitories.

The manner of determining the admission grades at medical universities was once again a source of discontent among parents and applicants.

Another issue that caused outrage among university students and parents was the sharp increase in semester fees for students enrolled in paid programs in the field of medicine at the medical universities in Sofia and Varna for the current academic year.

Complaints submitted by citizens to the National Ombudsman also raised issues related to the process of occupying academic positions and the holding of competitions in this regard, as well as the professional competence of members of scientific panels.

Main recommendations:

1. Provide sustainable funding for the higher education system.
2. Increase the quality and compatibility of higher education with European systems for its integration into the common European Education Area.
3. Develop joint university programs.
4. Expand the projects for research and development as well as innovations.
5. Include higher educational institutions in international educational and research networks.
6. Promote research and development activities in higher education institutions and the development of innovations in them.
7. Provide funding for higher education institutions based on the assessment of the quality of education they provide, rather than on the number of students enrolled.
8. Introduce competence-based training and increase the relevance of higher education to the labour market.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

9. Introduce dual training in specialties where this is possible.
10. Ensure transparency in the management of higher education institutions.
11. Take measures to overcome imbalances related to the increasing average age of academic staff.
12. Exercise control over the procedures for conducting competitions for academic positions.

In conclusion, the National Ombudsman emphasises that institutions need to continue their efforts to achieve the strategic objectives of education to improve the quality of education and to build skills and key competences among children, students and young people, to include all children in the education system and to ensure their equal access to education.

Main recommendations in the area of education:

1. Ensure sustainable funding of the education system.
2. Modernise the facilities and ensure financial support for the introduction of innovative practices in schools.
3. Introduce a unified standard for quality of education at all stages of education.
4. Simplify curricula and teaching content making it appropriate for the students' age.
5. Increase sustainably the free extracurricular activities and sports in schools.
6. Build and renovate gymnasiums and sanitary facilities in school buildings.
7. Elaborate the Mechanism for Joint Work of Institutions on the Inclusion and Retention of Children and Students in the Education System with respect to children and students in mandatory pre-school and school ages and promote cooperation among the institutions.
8. Appoint psychologists and model teachers at schools.
9. Modernise and increase the quality of vocational education and expand the scope of the dual training system.
10. Interact actively with parents to achieve trust and partnership.
11. Improve the quality of higher education and its relevance to the labour market.
12. Develop joint university programs.
13. Expand the projects in EU framework programs for research and innovation.
14. Take measures for stricter control over the procedures for conducting competitions for academic positions.
15. Increase the financial support for research and participation of higher education institutions in international projects.
16. Take measures to overcome imbalances related to the increasing average age of academic staff.
17. Reduce the interest rates on loans for students and doctoral students in order to contribute to access to education for young people who are unable to secure the necessary funds to pay the fees and living expenses associated with their studies.

IV. RIGHTS OF PEOPLE WITH DISABILITIES

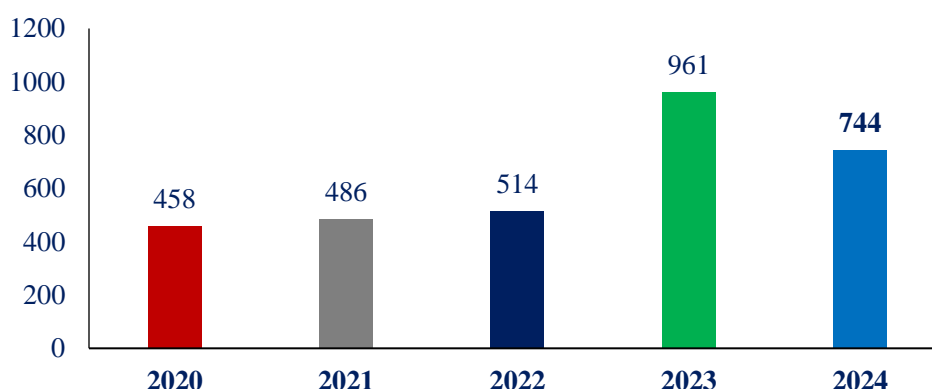
The protection of the rights of people with disabilities continued to be among the priorities of the Ombudsman of the Republic of Bulgaria in 2024.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

By using the mechanisms provided for by the Ombudsman Act and by fulfilling the commitments for the administration of the Monitoring Council in 2024, the institution sought solutions to the challenges faced by citizens with disabilities.

The ongoing problems in the work of the medical examination authorities have a particularly strong impact in the form of adverse consequences. Although the amendments to the Health Act (published in State Gazette, issue 8 of 25 January 2023) proposed by the institution and approved by the National Assembly were an important and appropriate step in the efforts to guarantee the rights of persons appearing for examination/re-examination, additional measures are needed to overcome the shortcomings in the system.

Figure 17 – Number of complaints related to the rights of persons with disabilities for the period 2020–2024



Statistics show that 2024 continued to see a significant increase in complaints related to the rights of persons with disabilities in comparison to the beginning of the period after the adoption of the Persons with Disabilities Act in 2019.

As of the end of 2024, a significant number of citizens remained affected by delays in scheduling dates to determine the type and degree of disability/degree of permanently reduced working capacity and to have expert examination decisions issued.

At the end of last year and this year, the institution continues its active work to resolve the serious problem with the planned restriction in the funding of the social service Home Care under project BG05SFPR002-2.001; so far, two letters have already been sent to the heads of the responsible authorities.

Figure 18 - % increase in complaints related to the rights of persons with disabilities in 2024 in comparison to 2021 and 2022

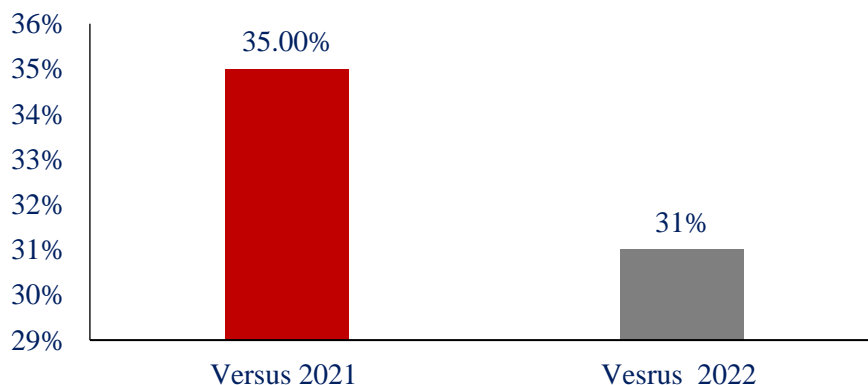
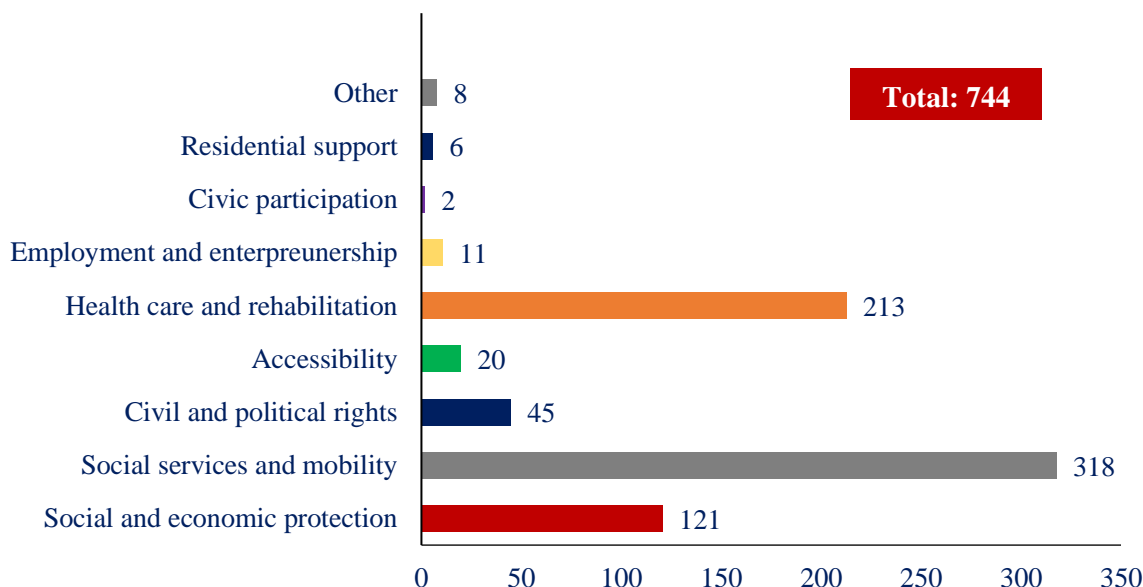


Figure 19 – Number of complaints and signals related to the rights of persons with disabilities by type of violation in 2023



Violations were found in 522 complaints; recommendations were given in 157 and opinions were expressed in 342. More than 150 recommendations were implemented in whole or in part.

Intermediation was carried out successfully in 20 cases. Advice was provided in 12 complaints.

As regards the complaints in which violations were not found, 16 recommendations were issued which were implemented. Intermediation was carried out successfully in 13 cases, and partially in 2 cases. Opinions were expressed in 104 complaints; advice was provided in 83.

Most common problems reported by citizens with disabilities and their families

Last year, the most common complaints were about the people's ability to use the social services and personal assistance they needed, as well as the barriers to getting medical devices, aids, and equipment in line with their needs.

There was a significant number of complaints from citizens with disabilities and their families regarding delays in medical expert examinations and the failure to observe the established 3-month period for the review of case-files.

Third, but not in terms of significance, were the complaints related to the criteria for disability pensions due to general illness under Article 74 of the Social Security Code.

Problem areas of violated rights of persons with disabilities

The complaints about violations of the rights of persons with disabilities can be divided into the following main problem areas:

Social-economic protection

Last year saw the adoption of the National Map of Social Services (Decision No. 574 of 8 August 2024 of the Council of Ministers, published in State Gazette, issue 68 of 13 August 2024), in implementation of Article 34, para 1 of the Social Services Act, and an important step was taken in the creation of a comprehensive network of social services in the country.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Over the past year, the Ombudsman institution of the Republic of Bulgaria continued to seek solutions to the challenges faced by people in need of assistance. In addition to the unresolved issues highlighted in previous annual reports, new problems were identified in 2024, which can be grouped as follows:

1. Restrictions in the funding and capacity of the funding for the social service Home Care under project BG05SFPR002-2.001 of December 2024

The Ombudsman institution follows closely the restrictions envisaged in the funding for the social services Home Care under project BG05SFPR002-2.001 for 2025.

In order to guarantee the rights of stakeholders with disabilities, two opinions were sent to the Ministry of Labour and Social Policy.

The letters emphasise that the Home Care service is one of the most sought-after measures to support people in vulnerable situations as it covers a significant number of persons with disabilities and elderly people who are unable to provide care for themselves, who need support and who have not been given the specific right to external assistance from Territorial/National Expert Medical Commissions.

The Ombudsman institution of the Republic of Bulgaria has repeatedly emphasised the importance of projects implemented by municipalities to provide assistance services, including the Home Care project, as they prove to be the only option for people with disabilities who, for a certain reason, have been certified by Territorial/National Expert Medical Commissions but have not been assigned external assistance.

To date, no adequate solution to the issue has been found.

2. Objectivity of the needs assessment under Article 20 of the Persons with Disabilities Act and possibilities to determine adequately the hours of personal assistance based on the questions included in it

The Ombudsman institution of the Republic of Bulgaria requested the assistance of the Minister of Labour and Social Policy to resolve the issue of the adequacy of the needs assessment under Article 20 of the Persons with Disabilities Act and the possibilities to determine objectively the hours of personal assistance based on the questions included in it.

The letter sent emphasises that the current form does not allow for the maximum number of hours of personal assistance to be used by people with intellectual disabilities who have retained their motor activity.

The recommendation has not been implemented.

3. Limited possibilities for citizens with disabilities in need to receive their personal assistance without interruption in cases where there is a delay in the medical examination by the Territorial Medical Expert Commission

The Ombudsman institution of the Republic of Bulgaria received complaints about problems with the limited opportunities for citizens with disabilities in need to receive uninterrupted personal assistance in cases where there was a delay in the medical examination by the Territorial Expert Medical Commission.

To guarantee the rights of the citizens concerned, information was sent to the Minister of Labour and Social Policy and the Executive Director of the National Association of Municipalities in the Republic of Bulgaria; the recommendation has been implemented.

Aids and medical devices

In 2024, the main focus of the activities of the Ombudsman institution of the Republic of Bulgaria with regard to medical aids, assistive devices and equipment for persons with disabilities was the problems in the implementation of the project “Provision of assistive devices for people with permanent disabilities” under the National Recovery and Resilience

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Plan of the Republic of Bulgaria financed by the European Union's Recovery and Resilience Facility.

The problems can be grouped in two categories:

- **Additional restrictions concerning applications for the purchase of high-tech products**

In their complaints, citizens described the difficulties they encountered due to additional restrictions introduced for applications for the purchase of high-tech products under the project "Provision of assistive devices for people with permanent disabilities".

Complaints indicate that there are cases of refusal or return of documents to applicants by Social Assistance Directorates due to the lack of a document from a psychiatrist certifying the mental capacity of the person applying for aids other than those above.

An opinion was sent to the Minister of Labour and Social Policy, stating that the introduction of additional requirements beyond the officially announced term was unlawful and resulted in the violation of the rights of citizens with disabilities.

In view of the competence of general practitioners and the positive opinion of the Ministry of Health, it was proposed that the matter be left to the discretion of general practitioners who should only refer patients to a psychiatrist in cases of doubt.

The opinion was accepted by the Ministry and instructions were issued to simplify the procedure.

- **Delay in the implementation of the project "Provision of assistive devices for people with permanent disabilities"**

Over the past year, citizens raised concerns about the delay in the implementation of the project "Provision of assistive devices for people with permanent disabilities" under the National Recovery and Resilience Plan.

The citizens noted that, at the time, there was no adequate information, including on the project website, regarding the deadlines by which the approved users of each type of high-tech assistive device would be announced.

In this regard, a separate opinion was sent to the Minister of Labour and Social Policy, drawing attention to the need for measures to provide and publish up-to-date information on the implementation of project activities.

In accordance with the recommendations, information was published on the project website and stakeholders will be able to use their medical documents and will not be affected adversely by the delay in the implementation of the project.

Over the past year, other problems related to the provision of medical devices, aids and equipment were also addressed:

- **Requirement for physical transfer of products by persons providing and repairing assistive devices, appliances, equipment, and medical devices (ADAEMD) for persons with disabilities.**

A referral was made to the Ombudsman institution of the Republic of Bulgaria in relation to the terms for the physical transfer of products by persons providing and repairing assistive devices, appliances, equipment, and medical devices (ADAEMD) for people with disabilities.

Citizens shares their concern that those approved to provide ADAEMD should only hand over the products on their commercial premises.

In an opinion sent to the Minister of Health and the Director of the National Health Insurance Fund, emphasis was placed on the need to take action to guarantee the rights of the citizens concerned.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- **Documents required for the provision to people with impaired hearing of the necessary assistive devices, appliances, equipment, and medical devices (ADAEMD) outside the scope of compulsory health insurance**

A complaint from 44 doctors in the country with a specialisation in Otorhinolaryngology/Ear, Nose and Throat (ENT) raised a significant problem related to the documents required to grant people with impaired hearing the necessary ADAEMD outside the scope of compulsory health insurance.

The complaint pointed out that, as early as Annex No. 7 to Article 40, para 1 of the Implementing Regulations to the Integration of Persons with Disabilities Act, repealed as per State Gazette, issue 27 of 2 April 2019, an incorrect restrictive condition was introduced for hearing aids, namely to submit a medical report from a specialised medical commission for ear, nose, and throat diseases (ENT) from an ENT clinic (ward) at a multi-profile hospital for active treatment, an ENT clinic at a university multi-profile hospital for active treatment, an expert decision from Territorial/National Expert Medical Commission.

In order to guarantee the rights of the citizens concerned, the Ministry of Health and the National Health Insurance Fund were asked to consider the proposal.

In its response, the Ministry of Health stated that it was aware of the issue and was seeking an appropriate solution.

- **Refusal of the National Health Insurance Fund to pay for the manufacture of an orthosis – “scoliosis corset”**

The Ombudsman institution of the Republic of Bulgaria received complaints from parents of children with disabilities in relation to the refusal of the National Health Insurance Fund to pay for the manufacture of an orthosis – a “scoliosis corset” for spinal curvature.

In view of the functions of the Ombudsman institution of the Republic of Bulgaria, notifications were sent to the Ministry of Health and the National Health Insurance Fund.

Attention was drawn to the need to take action to ensure the interests of both children with disabilities and all citizens who needed support in obtaining the prescribed ADAEMD.

Healthcare and rehabilitation

Medical expert examination

A significant part of the complaints in the field of healthcare and rehabilitation last year were related to the organisation of medical expert examinations.

A major problem still was the significant delay in the examination/re-examination of those concerned, as a result of which citizens in particularly vulnerable situations were left for long periods without the support they were entitled to as people with permanent disabilities.

The necessary amendments to the Health Act (published in State Gazette, issue 8 of 25 January 2023) adopted at the suggestion of the institution to ensure the possibility to exercise rights based on an expired expert decision in the event of a delay by the medical examination authorities could not resolve the serious systemic and organisational problems that had accumulated over the years in the field.

The Ombudsman’s view has always been that adequate measures for a comprehensive change are necessary to guarantee the interests of rights-holders.

In an attempt to find a way out of this difficult situation, in 2024 the institution sent numerous opinions and the issues were also raised before the Monitoring Council.

Regardless of the amendments to the Regulations for the Structure and Organisation of the Work of Medical Examination Authorities and the Regional Medical Examination Archives (Decree No. 47 of 13 March 2024, effective as of 21 June 2024), the incoming signals indicate not only delays in scheduling dates for medical examinations, but also alarming practices of

2024 ANNUAL ACTIVITY REPORT - SUMMARY

random allocation of case-files to non-existent or newly established commissions which are not expected to start operating until 2025.

Even more serious is the problem of the lack of information on the development of proceedings and the organisation of the responsible authorities for working with interested citizens with disabilities which is not in line with their needs and expectations.

In connection with the above and due to the serious delay in a specific Territorial Expert Medical Commission at the Fourth Multi-profile Hospital for Active Treatment – Sofia EAD, the institution sent an opinion to the Minister of Health.

Other problems in medical expert examinations

In addition to the failure to observe the deadlines for scheduling dates for examination/re-examination, the institution received complaints from citizens regarding delays in the issuance of expert decisions by the Technical Expert Medical Commission (TEMC).

Inspections in specific cases reveal that the competent authority sets a date for reviewing the case-file in accordance with the requirements of Article 103, para 6 of the Health Act, but the issuance of the decision is subsequently delayed.

This prevents the citizens from exercising their rights on time based on the new medical document and some of these rights cannot be granted retroactively.

It is also important to note the complaints received about expert decisions issued to children under the age of 16 to determine the type and degree of disability which are valid for life. In a significant number of cases, the families are not aware of the requirement for re-examination to determine the degree of permanently reduced working capacity upon reaching the age of 16.

There are also many complaints about the diverse practices of the various TEMCs in the country when examining children with Down syndrome.

Examination/re-examination before REMCT

The Ombudsman institution of the Republic of Bulgaria has achieved significant success in resolving a long-standing problem with the issuance/reissuance of driving licenses to citizens with impaired hearing regional expert medical commissions on transport (REMCT).

When one appears before REMCT, the documents required for the issuance of a driving license for people with impaired hearing contain the following additional requirement in item 11: “In cases of deafness and deaf-mutism, a “Recommendation” from the Union of the Deaf in Bulgaria is required.”

A letter to the Minister of Transport and Communications drew attention to the fact that the introduction of additional conditions that made it difficult for vulnerable persons to exercise their rights and that had no legal basis was a serious violation of the applicable national and international law.

It should be noted with satisfaction that the institution’s recommendation has been implemented and that REMCT no longer requires a “Recommendation” from the Union of the Deaf in Bulgaria.

Social-economic protection

The problems in medical expert examinations impact on the organisation and granting of other payments to people with permanent disabilities such as disability pensions due to general illness.

As also noted in the 2023 Annual Activity Report of the institution, a detailed opinion was sent by the Ombudsman institution to the Minister of Labour and Social Policy and the Director of the National Social Security Institute by letter No. 10449/20.02.2024. Later, in view

2024 ANNUAL ACTIVITY REPORT - SUMMARY

of the enormous importance of the issues raised for people with disabilities, after discussion, the Monitoring Council supported the recommendations proposed by the Ombudsman. At its meeting on 28 March 2024, it decided to send a joint opinion to the Council on the issues that could be differentiated into the following groups:

1. Suspension of disability pensions by the National Social Security Institute in cases where the NEMC revokes and remands the expert decision of the TEMC for a new consideration

In the event of a possible revoking of a decision determining 50% or more than 50% of the type and degree of disability/degree of permanently reduced working capacity and remanding of the case-file for reconsideration by the territorial divisions of the National Social Security Institute, a practice has been introduced to suspend disability pensions.

As a result, many people with disabilities are left without the funds they are entitled to for a long period of time, while others simply give up on seeking protection of their rights by appealing against manifestly incorrect decisions of TEMC, given the real risk of being unlawfully deprived of their income.

2. In the event of an appeal, the disability pension is granted, resumed and reinstated but only up to the amount of the social old-age pension

The opinion also notes that, pursuant to Article 98, para 7, disability pensions are granted, reinstated and restored to eligible citizens only in the amount of the social old-age pension and not the actual pension to which they are entitled since the requirements of Articles 72 and 74 of the Social Security Code have been met.

The provision of Article 98, para 7 unfairly reduces the support and often places citizens in crisis situations.

3. Period within which the National Social Security Institute resumes payments upon re-examination of persons

The Ombudsman also raised another serious issue related to the pensions of people with disabilities which required additional attention and which concerned the period within which the National Social Security Institute resumed payments upon re-examination.

The institution's view is that, following the issuance of the expert decision by TEMC/NEMC, the support due should be paid adequately and without delay.

4. Choosing a pension that is not the most favourable in terms of amount

The Public Advocate also insists that the Social Security Code should provide for the possibility of waiving a more favourable pension and switching to another type of pension to which the person concerned is entitled but which is lower in amount.

It should be noted that the right to a pension is a subjective right and, as such, should depend on the will of the title-holder. In cases where a person prefers another type of pension to which the person is entitled, for personal reasons or other reasons, the person should be given the opportunity to choose which pension to receive.

5. Restrictions on the granting of disability pensions due to general illness under the provisions of Article 74 of the Social Security Code

The Ombudsman has once again raised the issue with the current provision of Article 74 of the Social Security Code which requires that people with disabilities with a type and degree of disability/degree of permanently reduced working capacity of 50% or more than 50% should have acquired social security service by the specified date of disability in order to receive a disability pension due to general illness.

On the one hand, citizens with disabilities encounter difficulties in acquiring the required social security service. On the other hand, Article 74 of the Social Security Code introduces a requirement that the social security service must be accumulated by the date of disability.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In many cases, the disability occurred before the necessary social security service for a disability pension due to general illness was acquired, with citizens continuing to work thereafter. Regardless of their work and additional social security contributions, the provision of Article 74 of the Social Security Code deprives those in need of the possibility to receive a disability pension due to general illness.

Targeted financial support for the purchase of a personal vehicle under Article 74 of the Persons with Disabilities Act

In connection with complaints received by the Ombudsman institution over the past year, the Ministry of Labour and Social Policy was again asked to help resolve the long-standing problem with the limited opportunities for targeted assistance for the purchase of a personal vehicle under Article 74 of the Persons with Disabilities Act (PDA).

The provision of Article 74 of the PDA sets out requirements which those in need can hardly fulfil:

On the one hand, pursuant to Article 74, para 1, citizens with disabilities and members of their families must not have a monthly average income per family member for the last 12 months higher than the poverty line set for the country; on the other hand, pursuant to Article 74, para 2, item 2 of the PDA, people with disabilities should work or study.

The Ombudsman of the Republic of Bulgaria is of the opinion that the targeted assistance under Article 74 cannot fulfil its purpose if the regulatory framework governing it is incomplete, creates conditions for subjective interpretation and is, in practice, unenforceable.

Restrictive criteria for exemption from payment of vignette fees

For years, the Ombudsman institution has insisted on amendments to Article 10c of the Road Traffic Act to let people with disabilities and their families who need it be exempt from the payment of vignette fees.

A major problem is the technical parameters that must be met by the vehicles owned by citizens with disabilities or under marital property regime. Although declared discriminatory by the Commission for Protection against Discrimination, the criteria continue to be applied.

The provisions fail to provide flexibility in cases where the vehicle is not registered in the name of the person with a disability but in the name of a family member.

The regulatory framework also fails to cover the cases of vehicle leases.

In implementation of some of the institution's recommendations, at the beginning of 2024, the text of Article 10c, para 1 was amended (published in State Gazette, issue 13 of 2024, effective as of 13 February 2024), providing for the possibility of exemption from the payment of vignette fees for electric vehicles with an engine power of up to 117.64 kW (160 hp).

Different criteria for the issuance of a preferential parking pass for people with disabilities under Article 99a of the Road Traffic Act

For years, the Ombudsman institution has paid attention to the interpretation and application of Article 99a, para 1 of the Road Traffic Act and the determination of the people eligible to obtain a preferential parking pass for spots reserved for vehicles serving people with permanent disabilities.

The findings show that a large number of local municipal councils, including the Sofia Municipal Council, adopt additional and different criteria as to how to determine the people eligible to be issued a preferential pass.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The institution's position is that, in view of the broad scope of the right, the introduction of additional criteria by municipal councils creates conditions for unequal treatment and also makes it harder for people who are registered in the relevant municipalities to exercise their internationally recognised right..

An important step towards guaranteeing the citizens' rights is Decision No. 6975 of 6 June 2024 in administrative case No. 1820/2024, Seventh Division of the Supreme Administrative Court, which declared null and void the provision of Article 91, items 1 – 5 of the Regulation on the Organisation of Traffic on the Territory of Sofia Municipality. This established the contradiction between the additional requirements introduced and Article 99a of the Road Traffic Act.

Accessible environment

Accessibility of the architectural environment

Over the past year, complaints were again submitted about the failure of the responsible authorities to fulfil their obligations to ensure an accessible environment for people with reduced mobility, including people with disabilities.

In all cases where non-compliance with the established requirements was found, recommendations were issued to ensure the rights of the citizens with disabilities.

The measures taken by the competent authorities demonstrate an increasing awareness of the requirements of the applicable national and international legislation and an understanding of the need to make the environment accessible.

Main recommendations:

1. People with disabilities or their representatives to be included and to participate at all levels of governance where decisions are made or policies are formed that affect their rights.
2. Resolve the issues related to assistant support and ensure that all those in need have opportunities to obtain access to the necessary assistant support, including people with disabilities who have a specific type and degree of disability/degree of permanently reduced working capacity but are not entitled to assistance from others.
3. Introduce integrated electronic services in government institutions for people with disabilities.
4. Implement adequate reforms of medical expert examinations leading to an objective assessment of the citizens' health and preventing delays in the issuance of expert decisions.
5. Change the paradigm to determine and provide support for people with disabilities, with the individual needs of the person with disabilities and their functional capabilities being the guiding principles.
6. Initiate legislative amendments to ensure equal treatment of people with disabilities in acquiring the right to a disability pension due to general illness where social security service is acquired before and after the date of disability.
7. Ensure the right to choose a less favourable pension in order to receive a more favourable monthly financial support, as well as the possibility of payment of the disability pension due to general illness in case of revocation and remand of the expert decisions until the entry into force of the decision of the National Expert Medical

Commission, respectively the court judgment on the contested decision of the medical examination authorities, until the decision of the National Expert Medical Commission enters into force. Adopt legislative amendments to resolve the problems with the disability pensions, including their timely resumption and payment.

V. RIGHTS OF THE CHILD

Pursuant to the provisions of the Bulgarian legislation, the Ombudsman of the Republic of Bulgaria has special duties to protect children's rights and, respectively, takes a number of steps and measures to this effect. The legislative amendment was made in 2012 by means of an explicit text in the Ombudsman Act; in addition, the Rules of Procedure for the Organisation and Activities of the Ombudsman lay down that one of the main principles guiding the work of the Ombudsman is the protection of children's rights.

As an independent monitoring authority, the Ombudsman institution monitors and supports the development of systems responsible for children, identifies barriers and measures to overcome accumulated problem areas, and encourages the adoption of measures that will lead to improving the well-being of children.

The year 2024 was another difficult year marked by a political crisis and a series of failed attempts to form a regular parliament. This affected the sustainability of child policies, with some of the results achieved being stopped, which naturally led to a deterioration in their situation.

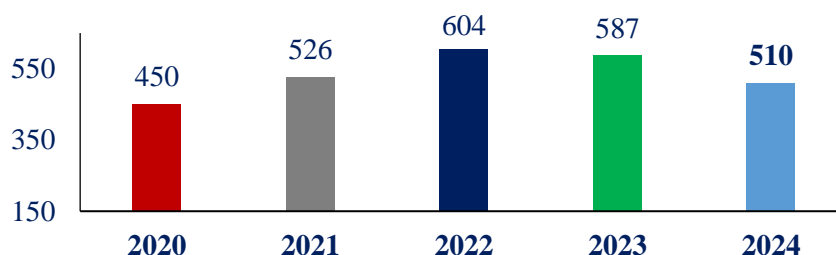
Taking into account the problems raised in the complaints and reports, the Ombudsman notes that children's rights are still not a sustainable social norm and remain a challenge. Poverty is a serious problem and many Bulgarian children grow up in such a situation. According to Eurostat data, Bulgaria is among the countries where the risk of poverty for children is well above the European average, with a rate of 33.9% last year.

A large number of children are still subjected to violence and abuse, as well as inequality and discrimination. Corporal punishment is socially and legally tolerated and, unfortunately, widespread. The unfinished reforms in the area of child policies violate children's rights; the situation regarding the reform of the juvenile justice system is particularly worrying. Our social environment continues to be unfriendly to children with disabilities.

Despite some encouraging achievements, Bulgarian families do not feel sufficiently supported in their responsible parenting role. The protection system needs new approaches and resources; its situation is highly alarming. Children and young people without parental care need not only our compassion, but also a sustainable social support plan to give them the chance at an effective social integration.

In 2024, 510 complaints and alerts related to children's rights were reviewed.

Figure 20 – Number of complaints and signals related to the rights of the child for the period 2020–2024



2024 ANNUAL ACTIVITY REPORT - SUMMARY

In 2024, a **total of 562 inspections were completed** on complaints related to the rights of the child.

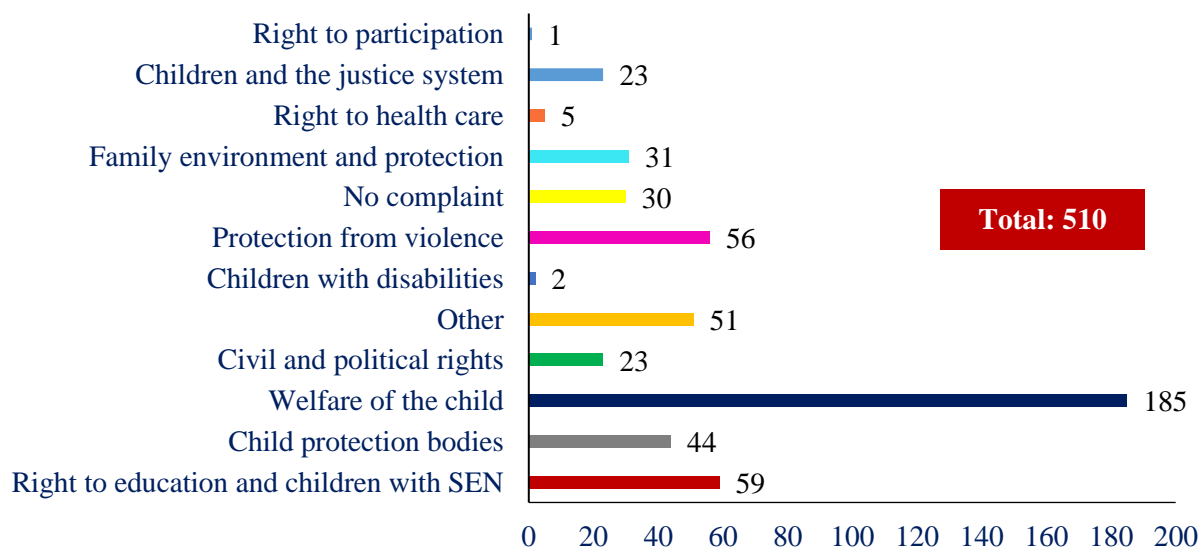
In the complaints where violations were found over 400 recommendations were made and over 250 opinions were expressed. More than 150 recommendations were implemented in whole or in part. Three recommendations for regulatory changes were made.

Successful intermediation was achieved in more than 50 cases. Advice was also provided in a large part of the complaints.

In certain complaints no violations were found, but recommendations or advice were given. Intermediation was carried out in 42 complaints, 29 were partially successful and 1 was unsuccessful.

The Ombudsman sent more than 400 recommendations, some of which were based on specific cases, while others concerned the rights of larger groups of children. Most recommendations were addressed to protection authorities: Social Assistance Directorates (SAD), the Social Assistance Agency (SAA), the State Agency for Child Protection (SACP), the Ministry of Labour and Social Policy (MLSP), the Ministry of Education and Science (MES) and regional education authorities (REAs), the Ministry of Health (MH), and the National Health Insurance Fund (NHIF), followed by mayors and law enforcement agencies. In response to the recommendations, the Ombudsman was informed about the actions taken, including violations found and sanctions imposed. The Ombudsman notes that a number of recommendations made in the 2023 Annual Report Activities of the institution were not implemented in 2024 and require longer-term and comprehensive measures where adequate solutions are still being sought.

Figure 21 – Number and % of complaints and signals in the area of the rights of the child by type in 2024



The issues most frequently brought to the attention of the institution include:

- Applications for financial and social support from parents who are raising their children alone and currently have no income;
- Complaints about protection measures imposed under the Child Protection Act (CPA);
- Support for children at risk;
- Children with special educational needs and their right to integration in the educational environment;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Prolonged parental conflicts;
- Harassment at schools and quality of the education process;
- Violence and harassment at children institutions – nurseries and kindergartens;
- Sale of laughing gas and various smoking devices to minors;
- Abandoned playgrounds;
- Advertisements with inappropriate messages;
- Online harassment of a child.

Traditionally, there is a high number of complaints related to the right of children to maintain contact with both parents, involving children who grow up in an environment of parental conflict. In 2024, there was an increase in complaints seeking support to improve the social and economic protection of children suffering from poor quality of life, poor living conditions and lack of resources.

Complaints concerning children with disabilities were particularly numerous, most of them following amendments to the legislation and their negative impact on the children's rights.

Parents are becoming increasingly sensitive when their children come into contact with the judicial system. Long delays, prohibitive court fees and an insensitive judicial system are just some of the problems brought to the attention of the Ombudsman.

The complaints related to the children's education show that the educational and social environment is not fully prepared for inclusive education. Some complaints reveal the other side of inclusion – children who are rejected and labelled as incorrigible, teachers and school principals who propose the establishment of “special schools for aggressive children”.

The problems gaining traction in 2024 include complaints from parents reporting violence against their children in childcare facilities and schools, as well as work methods and approaches that humiliate the children and undermine their dignity.

The issues being addressed include complaints related to fees for leave notes requested by doctors from parents.

Complaints from parents of children who play in sports clubs and are disadvantaged by coaches and sports conditions. More than 10 complaints were received from parents of children from SSSC Botev 2000 Vratsa water polo club who expressed their outrage at a decision taken by the Executive Director of the Water Polo Federation as a result of which their children had been removed from the national championships.

Unfortunately, there was a consistently high number of complaints related to allegations of a lack of individual approach in social work, insensitivity of the system and formality in its work.

In relation to the special medical foods for children, the institution is actively working, having been approached by a large group of non-governmental organisations working in this field. Together with these organisations, significant progress has been made in persuading the National Health Insurance Fund to reimburse therapeutic food as government care, instead of children having to wait for donation campaigns; since the spring of 2024, free food has been provided to dozens of people in need throughout Bulgaria. However, a large group of children and adults with protein-calorie malnutrition still remain without access to life-saving care.

With the support of the Ombudsman institution, the Ministry of Education and Science approved 15 days of absence with a leave note from a parent, instead of a medical note in case of a mild illness of the child. The measures were initiated upon an open letter from parents, civil society organisations, doctors, and teachers. The change has eased the burden on families and reduced the administrative burden on school principals.

The institution brings to the attention of the political and executive authorities a number of problems that were not resolved last year:

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Launch of accessible universal services for families with children;
- A family-oriented approach has not been introduced in Bulgaria to place the child in the family at the centre of work and to invest resources in providing housing, income, services, and social norms;
- There is still no shared institutional and civic understanding of the best interests of the child;
- The state of the child protection system remains critically alarming and effective action is needed to achieve a respected, competent and professional social work;
- Application of an individual approach to working with children at risk;
- Suspended reforms of juvenile justice;
- Unresolved problems in inclusive education and with children with special educational needs;
- Lack of a quality standard in education;
- A broader concept of child protection focusing on children's rights, prevention and clear roles and responsibilities;
- Ineffective monitoring of the rights of the child;
- Child poverty.

This is the reason why the main tasks in the focus of the institution continue to include:

- Resources to support families at risk of separation from their children.
- Formulation of a targeted family policy in Bulgaria that sets out Bulgaria's objectives for cross-sectoral support for families.
- Protection of the rights of children in conflict with the law.
- Effective measures against parental conflicts.
- Poverty and vulnerable groups.
- Inclusive education and the rights to access to quality education for children with special educational needs.
- Attention to chronic problems in child and maternal health.
- Strengthening the child protection system.
- Ensuring a safe, secure and healthy public environment for children.

Right of children to personal relations with both parents

Parental conflicts

For yet another year, the Ombudsman institution reports that the right of children to maintain personal relations with both parents is systematically violated in cases of parental conflict. The right to personal relations and direct contact with both parents, unless this is contrary to the best interests of the child, is enshrined as a fundamental right in the UN Convention on the Rights of the Child and is in accordance with Article 24 (3) of the Charter of Fundamental Rights of the European Union.

It can be responsibly noted that almost every third complaint to the Ombudsman concerning children relates to parental conflicts, where the complainants are parents, relatives, lawyers, and even children but, undoubtedly, the majority of the complaints are submitted by parents seeking the Ombudsman's assistance to establish personal contact with their child. There are complaints from lawyers who sometimes advise their clients that they should behave in a manner appropriate to the proceedings, which includes filing complaints with various institutions and collecting responses from inspections that may be used against the other parent.

In addition to the violation of the personal relations with the child, the complaints concerning parental conflicts also cover the following problems:

- Allegations of failure to provide adequate care or upbringing of the child in unsuitable conditions by one parent;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Frequent allegations of violence against the child by the other parent;
- The complaints also show a tendency for the Domestic Violence Act to be used as an additional means of gaining power;
- Change of permanent and current address of children without the knowledge and consent of the alienated parent;
- Change of school without the knowledge and consent of the alienated parent;
- Dissatisfaction with the work of social workers in Child Protection Departments and social service providers.

The violation of a child's right to personal relations is most often the result of serious parental conflict which has not only legal but also psychological and social dimensions. Cases of parental conflict are characterised by:

- Prolonged in time;
- A huge number of complaints and reports to various institutions, with frequent cases of parents coming into conflict with the institutions;
- Every parent has their own point of view on the interests of their child and this leads to non-compliance with the measures taken by social workers and non-compliance with court orders. In many cases, the right of the child has been transformed into a right of the parents;
- Refusal of parents to cooperate and use various services to which they are referred;
- Lack of an integrated assessment of the child and repeated hearings by different authorities, including expert witnesses appointed by the court in relation to forensic expert examinations;
- In some cases, the Ombudsman found that the actions taken by the Child Protection Departments could be described as formal and inappropriate for the specific situation. Alarming are cases where social workers take action without assessing the interests of the child with the sole aim of satisfying the request of one parent;
- It should also be noted that the enforcement procedure for the hand-over of a child is not sufficiently effective in cases where the parent refuses to comply with the court judgment on the hand-over of the child;
- Most complaints are submitted by fathers provoked by the State's inability to guarantee their legal right to exercise parental rights after the end of marriage or cohabitation, but there is a persistent tendency for complaints to be filed by both parents regardless.

What we observe:

- The child is subjected to constant stress because of the actions of social workers, psychologists, therapists, lawyers, enforcement officers, police officers, who become part of their life for a long time.
- Violation of other rights of the child – right to education; right of the child to grow up in a safe environment; right to access appropriate social services; right to a fair trial.
- Refusal to provide information about the child's development.
- The child must frequently confirm one parent's claim that the other is abusive and experiences a conflict of loyalty in the context of the deteriorated relationship between the parents.

What we recommend:

To guarantee the child's right to personal relationships and family life, the Ombudsman has always emphasised that the State has a duty to provide mechanisms and means for the implementation of child-parent relationship after a decision on the exercise of parental rights or a personal relations regime has been made, including interim measures.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In our national legal system, various authorities have powers to assist in the enforcement of court judgments on personal relations and, more generally, to assist in the implementation of the child's right to personal relations: enforcement officers, Ministry of Interior authorities, Social Assistance Directorates, prosecutor's offices, and lawyers. The question arises as to how effective the actions of all these bodies are in situations of parental conflict where a parent refuses to cooperate in the exercise of the child's right to personal relations with the non-custodial parent.

- Carry out an accurate assessment of the child's interests, on the basis of which to determine the measures and actions to be taken.
- Develop a methodology to assess and, respectively, ensure the best interests of children, enshrined in the current legal framework and applied uniformly by experts in the field.
- Change in the child protection system to empower and ensure impartiality and a professional approach by social workers to cases.
- The conflict between parents is a major cause of obstacles to the child's contact with the absent parent. The efforts of the authorities should be directed towards helping to resolve the conflict and facilitating contact.
- Make it possible for employees of the social system to take stricter measures, where necessary, against parents who refuse to cooperate in social work.
- Provide for the procedural status of social workers in court proceedings, as well as the opinion and report of social workers.
- Take actions in a reasonable time frame, as children are particularly vulnerable in situations of conflict between their parents and it is unacceptable for their childhood to be spent in such conflict.
- Conduct an analysis of the mediation currently in force in parental conflicts and its effectiveness.

Right of children with SEN to access to quality education

The number of complaints and signals received by the Ombudsman institution concerning the rights of children with SEN and their right to access to quality education have made this issue a priority for the Ombudsman. In recent years, there has been a steady increase in complaints and signals related to the integration of children with SEN into the educational environment. Our work on specific cases provides guidance for the dozens of recommendations we make in search of answers to the many questions surrounding the inclusive education of children and students with SEN. This is also the aim of our various initiatives, as well as the meetings and discussions we organise. Our mission is to draw the attention of Bulgarian institutions to the right of every child to development and this is why we monitor whether actions are taken with respect for the rights and legitimate interests that the State has a duty to protect. In our work as experts, it is important to find meaning in how the legislation in this area and the socio-educational environment meet the needs of children; the complaints we receive are the clearest indication of the problems.

In connection with the development of inclusive education for children with SEN, and more specifically for children with the most severe deficits who are educated in individual and combined forms, a model was developed together with parents for **collective educational support with the following functions**: providing collective additional educational support during school hours for pupils in combined and individual forms of education and providing support for self-study, recreation and activities based on the children's interests within the framework of a full-day educational program as well as specialised spaces for learning, therapeutic support, and free activities for each student with SEN who has difficulty with their behaviour and acceptance in the general education environment. These students are excluded from afternoon activities and full-day attendance is prohibited by law for children in

2024 ANNUAL ACTIVITY REPORT - SUMMARY

individualised education. In our proposal, groups can bring together students from different stages of education – primary, lower secondary, upper secondary.

Our recommendations:

- Make inclusive education a part of the options for teacher training and education.
- Develop skills to accept and support each child's individuality.
- Allocate resources for high-quality adaptation of educational content as a key component of inclusive education and part of the design of a supportive and inclusive environment in modern general education schools, a bridge between the state educational requirements and the abilities of students with different difficulties, giving them the chance to learn alongside their peers.
- Properly allocated funds + environment are the factors for the development of an innovative and flexible learning environment.
- Develop indicators for a positive educational environment.
- Make inclusive education a part of the professional development.
- Promote the development of leadership capacity in building inclusive schools.
- Involving parents in learning/development opportunities.
- A sustainable approach and clear performance indicators.
- Amendments to the regulatory framework to ensure funding for teaching assistants and reduce the number of children for whom they are assigned, especially in the case of children with complex needs.
- Initiate a public and expert debate on the building of a vision for the Bulgarian education as an education that guarantees an equal start for the development of every Bulgarian child.

The Ombudsman institution regularly receives complaints from parents of children with various food allergies in relation to the lack of appropriate food in nurseries, kindergartens, and schools. The Ombudsman has prepared a special report on this issue. A number of recommendations have been made in response to these complaints. It has been emphasised that:

- ✓ Bulgaria does not have a vision to identify and address issues related to children with food allergies and intolerances.
- ✓ No national survey has been conducted on the number of children with similar problems related to food allergies and intolerances.
- ✓ There is no specialised recipe book for the preparation of food in kindergartens and schools for children with specific dietary needs.
- ✓ There are no instructions to principals and teachers.
- ✓ There is no public and institutional understanding or support for parents raising children with food allergies and intolerances.

Recommendations:

1. Develop special regulations for the nutrition of children with special dietary needs, assigning it the National Public Health Centre to elaborate a special recipe book containing appropriate recipes for the children's nutrition, to be used by all childcare facilities, schools, and residential services for children.
2. Conduct a national survey of children with food allergies, starting with the systematic collection of statistical data.
3. Develop a national form for an Individual Admission Plan for children with allergies in kindergartens and schools.
4. With the support of the WHO, examine European and international practice in this area.
5. Strengthen the control of the competent authorities over manufacturers of dietetic foods.

Protection of the rights of children with disabilities

There was a significant number of complaints concerning children with disabilities, most of them following changes in the legislation and the negative impact such changes often have on the children's rights.

The findings from the complaints indicate that a significant number of children with disabilities still encounter difficulties in receiving the support they are entitled to in a timely manner due to delays in the medical expert examination and, in particular, in the issuance of expert decisions.

In addition to the non-compliance with statutory deadlines, another serious problem concerns expert decisions issued to children under the age of 16 to determine the type and degree of disability which are valid for life. There are many cases where families are not familiar with the requirements of the current legislation and do not take timely action to initiate the re-examination procedure.

Complaints continue to be submitted regarding the diverse practices of the TEMCs in the country when determining the duration of disability and the right to assistance for children with Down syndrome.

In addition, the institution insists that steps be taken to amend the needs assessment form under Article 20 of the Persons with Disabilities Act when determining the number of hours of personal assistance for children with Down syndrome.

Recommendations:

1. Introduce a mechanism to update the monthly benefits under Article 8e of the Family Benefits for Children Act.
2. Streamline the practices of the TEMCs in the country when determining the duration of disability and the right to assistance for children with Down syndrome.
3. Take action to amend the needs assessment form under Article 20 of the Persons with Disabilities Act when determining the number of hours of personal assistance for children with Down syndrome.
4. Accelerate medical expert examinations and ensure that children with disabilities and their families receive the support they need in a timely manner.
5. Reissue expert decisions for children up to the age of 16 with a lifetime term automatically and *ex officio*.
6. Inform parents in an appropriate manner about the requirements of the applicable regulations so that they can take timely action to initiate the re-examination procedure.

Right of the child to child-friendly justice

In 2024, one of our top priorities was again juvenile justice, even though there were not many complaints in this regard. However, it is clear to the Ombudsman institution that this is an area in need of more fairness, accurate data and, most importantly, reforms.

The challenges that the Ombudsman has highlighted in this area for yet another year are:

- ✓ Insufficient coordination and cooperation between the protection system, on the one hand, and the police, prosecutor's offices and courts, on the other hand.
- ✓ Limited access to specialised legal aid for children.
- ✓ No holistic approach is applied in working with children in conflict with the law.
- ✓ Lack of sufficiently trained professionals to work with children.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- ✓ Insufficient number of questionings of children in the blue room.
- ✓ Lack of accurate data.
- ✓ Lack of specialisation of the participants in pre-trial and judicial proceedings.
- ✓ Formal personal profiles and lack of a methodology for their preparation.
- ✓ Children are not adequately informed about their rights, nor are their parents..
- ✓ Substantial delay in the introduction of the new legal framework on restorative justice for children.

Recommendations:

1. Introduce mandatory specialisation in working with children for pre-trial and judicial authorities.
2. Improve significantly the quality of social reports submitted by the Social Assistance Directorates to the court.
3. Develop a personal profile form prepared by the Ministry of Interior in cooperation with other services and adopt a work methodology.
4. Introduce a mechanism to protect children from secondary or repeat victimisation, intimidation or coercion at every stage of the proceedings.
5. Phase out gradually the use of reform schools (boarding schools) and, in the meantime, ensure that every child placed in such boarding schools has access to protection measures in accordance with the Child Protection Act.
6. Review systematically the placement of children in boarding schools, with the possibility of terminating it.
7. Take urgent measures to repeal the Combating the Anti-Social Behaviour by Minors Act and to ensure that children below the minimum age of criminal liability are not subject to penal measures, including placement in boarding schools.
8. Ensure that children accused or found guilty of violating criminal law are provided with qualified and independent legal assistance at an early stage of the proceedings and throughout the criminal process.

Right of children to quality medical care

In 2024, important strategic documents were adopted in the field of children's health – a National Health Strategy until 2030] work on a long-term program for maternal and child health; progress was made on the construction of a National Children's Hospital. The National Health Insurance Fund adopted two codes to reimburse the cost of medical food for home treatment. Human resources remained a serious problem in healthcare, with a shortage of paediatricians, child psychiatrists, and nurses with a paediatric specialty; in the country practiced 1,626 paediatricians, 141 neonatologists, 15 paediatric gastroenterologists, 21 paediatric neurologists, 22 paediatric psychiatrists, and 22 paediatric surgeons.

There were more than 50 complaints and signals in relation to the children's right to access to quality and timely medical care. The protests by parents and patient organisations, as well as the increasing number of complaints in the healthcare sector for children, show that there are a number of structural problems in the field of children's healthcare that require adequate measures to be taken.

Types of complaints:

- Refusal to perform an examination with a referral and referral of the child to a paid service.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Financial problems in conducting the necessary genetic tests of a young woman.
- Children's access to doctors specialising in Paediatrics.
- Complaint from a patient organisation regarding: Discriminatory access to treatment and risk of interruption of life-saving therapies when patients turn 18 years of age.
- Violation of the right to treatment and access to healthcare for children suffering from rare diseases that are not oncological or oncohematological.
- A citizen raised an issue which, in her opinion, affected hundreds of children in Bulgaria. She noted the difficulties experienced by the hospital structure of MPHAT National Cardiology Hospital EAD where operations were performed on newborn babies and children with congenital heart defects and pointed out that the suspension of its activities put at risk and condemned all newborns with CHD, as well as all children in urgent need of heart surgery.
- A complaint from a citizen who noted that she was a single adoptive parent of a 3-year-old child and described the difficulties she encountered in obtaining a sick leave certificate for childcare due to restrictions introduced for periods exceeding 40 days.

Delays in medical expert examinations of children and disagreement with the decision of the TEMC, mainly regarding examinations of children with Down syndrome.

Challenges

- ✓ Mortality of children aged up to 1 year.
- ✓ Establishment of a centralised paediatric care system.
- ✓ Low remuneration for paediatric care.
- ✓ Limited human resources.
- ✓ Health inequalities among children in different regions.
- ✓ A large number of children are still being treated through donation accounts.
- ✓ Low citizen satisfaction with the complexity of health services for children.
- ✓ Free sale of cigarettes, alcohol, energy drinks, laughing gas and vapes to minors.

Recommendations:

1. Focus systemically on prevention, prophylaxis and screening in children's health.
2. Achieve integration among the systems of education, healthcare and social services.
3. National campaign to raise the prestige of paediatricians.
4. Ensure sufficient human, technical and financial resources for the implementation of activities under the National Program for Improving Maternal and Child Health 2021 – 2030.
5. Encourage the implementation of appropriate medical practices in maternity wards and neonatal units.
6. Ensure the availability of health mediators throughout the country.
7. Develop a national program for children's mental health, ensuring adequate resources and including measures for: therapeutic and interdisciplinary mental health services in the community; screening for mental health problems and early prevention services in schools.
8. Expand the coverage of children and their access to medical foods for therapeutic purposes.
9. Improving the quality of medical devices.
10. Increase the access of children with disabilities to rehabilitation.
11. Guarantee every child's access to timely, high-quality and effective health services tailored to their needs throughout the different periods of their childhood.

Safe and secure public environment – advertising, gambling, playgrounds

This year, citizens are once again concerned about the lack of social and cultural infrastructure for children in small places; the condition of playgrounds; the harmful public environment and advertising; the lack of suitable television programs for children; the children's access to inappropriate services through mobile operators; and the sale of energy sweets and drinks to adolescents.

Complaints about damaged playground equipment and unsafe playgrounds with inadequate surfaces to be submitted systematically. The municipalities which own the playgrounds complain that they try to maintain them even with their limited resources, but the playgrounds are repeatedly vandalised, mostly by young people. Civil initiatives to maintain the playgrounds in the residential districts were found in very few places. They do not partner with municipalities and districts, and only send complaints and signals to them.

Recommendations:

1. Have more park spaces, green streets, and boulevards – reforestation campaigns with the participation of children (this recommendation was made by children and young people from SOS Children's Villages Bulgaria).
2. Have more bike lanes, playgrounds, street fitness areas and sports fields.
3. Ensure free access to sports facilities for children up to 12 years of age.
4. Implement policies that ensure an accessible, safe and shared urban environment and public spaces for recreation and leisure for children and families.
5. Adopt a media policy for effective protection of children from harmful content in the media.
6. Ensure public spaces which are accessible for mass sports and physical activities.
7. Build gymnasiums in all schools and kindergartens in the country.

Children's participation and initiatives

What do children want?

The children's opinion was presented to the Ombudsman institution at a special meeting under the project "Together: Working in partnership with children and young people for a better inclusion of their rights in decisions related to overcoming the consequences of COVID-19 and other extraordinary circumstances" implemented by SOS Children's Villages Bulgaria to strengthen the participation of children and young people in decision-making processes affecting their lives.

- ✓ Support for their parents in difficult financial times.
- ✓ Peer education programs for children and young people to build capacity for full participation in public decision-making processes.
- ✓ Online courses and programs to raise awareness among decision-makers in institutions and society, as well as professionals working for and with children and young people, on how to improve the participation of children and young people in advocacy.
- ✓ Information videos created for children by children and young people with the aim of building on their knowledge of their rights and how they can express their opinions.
- ✓ Information webinars for professionals and decision-makers to increase their knowledge of how children and young people want to be involved in emergency response.
- ✓ Special lessons on tolerance and non-discrimination, for cultural awareness of different ethnic groups.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- ✓ Observe 19 November, World Day for the Prevention of Child Abuse, at the national level with children, parents, teachers and government officials marking the day together.
- ✓ Training programs against violence and for improving parenting capacity.
- ✓ Training programs for abusers – 10-day therapy and training camps.
- ✓ Increase in the budget for residential social services for children, as well as funds for children in foster care, funds related to the maintenance and development of children.
- ✓ Twice a year, experts from the State Agency for Child Protection/Child Protection Departments to hold meetings with children in alternative care: the children will provide feedback on the care they receive and the attitude of adults towards them (verbally, through questionnaires, discussions).
- ✓ Adults who provide care for children in alternative care (foster care, family-type accommodation centre) should be aged between 25 and 60.
- ✓ Create safe spaces and environment for participation; ensure a safe and tolerant environment where children can express their opinions without fear of judgment.
- ✓ Set up a community of children in care, including an online platform, where children and young people can submit ideas, vote on policies and communicate.
- ✓ Confidentiality and protection: ensure protection for children who express their views on sensitive issues and guarantee that their participation will not expose them to pressure.
- ✓ Encourage cooperation between adults and children; Establish public councils that include both adults and children for the joint development or evaluation of policies, ensuring that equal weight is given to both parties.
- ✓ Ensure feedback and accountability: provide feedback to children on the significance and impact of their involvement.

Main strengths, challenges, and recommendations:

The conclusions to be drawn are that many of the old problems identified by the Ombudsman over the years have not been effectively resolved. The challenges the protection system faces remain unaddressed; there are no adequate resources to support families; integrated approaches are not applied in the work of protection authorities; there are difficulties in integrated education and working with children with special educational needs; and these are only some of the issues that are compounded by new ones arising from rapid regulatory changes, delayed reforms and/or poor law enforcement.

Strengths

- ✓ Will and readiness of institutions and non-governmental organisations to work towards improving the well-being of children.
- ✓ Successful implementation of the process of deinstitutionalisation of child care.
- ✓ Rolling out a wide range of social services for children and families.
- ✓ Professional network of civil society organisations working in the field of child rights protection.
- ✓ Progress in the cause for a National Children's Hospital.
- ✓ Availability of functioning mechanisms for signals from and about children – National Hotline 116 111 and National Hotline for Online Safety for Children 124 124.

Challenges

- ✓ Lack of comprehensive and competent approaches and models for the support of children in the family.
- ✓ A protection system that focuses on risk rather than risk prevention.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- ✓ Lack of an integrated data source on children, especially victims of violence and harassment.
- ✓ A judicial system that is not adapted to the needs of children.
- ✓ A complex and unreformed child protection system.
- ✓ Significant inequalities in household income and poor impact of social payments.
- ✓ Lack of effective measures to support children in particularly vulnerable situations – children in poor households, children from immigrant and refugee families.
- ✓ Children continue to be separated from their families due to poverty, poor living conditions, lack of housing and disabilities.
- ✓ Challenges in inclusive education for kids with special educational needs.
- ✓ Poor media and unethical environment with regard to children.
- ✓ The children's access to organisations and institutions that can protect their rights is generally limited.

Recommendations:

1. Ensure the right of the child to live in a family environment by developing and implementing policies to support families and the family environment.
2. Implement effective and targeted policies to reduce the number of children at risk of poverty or social exclusion by improving the access to education, healthcare, childcare, adequate housing and nutritious food.
3. Provide income support for families whose children are at risk of social exclusion: single parents, parents of children with disabilities, large families, families with unemployed parents; social assistance conditional on responsible parenting.
4. Strengthen effective and shared forms of child participation.
5. Provide targeted investments in the protection system.
6. Decentralise management and financing in the social sphere to local authorities.
7. Continue the reform in juvenile justice.
8. Ensure the full integration of children with special educational needs into the educational environment, providing a sufficient number of specialists, teacher training, adapted curricula and teaching aids.
9. Establish mechanisms for regional coordination and introduce a cross-sectoral approach between the three main areas – education, healthcare and social.
10. Adopt national program with adequate resources and funding to support and integrate young people leaving residential care.
11. Encourage children's participation by developing various forms.
12. Create safe spaces and environment for participation; ensure a safe and tolerant environment where children can express their opinions without fear of judgment.
13. Take urgent measures to repeal the Combating the Anti-Social Behaviour of Minors Act and guarantee that children below the minimum age of criminal liability are not subject to penal measures, including placement in reform boarding schools.
14. Accelerate the reform of the juvenile justice system by adopting a law on diversion from criminal proceedings and ensure that it effectively promotes the use of non-judicial measures such as diversion, mediation and psychosocial support for children.
15. Improve the children's access to quality healthcare and boost the parents' awareness of issues related to children's health.
16. Prioritise the reduction of the number of children at risk of poverty or social exclusion by improving the access to education, healthcare, childcare, adequate housing and adequate nutrition.

17. Pursue active policies on recreation, leisure and the development of the children's abilities.
18. Ensure that every child is in a family that provides love, appropriate care, security, protection and the opportunity to develop all their talents.

VI. RIGHT TO HEALTHCARE

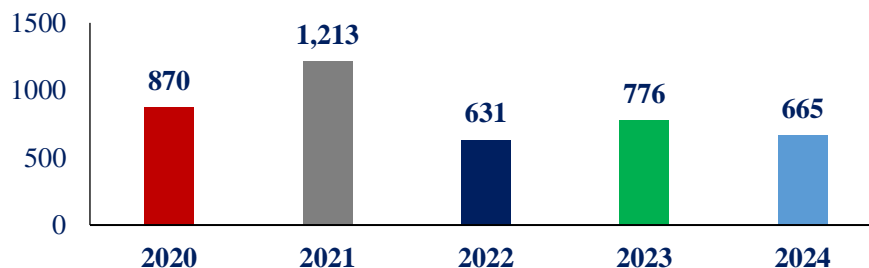
The complaints received by the Ombudsman from citizens, patient organisations, professional and sector associations and organisations of people with disabilities indicate the existence of chronic problems in the system for which no solution has yet been found.

There has been a steady increase in healthcare spending but without serious reforms in the sector which, unfortunately, does not correspond to improved access to medical care for citizens, in accordance with the principles of timeliness, adequacy, and quality. The high level of patient co-payments remains a serious problem, preventing citizens from accessing healthcare.

This report describes the majority of the issues raised in complaints and signals and brought to the attention of the institution, and it also offers an in-depth analysis and proposes steps to address them.

In 2024, the institution received 665 complaints and signals about violations of rights in healthcare; the number has remained relatively constant over the years, with the exception of an increase in 2020 and 2021 due to the COVID-19 pandemic.

Figure 22 – Number of complaints and signals related to the regulations in healthcare for the period 2020–2024



The number of complaints and signals about violations of rights in healthcare received by the institution has remained relatively constant over the years, with the exception of an increase in 2020 and 2021 when the COVID-19 pandemic and the temporary anti-epidemic measures, immunisations, tests and certificates in this regard became a source of discontent for many citizens.

Table 8 – Number of complaints and signals related to rights in healthcare for the period 2020–2024

Rights in healthcare	2020	2021	2022	2023	2024
COVID-19 and anti-epidemic measures	320	553	47	-	-
Medical expert examinations	175	179	180	175	68
Quality of medical services	71	90	92	60	82
Access to medical services	72	84	80	56	204

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Access to medicinal products, medical devices and dietetic foods	39	47	44	318	173
Health insurance rights	41	46	26	33	38
Promotion and prophylaxis, immunisation, health control	11	79	15	8	6
Access to health information	9	11	18	4	21
Other	132	124	129	122	73

The largest number of complaints and signals concerned access to medical care – 204; access to medicines and medical devices – 173; quality of medical care – 82; medical expert examinations – 68; health insurance rights – 38; access to health information – 21; promotion and prophylaxis, health control – 6; other issues – 73, including labour and professional rights of workers in the system, proposals for changes in the regulatory framework, non-specific requests, inadmissible complaints, etc.

It should also be taken into account that some of the complaints were accompanied by petitions and that many of the individual complaints and signals, as well as such submitted by non-governmental organisations, raised issues concerning the rights of large groups of people. At the same time, quite a few complaints and signals raised more than one issue.

Recommendations were made in relation to 412 complaints and signals, most of which were implemented in whole or in part. The inspections recommended by the Ombudsman institution were carried out, the issues raised were examined and the Ombudsman and the citizens concerned were informed of the opinions and the action taken.

In the majority of complaints, including such in respect of which recommendations were made, citizens were consulted and advised by the Ombudsman institution on possible actions to address the issues raised, and assistance and mediation were also provided to resolve them.

Access to medical assistance

- ***Emergency medical assistance***

Emergency medical assistance provided by emergency medical assistance centres (EMAC):

- problems in communication between citizens and dispatchers; failure to respond to calls; ambulance delays; problems in hospitalisation and refusals by hospitals to admit patients brought in by EMAC teams.

The analysis shows that the main problems include the insufficient number of medical teams and staff shortages, the outdated vehicle fleet, the difficult access to patients in mountainous areas and areas with poor road infrastructure, and others. It should also be noted that the emergency services are burdened with non-urgent cases, and that there are cases of conflicts with patients and their relatives, as well as cases of physical aggression against medical staff.

- ***Access to primary outpatient care***

For yet another year, citizens from small, remote and hard-to-reach places sought assistance from the Ombudsman in connection with the lack of access to primary care due to the absence of a doctor or the fact that no doctor or paramedic visited the places where they lived. The need to visit the doctor's office in the place where the doctor practices poses difficulties for citizens, including the elderly, people with reduced mobility and those without personal transport, and further entails time and money spent, as well as risks to their health because of the journey.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- No access to primary care for people in small, remote, and hard-to-reach settlements due to the lack of a doctor or to the fact that the place is not visited by a doctor or paramedic.
- No access to medical care between 8 pm and 8 am on weekdays and around the clock on weekends and holidays, including in resort areas.

The shortage of general practitioners (GPs), especially in some parts of the country, and the refusal of personal doctors to register new patients is a serious problem that has been getting worse over the years. Following recommendations made by the Ombudsman institution to the relevant regional health insurance fund (RHIF), citizens have been informed about GPs in their area and nearby areas, and in some cases assistance has been provided in choosing a GP but, in practice, there is no mechanism to compel a doctor to register a new patient.

A long-term strategy is needed along with measures to ensure a sufficient number of GPs and their even distribution throughout the country.

- ***Specialised outpatient medical care***

- Guaranteeing children's access to a paediatrician is a serious problem for which no solution has been found. Citizens report that there are few GPs specializing in this field and that they do not accept new patients.

Following inspections, parents were informed about the possibility for their GP not to be a paediatrician but to work with children while, at the same time, the children's access to a specialist would be ensured through a referral.

- Parents of children in Sofia complained about the queues in front of the emergency ear, nose and throat (ENT) clinics and eye clinics at a university hospital in the capital, which were the only ones in the city, as well as the need to pay for examinations when they were not urgent.
- Citizens call for an increase in the number and level of publicly funded dental services, including prosthetic procedures.
- Dissatisfaction with the limits (so-called regulatory standards) imposed on the number of referrals issued. Citizens insist that such restrictions be lifted and that they be able to visit specialists without a referral, especially for children.

The Ombudsman institution has repeatedly stated that the limits violate the citizens' right to timely access to specialised medical care and should be removed.

The analysis shows that the problem related to the shortage of paediatricians is deteriorating and that there is no 24-hour emergency care for children. It is necessary to discuss comprehensive measures to incentivise doctors to become interested in paediatrics and measures concerning their remuneration.

- ***Hospital medical care***

- The uneven distribution of hospitals across the country and their concentration in certain large regional cities is one of the reasons for the violation of the right of citizens from smaller, remote, and hard-to-reach places to timely access to hospital medical care.
- The poor road infrastructure and the need for private transport are also among the reasons hindering access to hospitals for residents of these areas.
- Last but not least, smaller municipal hospitals provide hospital care in a limited number of specialties.
- The lack of sufficient beds for follow-up care, prolonged treatment and rehabilitation, as well as hospices, impedes access to this type of hospital care for health insured persons. Unfortunately, after completing their active treatment, patients and their relatives often have limited opportunities to continue it, which violates their rights.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The analysis also shows that patients do not have access to sufficient medical services both in outpatient and inpatient care. There is a shortage of healthcare professionals, and the healthcare services provided by outpatient clinics regulated by the Medical Institutions Act are mainly provided against payment.

The problems mentioned have been repeatedly raised by the Ombudsman institution both in response to individual complaints and in annual reports, but no solution has been found to date, and cases of violations of patients' rights in this regard are on the rise.

Recommendations:

1. Analyse the problems and develop a long-term strategy to increase the capacity of emergency assistance throughout the country, including with regard to job categories and working conditions, pay, and guaranteed safety.
2. Implement measures to improve the access of citizens from small, remote and hard-to-reach areas to primary and specialised outpatient medical care, with priority given to children and people with disabilities.
3. Guarantee the access for citizens throughout the country to medical assistance that cannot be postponed beyond the working hours of general practitioners, public holidays and non-working days.
4. Ensure 24-hour access for children to primary and specialised medical care.
5. Discuss rules and controls to ensure the timely selection of a new GP in cases of sudden termination of the contract with the NHIF in view of the cases of refusal by personal doctors to register new patients.
6. Expand the number and level of publicly funded dental services, including prosthetic activities, with priority given to children.
7. Provide public funding for follow-up care, prolonged treatment and rehabilitation of sufficient scope and duration.
8. Set out the provision of palliative medical care and ensure its payment with public funds.
9. Exercise strengthened control and prevent cases of refusal by hospitals to admit emergency patients.

Quality of medical assistance

- ***Outpatient medical care***

- Complaints about the volume and quality of emergency care provided by EMAC teams as well as about the attitude of medical staff in hospital emergency wards; non-hospitalisation or delay in hospitalisation of patients.
- Refusal by GPs and specialists to make home visits; complaints about unethical behaviour; failure to issue medical referrals.
- Complaints about dental care provided; citizens report injuries and insist on compensation.

Hospital medical care and hospices

- Unfortunately, the majority of complaints concern deaths during hospitalisation or after discharge, as well as the volume and quality of hospital care provided.
- The additional payment is also a cause for discontent among citizens who reported that they were forced to choose additional services.
- Medical care in hospices and social service facilities, inadequate oversight of their activities, and low quality of medical services.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Problems related to transplantations as well as the supply of blood and blood products.

The analysis shows that the financing of hospital activities on the basis of clinical pathways (CP) and the desire to save money are among the reasons for premature discharge of patients. At the same time, most often only the underlying disease is treated. There is a shortage of staff, inadequate living conditions, and insufficient equipment in smaller municipal hospitals which, unfortunately, affects the quality of hospital care. In practice, there is no ongoing monitoring of the activities of hospices and social institutions.

In connection with the signals, the Ombudsman institution turned to the health control authorities – Medical Audit Executive Agency, regional health inspectorates and NHIF, and the regional health insurance funds, which, in accordance with their statutory powers, carried out inspections and, where violations were found, imposed the penalties provided for by law.

Recommendations:

1. Ensure comprehensive treatment for patients during their hospital stay – both for the underlying disease and for any accompanying diseases and impairments.
2. Implement measures to maintain hospital care facilities in areas with lower patient turnover, including their staffing and modern equipment, and ensure sufficient and high-quality medical care.
3. Change the way hospitals are financed and link payment to final results, monitoring and reporting patient satisfaction.
4. Strengthen control over patients' choice of additional services requested and paid for by them, preventing cases of coercion.
5. Ensure high quality in line with international best practices of medical services for people with rare diseases.
6. Adopt rules for good medical practice in all specialties and monitor the compliance with them.
7. Consider regulatory changes to ensure adequate protection of patients' rights.

Health insurance rights

- Requests to abolish compulsory health insurance for people who are unemployed in the long term and without income, as well as to reduce the number and amount of contributions required to restore interrupted health insurance rights.
- Delayed restoration of health insurance rights for citizens returning permanently to the country who were insured in other European countries.
- The problems raised by parents include the fee introduced by some GPs for the issuance of medical notes for absences of students.
- There are also complaints and signals from citizens that they were asked to pay for the preparation of documents for TEMCs and for the issuance of sick leave certificates.
- Last but not least, citizens, including parents of children, raise the issue of delays in approving their treatment abroad.

After the Ombudsman institution sent letters to the supervisory authorities where there were grounds to do so, the citizens were provided with timely assistance.

Recommendations:

1. Discuss the possibility to expand the scope of persons covered by state insurance, as well as a simplified procedure to restore rights, including for people who are

unemployed in the long term and people with disabilities, with outstanding contributions for past periods.

2. Ensure timely access to medical services for citizens returning permanently to the country who are insured in other countries when the information requested through official channels is delayed not due to the citizens.
3. Reassess the restrictions provided for in the Social Security Code on the payment of benefits for caring for a sick family member and remove them for childcare.
4. Shorten the deadlines for approval of treatment abroad for Bulgarian citizens, with priority given to children, and prevent delays in treatment.
5. Prevent situations where health-insured citizens need to pay extra for their treatment due to gaps in the regulatory framework and fees introduced in this regard.

Access to medicinal products, medical devices and foods for special medical purposes

- Lack of pharmacies in small and remote places and, as a result, lack of access to medicinal products.
- Lack of 24-hour pharmacies, even in regional cities.
- Shortages of medicinal products in the pharmacy network.

In each specific complaint regarding the lack or shortage of medicinal products in the pharmacy network, the Ombudsman made recommendations to the Minister of Health and, in response, was informed about the actions taken by the Ministry of Health and the Bulgarian Drug Agency.

- Problems with the delivery and payment with public funds for medicinal products used outside the indications specified in their summary product characteristics, as well as medicinal products not distributed on the Bulgarian market.
- The access to treatment of people with rare diseases was brought to the attention of the institution by patient organisations.

A non-governmental organisation approached the Ombudsman regarding unequal access to treatment and the risk of interruption of life-saving therapies when patients with rare diseases reach the age of 18. The Ombudsman institution expressed its support for proposals made by Members of Parliament and for adopted legislative amendments.

- Issues related to the inclusion of diagnoses on the list of diseases for which the NHIF pays for home treatment.
- Patients and patient organisations report problems related to the statutory possibility for the NHIF to conduct expert examinations when expensive medicines are needed.
- Dissatisfaction with increased prices of medicinal products, as well as increased co-payments for medicinal products paid by the NHIF in whole or in part.

The analysis shows that the most common reasons include the change of the reference medicinal product in the relevant group with the resulting change in the level of payment for the other products, which is difficult to understand and makes the situation hard for the citizens.

Last but not least, it should be noted that the non-payment with public funds for the medical treatment of acute illnesses in outpatient care for children, including preventive vaccines, creates conditions for violations of their rights.

- Complaints and signals about the sale of food supplements and the lack of control.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Access to medical devices and foods for special medical purposes

- Citizens express strong dissatisfaction and seek assistance from the Ombudsman in relation to the non-payment or insufficient payment with public funds for expensive medical devices and consumables.

The institution firmly believes, and this has been expressed repeatedly, that it is unacceptable for citizens with health insurance to have to pay significant additional amounts for the above-mentioned products and consumables which the NHIF does not pay for or pays for insufficiently.

Recommendations:

1. Increase the level of public funding for medical devices, payment for new medical devices used in outpatient and inpatient care.
2. Adopt comprehensive measures to prevent shortages or lack of medicinal products in the pharmacy network, and lay down a simplified procedure for their provision.
3. Expand the criteria for including new diseases on the list of home treatment for which the NHIF pays in whole or in part.
4. Ensure completely free treatment for socially significant diseases, as well as home treatment for acute diseases in the case of children.
5. Discuss the possibilities and provide for public funding for prosthetic dental care and dentures.
6. Simplify the terms and procedures for approval of treatment with expensive medicinal products for which the NHIF conducts an expert examination.
7. Set out a procedure accessible to citizens to ensure and pay for medicinal products that are not available on the Bulgarian pharmaceutical market with public funds.

Medical expert examination

Expert examination of permanently reduced working capacity/type and degree of disability

A large part of complaints concerned violations of social rights arising from medical expert examinations rather than the expert examination itself, and are dealt with in the relevant chapter.

- Problems with the introduction of the random case allocation system – cases were assigned to TEMCs with a heavy workload, newly established TEMCs and to such that had temporarily suspended their activities due to staffing difficulties.

The recommendations made by the Ombudsman institution to the Minister of Health and the regional health inspectorates were implemented and citizens received assistance to ensure that their expert examinations were carried out in a timely manner.

- The random allocation of case-files to other areas also made it difficult for citizens to contact and obtain up-to-date information from the relevant regional medical expert examination archive.
- Citizens reported that they were not informed in a timely manner by the relevant Regional Health Inspectorate about the need for regular re-examination.
- For yet another year, citizens expressed strong dissatisfaction with the frequent appeals against their expert decisions by the medical commissions of the territorial divisions of the National Social Security Institute (TD of the NSSI).

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Expert examination of temporarily reduced working capacity

- Significant delays in expert examination of contested sick leave certificates deprive citizens of temporary incapacity benefits for long periods of time – income which for many of them is their only source of income.
- Citizens whose sick leave certificates have been revoked point out that they are not to blame for the doctors' omissions that led to the revocation.

In this regard, it should also be noted that the regional health inspectorates (RHI) exercise insufficient and ineffective control and that there is no information on the penalties they have imposed.

- Complaints about the statutory restrictions in the payment of compensation for the care for a sick family member, most often sick children.

The Ombudsman has repeatedly stated that the maximum duration set by law should be extended as it violates the rights of citizens.

- Complaints in relation to the procedure for issuing sick leave certificates for childcare to parents who have taken extended leave due to temporary incapacity for work, including due to oncological diseases.

In response to the recommendation sent to the Ministry of Health on this matter, the Ombudsman institution was informed that the regulation of the aforementioned exception would be discussed.

Recommendations:

1. Analyse the results of the changes introduced in the procedure for medical expert examinations by TEMC and NEMC, discuss and adopt measures for their timely implementation throughout the country, and prevent delays.
2. Together with patient organisations and organisations of people with disabilities, conduct periodic analyses of problems in medical expert examinations of permanently reduced working capacity and discuss measures to overcome them.
3. Analyse, by regions, the number of appeals against expert decisions by citizens from MC to the TD of the NSSI, including on the activities of the commissions and the TEMC, and discuss measures to reduce them.
4. Optimise the regulatory framework and prevent the termination of disability pension payments in cases of revocation and remand of decisions by NEMC.
5. Adopt measures to prevent cases of failure to inform or untimely informing of people with disabilities about the need for regular re-examination.
6. Improve the citizens' access to information on the progress of their expert examination, including ensuring sufficient telephones and staff at the RHI/regional medical expert examination archives.
7. Discuss the adoption of a protective clause in the Labour Code against dismissal in case of cancellation of sick leave certificates.
8. Implement measures to accelerate medical expert examinations of temporarily reduced working capacity.
9. Lay down exceptions to the general rules for issuing sick leave certificates for childcare when parents have exceeded the statutory number of days requiring issuance by a medical panel or following approval by TEMC.

General recommendations in Healthcare sector:

1. Make steps towards completely free healthcare for children.

2. Remove the limits (regulatory standards) as a mechanism for controlling NHIF spending.
3. Adopt a strategy and measures to increase the number of general practitioners and ensure primary care coverage throughout the country.
4. Implement long-term measures to ensure a sufficient number of healthcare professionals and other medical specialists and to retain them in the country.
5. Provide for a simplified procedure to conduct specialisations and to obtain one for specialties with shortages, ensuring worthy pay for the specialists.
6. Adopt a long-term strategy and measures to ensure equal access to the full range of medical and health services for all citizens, regardless of their place of residence.
7. Reduce the level of co-payments by health insured persons for medical activities, medicinal products and medical devices.
8. Expand the activities related to promotion and prophylaxis and its scope, including new screening and prophylactic tests.
9. Exercise stricter control over the quality of hospital care and the procedures for its financing, taking into account patient satisfaction.
10. Discuss and coordinate all important decisions about changes in the healthcare system with the civil society and with non-governmental organisations.
11. Guarantee fully the citizens' rights during medical expert examinations and the relevant social rights.

VII. SOCIAL RIGHTS

During the year, the institution was contacted or acted *ex officio* and played an important role in resolving disputes concerning the protection of the rights of unemployed citizens in relation to their entitlement to unemployment benefits in the amounts due to them, and it also provided support to vulnerable social groups: pensioners, socially disadvantaged people, working poor people and others.

Figure 23 – Number of complaints and signals related to social rights for the period 2020–2024

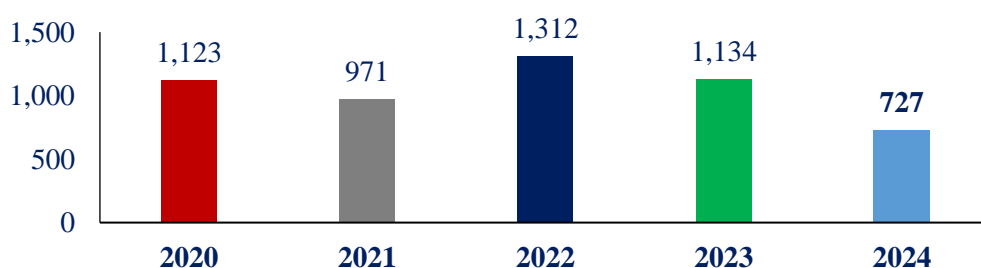


Figure 24 – Number of complaints and signals related to the protection of social rights by types in 2024



2024 ANNUAL ACTIVITY REPORT - SUMMARY

There was a trend in 2024 toward an increase in collective complaints in which smaller or larger groups of citizens sought protection or assistance from the Ombudsman in relation to violations of their rights, analogous or similar: right to unemployment benefits, right to work or right to regular or full payment of wages, right to a higher pension, etc.

Right to social security and benefits

In 2024, the complaints related to social security and cash benefits paid by the National Social Security Institute totalled 403, of which the largest number were related to unemployment – 208; problems with the payment of temporary incapacity benefits – 21; issues related to the use of leave and maternity benefits – 10, and other issues – 11.

Figure 25 – Number of complaints and signals related to social security and benefits for the period 2020–2024

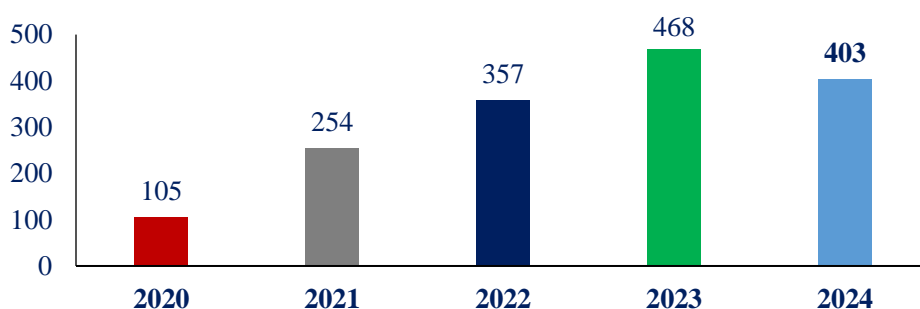
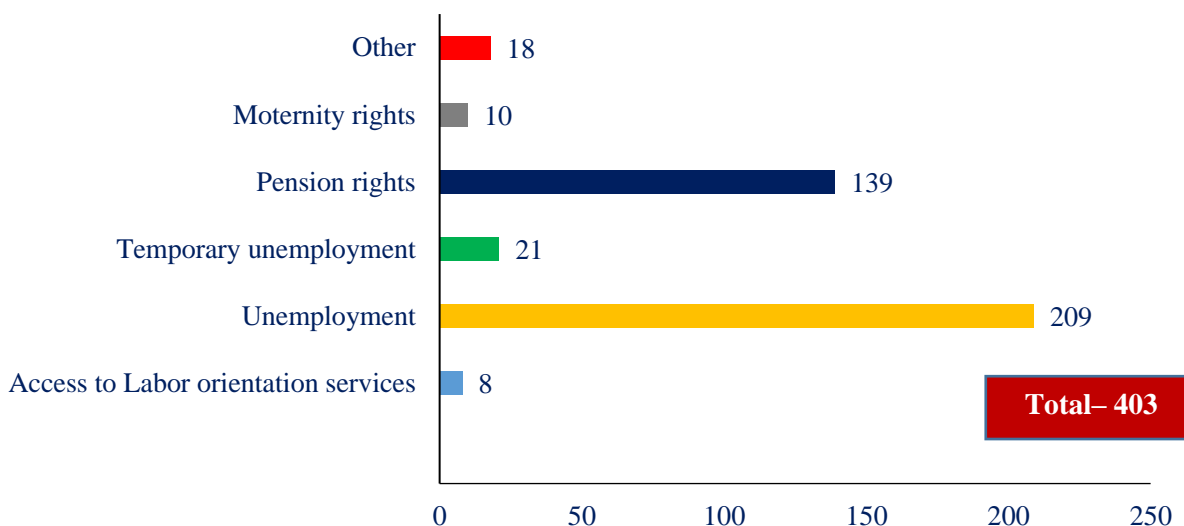


Figure 26 – Number of complaints and signals related to social security and benefits in 2024



The main dissatisfaction is that the National Social Security Institute delays or suspends the payment of cash benefits for various reasons such as: suspicion of abuse of social security rights and checks on insurers which are often prolonged, non-compliance with the statutory conditions for benefits. The complainants seeking assistance in overturning the refusals.

- ***Right to cash benefits for raising a young child (Maternity)***

In 2024, the Ombudsman institution received complaints from parents who were on leave to raise children under the age of two. Their main complaints relate to the insufficient amount of benefits they receive. They say that it is increasingly difficult to raise their children because the benefits cover only a small part of the costs incurred. They propose that the minimum amount of the child care allowance for children aged 1 to 2 should be equal to the

2024 ANNUAL ACTIVITY REPORT - SUMMARY

minimum salary. In this way, the allowance will keep pace with the increase in the minimum salary.

Main recommendation:

Make the minimum amount of child care allowance for children up to 2 years of age, as well as the allowance for children up to 8 years of age when care is provided by the father (adoptive father), equal to the minimum salary.

• *Right to cash unemployment benefits*

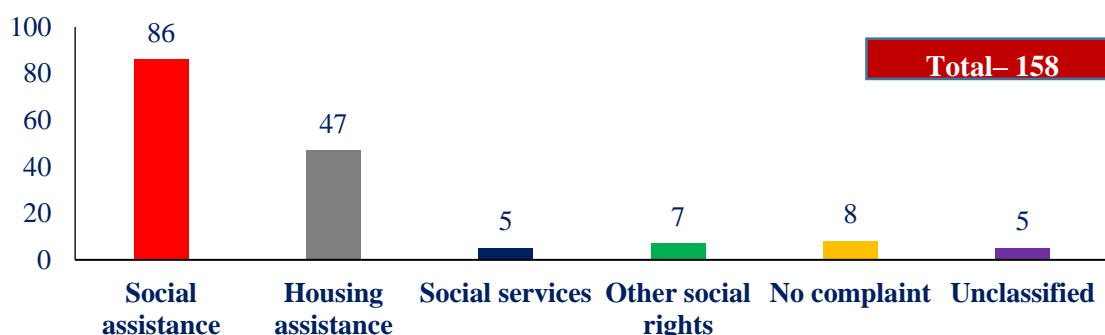
In 2024, the National Assembly adopted amendments to the Social Security Code (published in State Gazette, issue 67 of 9 August 2024), which put an end to the so-called “French unemployment”. As of 13 August 2024, the calculation of unemployment benefits includes all income for the last 24 months, regardless of whether it was earned in Bulgaria, in a European Union Member State, a Member State of the European Economic Area or Switzerland. It is evident from the published act states that the amendment does not apply to existing cases, i.e. pending legal relationships.

Main recommendation:

The National Social Security Institute is to provide a reasoned opinion on the point in time at which the applicable law for determining the amount of compensation is assessed – whether at the time the application for unemployment benefits is submitted or at the time the order is issued.

Right to social support and social services

Figure 27 – Number of complaints and signals related to violated social rights in 2024



In 2024, citizens submitted 158 complaints to the Ombudsman institution in relation to violations of their social rights. Of those, 86 were related to the need for social support and 50 for social services.

In the area of social services, in 2024, citizens mainly sought assistance to obtain the Hot Lunch service. Complaints also expressed dissatisfaction with the quality of the food provided and its quantity.

Recommendations:

1. Ensure indexation of social assistance amounts.
2. Create more social services for older people.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- ***Targeted heating assistance***

The complaints received by the Ombudsman institution regarding targeted the heating assistance relate to the criteria to determine the eligibility for such assistance. Citizens express their dissatisfaction that the amount of the targeted heating assistance is insufficient to cover their needs for the entire heating season. They also seek assistance in revising the concept of “heating season” and express their desire to receive heating assistance during the summer months so that they can purchase wood at lower prices.

Recommendations:

1. Update the amount of social assistance.
2. Seek a mechanism to revise Article 10, para 1, item 2 of the Implementing Regulations to the Social Assistance Act in order to distinguish between persons registered as sole traders and those actively engaged in sole trading.

- ***Housing benefits***

In 2024, citizens continue to seek assistance to resolve their housing problems. The institution received 47 complaints in which citizens insisted on being accommodated in municipal housing; on being relocated to another municipal property; on the revocation of orders to vacate municipal housing; and on the purchase of municipal housing. Recommendations were made to the relevant municipal administrations in connection with the requests.

Main recommendations:

1. Take urgent measures to improve and expand the municipal housing stock.
2. Update the terms for accommodating citizens in need in municipal housing in order to ensure emergency accommodation.
3. Ensure opportunities for the construction of more social housing in municipalities.

Pension rights

In the period from 1 January 2024 to 31 December 2024, the Ombudsman of the Republic of Bulgaria received 139 individual and collective complaints regarding pension and social security rights. In those complaints, citizens set out their personal problems, ideas and suggestions regarding the regulatory framework relating to their social security and pension rights.

Based on the complaints submitted to the institution concerning pensions, social security and pension rights, 70 recommendations were made to the competent authorities and more than 100 opinions were issued.

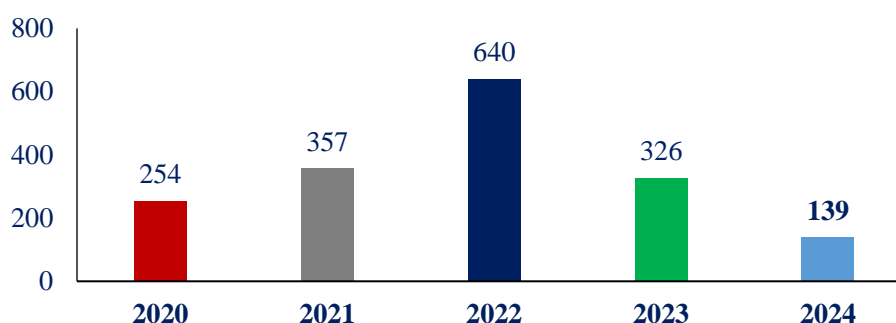
Most frequently during the past year, citizens sought support on issues related to:

- 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;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- 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.

Figure 28 – *Number of complaints and signals related to pension rights for the period 2020–2024*



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.

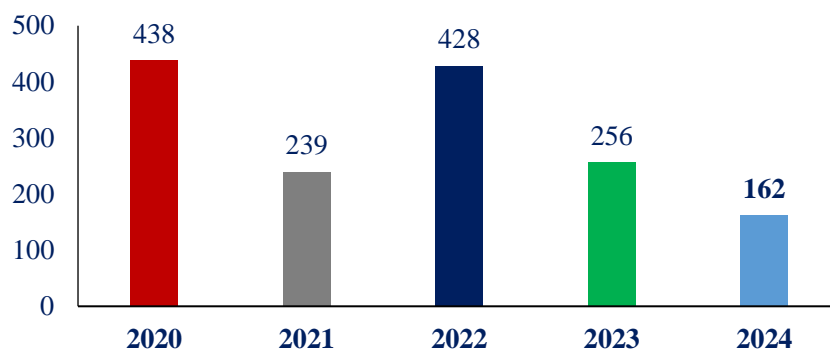
Main recommendations:

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.

Labour rights

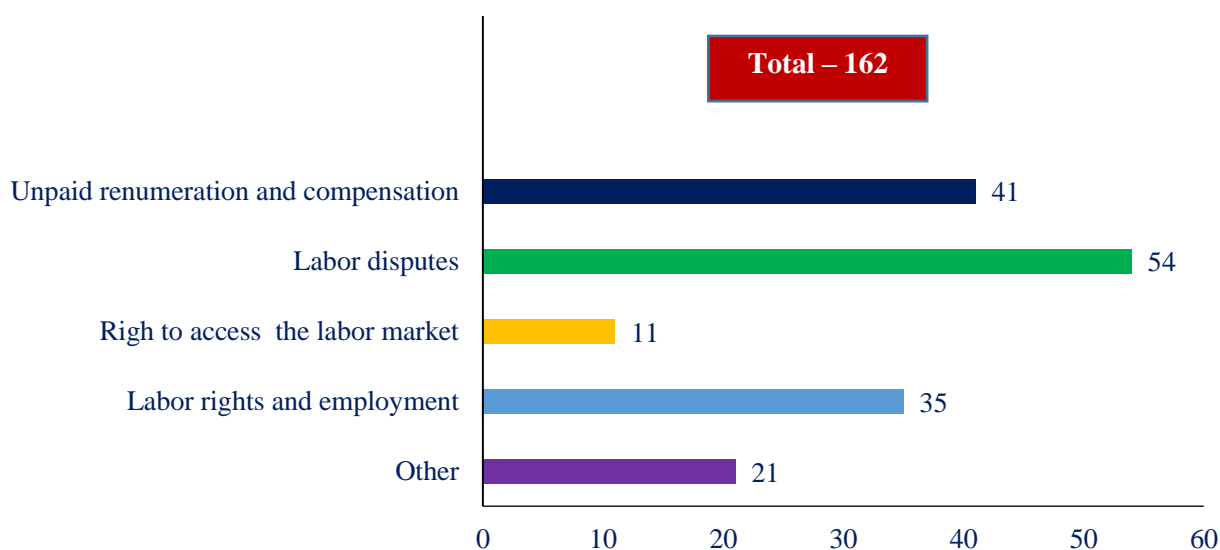
A significant part of the complaints, requests and signals received from workers or employees relate to violations of labour rights – remuneration, compensation and employment.

Figure 29 – Number of complaints and signals about violated labour rights for the period 2020–2024



Over the past year, the Ombudsman of the Republic of Bulgaria continued the long-standing policy to support workers and employees whose employment had been terminated, as well as vulnerable groups of workers and employees in order to help them keep their jobs.

Figure 30 – Number of complaints and signals about violated labour rights in 2024



The signals in this area received during the year from workers mainly concern unpaid remuneration and/or compensation in connection with labour disputes, mainly for unlawful dismissal or unpaid salaries, and requests for assistance in cases of violation of labour rights and employment.

Workers and employees turned to the Ombudsman in 2024 in cases where they had lost their jobs. The institution's priority is to protect the labour rights of workers and employees in vulnerable social situations, such as workers employed at alleviated conditions due to illnesses, but assistance is provided to any worker or employee whose labour or social security rights have been violated.

A specific group of citizens who, both in 2023 and in the past year, sought assistance from the Public Advocate are Ukrainian citizens employed in Bulgaria. They request

2024 ANNUAL ACTIVITY REPORT - SUMMARY

clarification of their employment rights when they start and end work, as well as their right to unemployment benefits when their employment relationship is terminated. In 2024, more common were complaints from Ukrainians about unjustified reductions in their salaries or non-recognition of their right to various types of leave, such as temporary incapacity for work, paid or unpaid leave.

A new trend in requests for assistance from the Ombudsman at the end of 2024 is related to the interest, but also the concern, of workers and some employers caused by the upcoming abolition of paper employment records in 2025 and the introduction of an employment register. The concerns relate mainly to the possibility to restore data from employment record books lost over the years and the new procedure for storing information on length of service after June 2025. Advice was sought mainly over the telephone about the rights and obligations after the entry into force of the new legislation and about the possibility of issuance of duplicates of lost or destroyed employment record books by the Labour Inspectorate.

In each case where necessary, recommendations were made to the control authorities of the General Labour Inspectorate Executive Agency and, if needed, to the National Revenue Agency for verification and assistance to the persons concerned. The recommendations are being implemented.

Main recommendations:

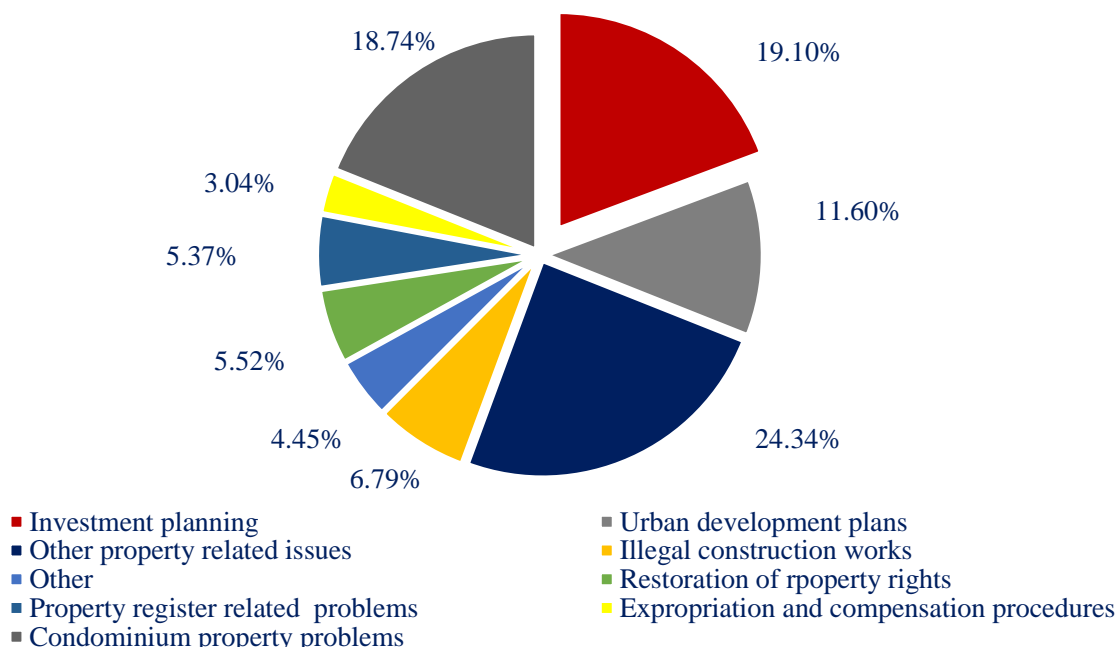
1. The control authorities of the General Labour Inspectorate Executive Agency are to take action to assist workers or employees, including those whose employment has already been terminated, to receive their due and unpaid salaries or compensation from their employers.
2. Exercise effective control to ensure health and safety at work for both workers returning to their employers' offices and those working from home.
3. Assist workers and employees in poor health to implement the statutory measures ensuring their special protection during the existence and upon termination of the employment relationship.

VIII. RIGHT TO PROPERTY AND ECONOMIC FREEDOM

In 2024, the Ombudsman institution received 1,413 complaints and signals from citizens and their associations in relation to the protection of their property rights, accounting for a significant share of the total number of complaints.

For yet another year, the Ombudsman institution was approached by a large number of citizens organised in initiative committees protesting against violations of environmental standards by investment projects, with a particular focus in 2024 on the appropriation of agricultural land and pastures for photovoltaic stations (these issues are also discussed in the chapter Right to a Healthy and Favourable Environment). Many associations of condominium owners approached the national Ombudsman for assistance in connection with procedure BG-RRP-4.023 Support for sustainable energy renovation of the residential building stock - Stage I.

Figure 32 – % complaints and signals related to problems in the area of the right to property in 2023



1. ISSUES IMPACTING ON THE RIGHT TO PROPERTY IN PROCEDURES FOR THE CREATION, NOTIFICATION, APPROVAL AND IMPLEMENTATION OF GENERAL AND DETAILED DEVELOPMENT PLANS (GDP AND DDP)

The complaints concern mainly: lack of sustainability of the plans leading to a deterioration of the living environment; densification of construction to the maximum limits at the expense of green spaces between buildings; citizens, initiative committees and environmental organisations protesting against decisions to approve an urban plan and environmental assessment for areas outside the construction boundaries, mainly related to the construction of solar and wind energy parks occupying thousands of hectares of agricultural land in close proximity to populated areas or in Natura 2000 protected areas.

Findings

The review of the regulations indicates a deviation from the principle of mandatory comprehensive GDP for construction outside populated areas, given the exhaustive list of numerous exceptions for the preparation of detailed development plans “in the event of no general development plan in effect”. Without a single selection criterion, the only common feature that emerges is the scale of such detailed plans which is close to that of a general development plan.

The cases allowed are classified according to structural and functional indicators for assigning the purpose of parts of the territory or individual properties on various grounds recognised as priorities, for infrastructure projects and in accordance with references to the specified special laws.

Conclusions and recommendations

The guarantees for the sustainability of plans and, respectively, for the democratic nature of the process of amending the GDP are insufficiently effective due to the restriction on the

right of appeal only by owners directly affected by the provisions pursuant to Article 216, para 6 of the Spatial Development Act, declared unconstitutional by Judgment No. 14 of 2020 of the Constitutional Court.

It is necessary to continue the monitoring in view of the implementation practice to achieve a balance between the stability of the GDP provisions and their variability in line with the requirements for territorial consistency of the current objectives to ensure socio-economic development.

- *Decisions of municipal authorities in the conditions of limited competence in the event of an unfinished procedure for GDP approval – requirement for good administration*

The Ombudsman institution has consistently taken the position that promoting business initiative in the field of renewable energy is key to achieving the decarbonisation goals in line with European Union law.

At the same time, this objective does not conflict with, but is consistent with, the requirements for sustainable development of the territory, including territorial protection regimes provided for in specific laws – for permanent grassland (meadows, pastures, hayfields), forest areas and agricultural land.

Conclusions and recommendations

The observance of the priority of the general development plan for determining the functional purpose of properties is mandatory, regardless of whether they are municipal property, including for the construction of parks for the production of electricity from solar, wind and other renewable sources.

- *Other problems related to spatial development*

The complaints concern violations of the right of pedestrians and vehicles to access properties and homes, and the failure of municipal authorities to carry out improvement works.

Findings

Municipalities fail to perform their obligations to design and build the necessary infrastructure to ensure normal access to land properties and do not enforce street regulations, citing a lack of financial resources.

Recommendations

Municipalities are to take effective measures to improve the living environment in populated areas by including measures in investment programs for the improvement, construction and operational maintenance of technical infrastructure, which are financially secured.

2. RIGHTS VIOLATED IN CONNECTION WITH ILLEGAL CONSTRUCTION

The complaints concern violations of rights due to omissions, prolonged proceedings and formal checks by municipal construction control authorities in response to reports of illegal, unsuitable and unsafe construction sites; failure to comply with or delay in complying with effective orders to demolish such; as well as refusal to initiate administrative proceedings under Article 225a of the Spatial Development Act (SDA) when a certificate of tolerance has been issued for the illegal construction in question.

Findings

The failure to exercise preventive and timely control, constituting an instance of poor administration, and the still excessive regulatory burden in granting building permits are among the main reasons for allowing illegal construction.

Recommendations:

Refine the legislative approach in line with the principles of rule of law to ensure:

- Permanent and comprehensive regulation of public relations in investment planning and in the construction process;
- Measures to increase the effectiveness of construction control and, in particular, to improve the preventive control, including boosting the administrative capacity of the specialised authorities under the SDA;
- Simplification of procedures in investment planning and regarding the licensing regime for construction.

In view of the analysis of the violations found, the position on the need to exercise systematic preliminary and ongoing control to prevent and prohibit violations of construction rules and standards remains relevant.

Application of the principle of proportionality and Article 8 of the ECHRFF in the removal and eviction from one's only home by municipal and state authorities

Conclusions and recommendations

The troubling data that Bulgaria ranks among the top countries in the negative statistics for decisions that have not been implemented for more than 10 years under enhanced monitoring procedures, the damage to the country's reputation and the risk of measures taken for violations of Article 46 of the ECHRFF justify the relevance of the recommendation from the 2022 and 2023 Annual Activity Reports that priority should be given to the adoption of the bill prepared in 2019 to amend and supplement Articles 225 and 225a of the Spatial Development Act, Articles 80 and 80a of the Public Property Act, Article 65 of the Municipal Property Act as well as other relevant provisions regarding properties and sites subject to seizure or removal as illegal or dangerous which, however, constitute someone's only home; the bill envisages an assessment of the proportionality of the administrative interference in the rights of the citizens concerned in such cases.

3. VIOLATIONS OF THE RIGHT TO PROPERTY OVER AGRICULTURAL AND FOREST PROPERTIES

The Ombudsman's annual reports reflect recurring complaints from citizens about the decades-long delay in implementing administrative and judicial acts that have entered into force for the recognition of restitution rights to agricultural and forest land. The continued failure to implement decisions of land authorities and judgments has been classified by the European Court of Human Rights (ECtHR) as a violation of Article 1 of Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms due to excessive interference in the right to property and entails the liability of the State and municipalities for damage. The continued failure to complete the land restitution undermines legal certainty and creates conditions for corruption practices and property fraud.

The term of the restrictions on the disposal by municipalities of land from the so-called "residual land fund" ends on 23 December 2025 – land under Article 19 of the Agricultural

Land Ownership and Use Act which is the legally defined resource to complete the land restitution.

Specific recommendations

Review the protocols under Article 19 of the Agricultural Land Ownership and Use Act to determine the land transferred to municipal ownership in order to bring them into line with the statutory scope of the residual land fund, distinguishing between land recognised for restoration within its old boundaries and the land as existing property.

Make the land with recognised rights to restitution state property which will significantly simplify the restitution procedures.

Continue the legislative process on Bill No. 47-202-01-31/2.06.2022 to amend the Agricultural Land Ownership and Use Act, with the proposals taking into account the expiry of the moratorium on the disposal of land from the residual land fund on 23 December 2025.

Align the deadlines for completing the restitution, including for properties recognised as restorable within their former boundaries, to the term of the prohibition for disposal of land from the residual land fund and, if necessary, extend it.

General recommendations

Provide for a special legal regime to complete the land restitution in order to resolve issues related to the restoration and compensation of owners of agricultural land, including those arising from excessive delays, in accordance with the general measures ordered by the ECtHR; there is a practice of adopting separate laws to complete the land restitution in implementation of the recommendations of the ECtHR.

The State is to ensure the financing of technical activities for the completion of the restitution procedures.

Take into account the issue of restitution when providing for land relations, including requests by owners to extend the deadline for filing restitution claims with respect to agricultural and forestry properties.

4. AFFECTED LAND USE RIGHTS

Citizens, farmers and their associations lodged complaints with the Ombudsman institution regarding the unfair distribution of state and municipal land.

Residents of populated areas oppose local government acts to change the designated use of municipal pastures and meadows for construction purposes, including for energy facilities for the production of electricity from renewable energy sources.

Livestock farming organisations point to improper practices: people who do not own or raise farm animals use municipal pastures and meadows and get subsidies for them while local farmers who need the pastures do not get what they need.

The pressure from protests of farmers from various sectors calling for legislative amendments concerning land relations have resulted in certain stepping of the efforts of government institutions to find a fair solution to competing claims over the distribution of land from public land funds.

Findings

Imbalances in land relations.

Recommendations on how to overcome the inequalities in land relations

As pointed out in previous Annual Activity Reports, there is a need for a new policy and regulatory framework that take into account the excessive concentration of land use and protect

2024 ANNUAL ACTIVITY REPORT - SUMMARY

small and medium-sized owners and users. In order to restore the imbalance caused by the monopolisation of land relations, it is essential to strengthen further the regulatory functions of the State by introducing:

- Adequate taxation of large land holdings¹;
- Restrictions on the ownership and use of agricultural land;
- Easier access to land for citizens who do not own land and low-income citizens;
- Minimum rent payments²;
- Alignment of the average rent payment for land – “white spots” with the market rent³;
- Tying the granting of area-based subsidies to the payment of rent to landowners under land use contracts;
- Strengthening the control over the compliance with the specific statutory requirements upon concluding contracts for the use of agricultural land;
- Out-of-court settlement of disputes relating to payments for the use of agricultural land.

General recommendations

When providing for the use of agricultural land, the interests of all participants in land relations whose position is not economically equivalent should be respected by introducing additional regulatory mechanisms to protect small owners and users – the “weak” party in land relations, with a view to ensuring a fair distribution of the benefits derived from agricultural land and the support related to its use under the schemes, measures, and interventions within the framework of the Common Agricultural Policy.

5. OTHER PROBLEMS OF PROPERTY

Findings

As of the end of 2024, there is a delay in the procedures to conclude contracts for the approved municipalities which creates a risk for the completion of construction activities within the specified deadline – by mid-2026. According to the Ministry of Regional Development and Public Works, the process of concluding contracts with municipalities under Stage I of the multi-family housing renovation procedure implemented with 100% grant funding from the Recovery and Resilience Plan is in its final stage. As of the beginning of 2025, of all 746 residential buildings approved for energy renovation under this stage, 546 contracts were concluded with 104 municipalities. Invitations to conclude contracts were sent for the remaining 200 projects. In accordance with the guidelines provided by the Ministry of Regional

¹ Bill No. 054-01-79 of 29 July 2020 to Amend the Local Taxes and Fees Act, providing for a local tax on the ownership of more than 20,000 decares of land in the country, was not approved by the Regional Policy, Public Works and Local Self-Government Committee of the National Assembly (Minutes No. 15 of 1 October 2020).

² In 2024, one of the demands for legislative amendments made by agricultural land users was for the State to set a cap on leases similar to the arrangement in Romania.

³ As of 1 January 2025, the average rent will no longer be calculated based on more than half of the contracts registered with the Registry Office and the Municipal Agriculture Office but based on all contracts registered with the Municipal Agriculture Office (State Gazette, issue 33/2024). The expansion of the basis for calculating the average value of rent payments is motivated by the intention to bring the average annual rent payment in line with the actual rent amounts agreed.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Development and Public Works, municipalities conducting procedures to select contractors and contracts have already been concluded for some of them.

Recommendations

Take action to complete the construction activities within the deadlines set out in procedure BG-RRP-4.023 Support for sustainable energy renovation of the residential building stock – Stage I and Stage II and prevent the loss of secured funding, including through:

- Improving the % renovation of the national building stock of residential and non-residential buildings by 2050 and the projections of the Integrated National Energy and Climate Plan (INECP);
- improving coordination between the responsible institutions represented by the Ministry of Regional Development and Public Works and municipalities;
- Strengthening administrative capacity;
- exercising effective control over the quality of the agreed construction works and the compliance of the materials used as per the requirements of Article 169 of the SDA;
- Optimizing energy efficiency measures in line with the Long-Term National Strategy in Support of the Renovation of the National Building Stock of Residential and Non-Residential Buildings by 2050 and the provisions of the Integrated National Energy and Climate Plan (INECP).

Infringement of rights in the acquisition of ownership due to statute of limitation through an inspection of facts

The findings concern: mass cases of abuse in the application of the concept of acquisition due to statute of limitations with the aim of creating land plots for the construction of photovoltaic power plants; unlawful practice of the geodesy, cartography, and cadastre services to delete data on registered owners of real rights in the cadastre registers of real estate when recording an act of acquisition of ownership due to statute of limitation.

Measures against abuse in the provisions for the concept of acquisition due to statute of limitation

Bill to Amend and Supplement the Cadastre and Property Register Act, ref. No. 50-454-01-83 of 5 September 2024, tabled by a group of Members of Parliament to the 50th National Assembly – part of a large-scale cadastre reform.

Recommendation

The Ombudsman institution recommends that appropriate regulatory measures be adopted to reduce the risk of abuse of the acquisition of ownership rights due to statute of limitation while preserving the legal possibility to acquire ownership rights based on the exercise of actual control over the property.

Expropriation and compensation procedures

The complaints concern the unequal compensation. Requests are made to find a fair balance between the public interest and the interests of the owners by determining monetary compensation for the expropriated properties in line with market prices, in compliance with the constitutional requirement for equal compensation in cases of compulsory expropriation. Citizens insist on a fair compensation for being deprived of their property for an extended period of time.

Findings

The trend towards unbalanced regulation of public relations related to compulsory expropriation for state and municipal needs continues. The rights of owners and their protection

2024 ANNUAL ACTIVITY REPORT - SUMMARY

are neglected in the name of speeding up procedures. The regulated prices used in the absence of market analogues have not been updated: the Ordinance on the Determination of the Price of Agricultural Land has not been updated since 1998.

Impossibility for owners to obtain the compensation due to them for expropriated property due to the lack of clear regulatory procedures leading to inconsistent administrative practices for the competent authorities to require, in deviation from the *ex officio* principle, that the entitled persons submit a number of documents issued after payment of fees at the expense of the owners whose land is expropriated.

Recommendations

- Update the secondary legislation on determining the regulatory prices applied in the absence of market analogues;
- Align the assessment of monetary compensation not only to market factors but also to other factors, so that a comprehensive approach is adopted to ensure that the quality of life of the owners of the expropriated properties is maintained and that they are not deprived of their only home;
- Grant the right to choose the type of compensation – property or money – in the event of expropriation of agricultural land and forest areas;
- Prioritise not speed (unequivocally identified with the public interest in the rapid satisfaction of state or municipal needs) but the protection of the right to equal compensation and restore the two-instance administrative judicial procedure in cases of challenges to expropriation acts;
- Set out procedures for the payment of the compensation determined to the owners of expropriated property and streamline the administrative practice in order to put an end to unlawful delays in payments and the transfer of the administrative and financial burden of obtaining documents to the owners whose land has been expropriated.

Violation of the right to own agricultural land when correcting an obvious error of fact in the cadastre map

Finding

In practice, the procedure functions as expropriation, without the constitutional guarantees for the rights of owners.

Recommendation

Adopt legislative amendments and organisational measures to remedy the violation of the right of ownership of agricultural and forest properties restored under the Agricultural Land Ownership and Use Act and the Forests and Forest Fund Land Ownership Restoration Act when correcting obvious errors of fact in the cadastre map and cadastre registers, introducing the necessary guarantees for the rights of the affected owners.

Introduce a financial compensation for owners as well – the current provisions do not guarantee equal compensation and are not in line with the public interest in preventing the fragmentation of agricultural land.

IX. RIGHT TO A HEALTHY AND FAVOURABLE ENVIRONMENT

In 2024, 386 requests for assistance in individual complaints were received from citizens' initiative committees and environmental organisations.

The complaints concern mainly preventive procedures for environmental assessment of plans and programs and environmental impact assessment of investment proposals; access to information and justice on environmental matters; protection of undeveloped areas for community development; clean air, water, and soil; preservation of the biodiversity in Natura 2000 areas.

The share of complaints expressing concern and dissatisfaction with issues related to air quality, protection and ensuring access to sufficient drinking water in populated areas remains consistently high.

Environmental impact assessments

Citizens complain mainly about: opening and expansion of quarries for the extraction, exploration and research of widely distributed minerals and raw materials of strategic significance; energy: construction of industrial parks for the production of electricity from wind and solar energy, as well as for its storage; biostations for the extraction of gas from animal by-products and agricultural waste with production of electricity and heat; utilisation through waste incineration (waste fuel), sites for the treatment of hospital and veterinary waste, obsolete vehicles, maintenance of municipal solid waste landfills.

Hundreds of complaints were received against the authorisation of geological exploration activities in block EE-1 covering 166.50 square kilometres for which a permit was granted for the exploration and prospecting of underground resources – metallic minerals.

Findings

It is possible to come to an ambiguous assessment of a material matter concerning the admissibility of the project in view of the requirements for the implementation of the directives on habitats and birds preservation. An unambiguous objective assessment of the absence or presence of a likely significant impact on the protected areas of the overall working project is also important as a possible obstacle to the decision to explore and prospect for metallic minerals at the stage of its issuance, and not only with a view to implementing the consequences of the permit.

Conclusions and recommendations

In view of the principle of precaution and the requirements of the right to good administration under Article 41 of the Charter of Fundamental Rights of the EU, no support may be given to an approach such as the one taken which limits the subject matter within the scope of the information provided by the contracting authority without regard to the information which is officially known to the environmental decision-making authority or which it is officially required to request under its powers.

When a check is performed of a comprehensive working project (CWP) within the meaning of § 1, item 38 of the Additional Provisions of the Underground Resources Act for the issuance of a permit for prospecting or exploration, the subject matter of the decision by the environmental authorities needs to correspond to the statutory scope of information laid down in the secondary legislation on the mandatory content of the CWP (Ordinance on the requirements for the scope and content of working projects for prospecting and exploration or for exploration, extraction and primary processing of underground resources, for the liquidation and/or conservation of geological exploration and mining sites and for the recultivation of affected lands and the terms and procedure for their coordination).

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Need to audit activities to maintain the conductivity of river beds

Citizens and environmental organisations contest the practice of issuing permits for cleaning, including the removal of sediment deposits from riverbeds outside the construction boundaries of populated areas, which is within the competence of the regional governor.

Conclusions and recommendations

The mention in yet another Ombudsman report of complaints from citizens about the negative consequences of maintaining the conductivity of river beds and the related removal of sediment deposits is indicative of an increased risk of adverse effects on the environment and infrastructure such as bridges and protective structures.

The recommendation made in previous reports for the program of the Audit Office to include an audit of the management systems for maintaining the conductivity of riverbeds outside the boundaries of populated areas is again relevant.

A positive step towards building a sustainable model in this regard is the audit task included in the 2025 Audit Office schedule “Ensuring access to drinking water for the population in conditions of drought” where audits will be performed of the Ministry of Regional Development and Public Works, the Ministry of Environment and Water, and municipalities.

Citizens’ rights to improve air quality

Limiting pollution from industrial sources – measuring concentrations of harmful substances, access to information

Citizens are adamant in their position that the measures taken to improve air quality are insufficient. Complaints to this effect are received from residents of cities that are historic industrial centres such as Ruse, Dimitrovgrad and Plovdiv, as well as from smaller towns such as Dolno and Gorno Sahrane, Pavel Banya Municipality, near which the construction or expansion of new industrial enterprises or workshops is permitted – the Polena Village, Simitli Municipality.

The data of the World Health Organisation on the growing public concern about the effects of air pollution on human health is a reason for stronger protection. In this regard, citizens also refer to the fundamental provisions of the recently adopted Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe.

Conclusions

The determination of the relevant air pollutants solely on the basis of Article 4, para 1 of the Clean Air Act, which does not include the concentration of formaldehyde and other characteristic substances, does not constitute a static norm.

Maximum permissible concentrations of formaldehyde are set out in Ordinance No. 14 of 23 September 1997 on the standards for the maximum permissible concentrations of harmful substances in the air in populated areas. In addition to being a pollutant in its own right, the presence of formaldehyde is important as an indicator of air quality due to its role as a precursor to ozone and, consequently, to photochemical pollution of the air near the ground. Pursuant to Article 26 and Annex No. 14 of Ordinance No. 12 of 15 July 2010 on the standards for sulphur dioxide, nitrogen dioxide, fine particulate matter, lead, benzene, carbon monoxide and ozone in ambient air, the measurement of formaldehyde by at least one station of the National Monitoring Network is laid down as a statutory requirement.

Recommendation

The findings have been submitted to the Minister of Environment and Water with a recommendation for a systematic review and determination of the need to:

- Supplement the statutory list of substances that are indicators of air pollution pursuant to Article 4, para 1 of the Clean Air Act;
- Provide for the legal significance of the results of indicative measurements within the meaning of § 1, item 22 of the Additional Provisions of Ordinance No. 12 of 15 July 2010 on the standards for sulphur dioxide, nitrogen dioxide, fine particulate matter, lead, benzene, carbon monoxide and ozone in ambient air.

Access to information on environmental matters

Complaints: negative practices regarding incomplete information on notifications received in investment proposal procedures under the Ordinance on EIA, difficulties to find published information on the official websites of regional environmental inspectorates, delays in the visualisation of data from operators' own measurements, as well as publication of river basin management plans and flood risk management plans with ambiguous content.

Conclusions and recommendations

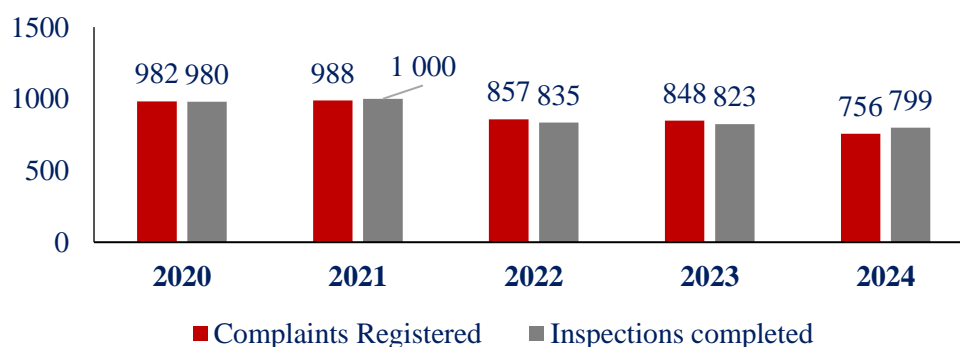
In view of the clear significance of the procedural rights and the established practice of the EU Ombudsman in this area, there is a requirement for a restrictive interpretation of the exceptions to the right of public access to environmental information in relation to commercial or other protected secrets.

The Ombudsman institution maintains its position on the need for organisational measures regarding the systematic maintenance of the registers under Article 102 of the Environmental Protection Act in order to ensure their function as a unified source of the procedures under Chapter Six of the Environmental Protection Act and Article 31 of the Biodiversity Act.

X. RIGHT TO GOOD GOVERNANCE AND GOOD ADMINISTRATION

In 2024, the Ombudsman institution received 756 complaints concerning the right to good governance and good administration. Inspections into 799 case-files were completed..

Figure 32 – Number of complaints and signals and completed inspections related to the right to good governance and good administration for the period 2021–2024



2024 ANNUAL ACTIVITY REPORT - SUMMARY

Depending on the targets of the citizens' complaints, 2024 saw a relatively maintained ratio between the number of completed complaints against mayors of municipalities, districts, and mayoralities, deputy mayors and the relevant administrations (458 – 57.3%) and those against central executive bodies and their territorial structures (324 complaints – 40.6%). The remaining complaints (17 – 2.1%) did not note a specific authority or gave a perpetrator with respect to whom the Ombudsman had no power to intervene.

Once again, the highest number of complaints are against Sofia Municipality and its districts, Varna Municipality, Plovdiv Municipality, etc.

Among the complaints against central executive bodies and their territorial structures, as well as against government and executive agencies and government commissions, the most frequent complaints are against Road Infrastructure Agency (RIA), Automobile Administration Executive Agency, Ministry of Interior (MoI), Commission for Consumer Protection (CCP), etc.

As a result of the inspections carried out, in 537 complaints (67.2%) no violations on the part of the administration were found, in 233 (29.2%) violations were found, and 29 (3.6%) were outside the Ombudsman's powers.

In 2024, 228 recommendations and proposals were made to administrative bodies, opinions were expressed in 398 cases, and in 63 cases a favourable solution for citizens was achieved through mediation. In the remaining cases, citizens were consulted on the issues they had raised.

Table 10 – *Main problems raised in the complaints completed in 2024 in relation to the right to good governance and good administration*

Problems	Number of completed complaints	Share of the completed complaints related to good governance
Non-fulfilments of obligations of administrations, including:	553	69.21%
- related to construction and maintenance of streets and roads and their technical infrastructure	251	31.41%
Violations of statutory requirements	108	13.52%
Violation of administrative service quality standards, including:	82	10.27%
- reasonable time to consider and respond to issues raised	14	1.75%
Problems of local self-governance	24	3.00%
Abuse of powers	10	1.25%
Access to public information	5	0.62%
Impartiality and independence	4	0.50%
Transparency and civic participation	2	0.25%
Other	11	1.38%
Total	799	100%

1. FAILURE OF ADMINISTRATIONS TO FULFILL THEIR OBLIGATIONS

The largest share of complaints is from citizens reporting that administrative bodies do not fulfil their statutory obligations, including in relation to:

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Construction and maintenance of streets in populated areas, the national road network, and related technical infrastructure;
- Creating optimal traffic organisation in populated areas. They insist on: designation of additional pedestrian crossings and their marking in accordance with the requirements; construction of artificial bumps to limit traffic speed; speed limits; introduction of one-way traffic; optimisation of the operation of traffic lights, etc.;
- Providing parking spaces in large cities;
- Enforcing traffic rules, including speed limits, parking rules, rules for the use of scooters, etc.;
- Maintaining cleanliness in populated areas (cleaning streets and pavements, green areas, spaces between buildings);
- Application of effective measures aimed at improving air cleanliness;
- Waste management, including obsolete motor vehicles located on municipal land;
- State of cemeteries;
- Maintaining the green system in populated areas;
- Exercising control over trade activities;
- Cleaning of river beds, canals, streams, surface water shafts;
- Exercising control during reconstruction and repair works, etc.

As regards the fulfilment of obligations by administrations, emphasis can be placed on the following issues:

Failure of administrations to fulfil their obligations regarding the construction and maintenance of streets in populated areas, roads in the national road network and the respective technical infrastructure

There are still numerous complaints in which citizens report problematic streets and roads and insist on:

- Restoration of damaged road surface;
- Restoration of damaged or missing horizontal markings;
- Improvement of the state of pavements;
- Repairing dangerous shafts, underpasses, overpasses;
- Restoration of damaged bridge structures;
- Construction of bicycle lanes;
- Cleaning of side lanes and gutters;
- Transparency and public participation in determining repair targets;
- Improving the expertise of municipal administration staff responsible for the condition of the road network and related infrastructure, enabling them to propose solutions for improving road safety;
- Effective control over the performance of concluded contracts, including the quantity and quality of repair works performed and the deadlines for completion of repairs;
- Seeking accountability, including financial accountability, from companies that breach contracts;
- Transparency and accountability in the use of financial resources;
- Clear definition of the responsibilities of individual institutions and discontinuation of the practice of transferring responsibility from one institution to another, etc.

Recommendations:

1. Improve the organisation and management of activities related to the investment process and subsequent maintenance of infrastructure.
2. Improve the administrative capacity of institutions.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

3. Ensure transparency and civic participation in setting priorities for urban environment and road infrastructure development.

Lack of control over infrastructure restoration after repairs of the WSS

There were numerous complaints from citizens in Sofia, Varna, Pernik, Plovdiv, the Lukovo Village (Svoge Municipality), Kalipetrovo Village (Silistra Municipality), Banya Village (Panagyurishte Municipality) and others against the omissions of municipal administrations in restoring infrastructure destroyed during repairs to the WSS network.

Recommendations:

1. The responsible institutions need to exercise effective and efficient control over the compliance of contractors with their contractual obligations.
2. Ensure open dialogue with citizens and timely action on their signals.

2. VIOLATION OF LEGAL REQUIREMENTS BY ADMINISTRATIONS

The complaints in 2024 in which citizens alleged that administrative bodies acted in violation of legal requirements decreased more than twice compared to 2023. Once again, the citizens complain most frequently about violations of regulatory requirements in:

- Administration of local taxes and fees by municipal administrations, including determining the tax assessment of real estate; charging vehicle tax for a car by two municipalities for the same period after a change in the owner's permanent address; levying vehicle tax in the event of a change of ownership; levying the full amount of municipal waste tax when the owner declares that the property will not be used throughout the year, etc.;
- Address registration: inability to register at an address, refusal to delete an address registration;
- Issuance of civil status documents and certificates: refusal to reissue documents issued abroad; refusal to issue certificates of inheritance, etc.;
- Reissuance of a driving licence;
- Fines imposed on account of violations of the Road Traffic Act and the Road Act;
- Termination of the registration of a vehicle;
- Passing an annual technical inspection of a vehicle and determining its environmental group;
- Failure to observe the deadline for the provision of administrative services, etc.

Recommendations:

1. Establish clear and transparent procedures and rules ensuring compliance with the statutory requirements.
2. Comply with the obligation that every decision shall state the reasons on which it is based, clearly indicating the relevant facts and legal grounds.

III. VIOLATION OF ADMINISTRATIVE SERVICE QUALITY STANDARDS

In 2024, the complaints about violations of administrative service quality standards most often related to:

- Lack of feedback when submitting signals and complaints;
- Failure to refer requests to the competent authority when necessary;
- Non-observance of ethical standards and rude, unprofessional attitude of employees;
- Failure to observe the working hours;
- Difficulties in contacting administrations via the telephone numbers provided;
- Requiring documents to be obtained through official channels;
- Excessive delays in responding to citizens and/or in addressing issues raised by them;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Lack of interaction and exchange of information between administrations, etc.

Recommendations:

1. Expand electronic government and streamline administrative procedures.
2. Expand the possibilities for electronic identification for the use of electronic services and for secure electronic delivery upon consent.
3. Ensure strict compliance with the standards laid down in the Code of Conduct for Public Administration Staff.
4. Improve the administrative services, including taking timely and adequate management decisions and providing prompt information about them to the citizens. In the event of delay, the citizens should be informed about the reasons.

4. PROBLEMS WITH LOCAL SELF-GOVERNANCE

In complaints to the Ombudsman institutions, the citizens most often insist on:

- Guarantees for their right to participate in discussions on matters of importance to the local community;
- Changes in municipal regulations (e.g. on the terms for paid parking in Sofia, Varna, Plovdiv, etc.; on the introduction of environmental zones in Sofia, etc.);
- Solving problems related to financing the activities of community centres and pensioners' clubs from the budget of the respective municipality;
- Naming streets in populated areas, etc.

Recommendations:

1. Ensure consistent application of the principle of transparency and public participation in the process of discussing and deciding on matters of local importance.
2. Bring the activities of local self-government authorities in line with the amendments to the Local Self-Government and Local Administration Act.

5. PROBLEMS ARISING FROM THE REGULATORY FRAMEWORK

Impossibility to register at an address and obtain an identity document

An issue brought to the attention of the Ombudsman in recent years is the address registration of citizens where the terms and procedure are set out in the Civil Registration Act (CRA) and Ordinance No. RD-02-20-9 of 21 May 2012 on the functioning of the Unified Civil Registration System issued by the Minister of Regional Development and Public Works.

The Ombudsman found that a significant number of Bulgarian citizens were unable to meet the requirements for registration at a permanent address and, thus, they were left without identity documents. This results in a number of adverse consequences for them: they cannot enjoy the rights granted to them by other laws – to work, social assistance and socio-economic protection, to access to medical services, to access to educational services, etc.; their access to justice is restricted; they are deprived of the right to participate in elections, and others.

The Ombudsman has repeatedly insisted before the Ministry of Regional Development and Public Works and the National Assembly to make the necessary legislative changes.

In October 2023, by order of the Minister of Regional Development and Public Works, an interdepartmental working group was set up and tasked to prepare, by 15 December 2023, proposals for regulatory changes related to the problem of identity documents for citizens

2024 ANNUAL ACTIVITY REPORT - SUMMARY

without a valid permanent address. Experts from the Ombudsman institution took part in the activity of the interdepartmental working group.

The Ombudsman expressed an opinion on the Bill to Amend the CRA proposed by the Ministry of Regional Development and Public Works, outlining the problems and making specific proposals for amendments to the CRA. The proposals served as a basis for the proposed amendments to the CRA discussed by the National Assembly which were adopted and published in State Gazette, issue 85 of 8 October 2024.

Addresses of citizens are given, without the citizens' knowledge or consent, as the registered office and/or business address of commercial companies or sole traders

For years, the Ombudsman has raised the issue of registering commercial companies or sole traders at citizens' addresses without their knowledge or consent before the Ministry of Justice and in its activity reports to the National Assembly.

The legislator does not impose specific requirements regarding the registered office and business address of companies, which allows arbitrarily chosen addresses, even non-existent ones, to be indicated and entered in the Commercial Register.

The provision of Article 29 of the Commercial Register and Register of Non-Profit Legal Entities Act allows any person with a legal interest, as well as a prosecutor, to bring an action for a declaration of nullity or inadmissibility of a registration and for the non-existence of an registered circumstance. However, this option does not solve the problem because:

- It creates difficulties for affected citizens – they are forced to turn to the courts to resolve the problem, wasting time and money;
- The summoning of such companies is debatable (the address they have provided is not actually in use);
- Even if the claim under Article 29 of the Commercial Register and Register of Non-Profit Legal Entities Act is upheld by the court, there is no statutory guarantee that the company in question will not re-register at an arbitrary address or that the address of the injured party will not be used unlawfully again.

Recommendation:

Amend the regulatory framework regarding the registered office and address of a trader, including provisions for a mechanism for their official deletion upon submission of a reasoned request to that effect.

Validity period of an annual electronic vignette

In relation to numerous complaints and signals from citizens in the period 2021 – 2023 against the National Toll Administration regarding problems with electronic vignettes, the Ombudsman sent a number of recommendations to the RIA and made proposals for amendments to the Road Act. The National Assembly voted on amendments concerning: the effect of corrections to wrong vignettes; notification of offenders of compensation fees imposed on them; cancellation and/or refund of compensation fees paid in the event of a correction, the administrative criminal proceedings under the Road Traffic Act in such cases.

Another problem related to the regulatory framework emerged concerning the payment of road tolls by citizens – the date of entry into force and the period of validity of the one-year vignette.

In 2024, the Ombudsman institution continued to receive complaints from citizens that the validity period of annual vignettes was not observed, for example, validity from 1 January 2024 at 12:50:54 until 31 December 2024 at 23:59:59.

An opinion on the matter was required from the RIA as early as 2021. According to it, the electronic system for charging different categories of vehicles and fees based on time and

based on distance travelled calculates the statutory deadlines in days and not in hours – annual electronic vignettes are issued for a period of one calendar year or 365 days. The RIA notes that, in this case, the provisions of the Obligations and Contracts Act and the Civil Procedure Code regarding the determination of time limits do not apply; applicable are the provisions of the special law – the Road Act, respectively the Ordinance on the terms, procedure and rules for the construction and operation of a mixed system for charging different categories of vehicles based on time and based on distance travelled (“Ordinance”).

However, the Road Act refers to the Ordinance regarding the period of validity of vignette fees.

Pursuant to Article 4, para 2, item 1 of the Ordinance, the annual vignette is valid for a period of one year as of the initial date of validity specified upon payment.

There is no specific mention of one calendar year or of time of effect.

The principle in law for calculating a period of time that is counted in years is that it expires on the same date and in the same month of the last year. The last day of the period continues until the end of the twenty-fourth hour.

Recommendation:

Amend the Ordinance in order to specify the validity period of annual electronic vignettes.

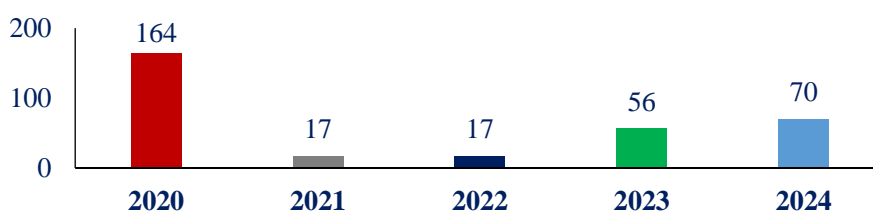
XI. PROTECTION AGAINST DISCRIMINATION, HATE SPEECH AND EQUALITY BETWEEN MEN AND WOMEN

The topic of unequal treatment has been on the agenda of the Ombudsman institution since its creation. The number of complaints about discrimination grows every year which leads to the conclusion that, on the one hand, the instances of unequal treatment in our society are becoming more frequent and that, on the other hand, citizens are becoming more sensitive to them and are turning to the competent institutions for protection of certain rights.

The institution has repeatedly emphasised in its opinions and annual reports to the National Assembly that discrimination does not affect only the specific victim but that it is also dangerous and harmful to the contemporary society as a whole in the context of globalisation, both nationally and internationally, because it can undermine the democratic values and principles of dignity, equality and mutual respect among people, whose denial in the past caused world wars with terrible consequences for peace and humanity, including for the world’s economies.

Even though the Ombudsman institution of the Republic of Bulgaria is not a specialised authority for protection against discrimination, the complaints received this year are an expression of the citizens’ trust in it and recognition of the efforts made to support and protect their rights.

Figure 33 – Number of complaints and signals from citizens in relation to discrimination for the period 2010–2024



2024 ANNUAL ACTIVITY REPORT - SUMMARY

In 2024, the Ombudsman received 70 complaints related to diverse allegations of unequal treatment affecting both individuals and an undefined but identifiable group of people.

Based on their type, the complaints received are classified according to the following criteria under Article 4, para 1 of the Protection against Discrimination Act:

1. Personal situation and age – 46;
2. Injury – 6;
3. Personal situation – 4;
4. Multiple discrimination – based on more than one criterion under Article 4, para 1 of the Protection against Discrimination Act:
 - a) sexual orientation and personal situation – 2;
 - b) ethnicity and personal situation – 2;
 - c) religion and ethnicity – 3;
 - d) property and personal situation – 1;
 - e) gender, personal situation and public status – 2;
 - f) personal situation and public status – 4.

Furthermore, it should be noted that the Ombudsman institution received 21 complaints about inaccessible architectural environments registered as violations of “Accessibility” concerning “Rights of people with disabilities” which is also a violation of Article 5 of the Protection against Discrimination Act.

The main complaints of citizens regarding violations of their rights due to unequal treatment can be summarised as follows:

Complaints alleging discrimination against adults with permanent disabilities with a degree of disability exceeding 50% in relation to children up to the age of 18 with permanent disabilities and until completion of secondary education, but not later than the age of 20 with a degree of disability of over 50%, by the Social Assistance Agency and the Ministry of Labour and Social Policy pursuant to Article 70 of the Persons with Disabilities Act (PDA)

The opinion expressed by the institution emphasises the following:

The objectives of the Protection against Discrimination Act are set out in its Article 2: 1) equality before the law; 2) equality in treatment and opportunities to participate in public life; 3) effective protection against discrimination.

The observance of the fundamental principle of equality means that there must be no differences in treatment between situations that are similar in nature and that there must not be identical treatment of different situations unless there is an essential justification for doing so.

This principle also gives rise to the obligation of the State, through its legislative and administrative bodies, to take positive measures in relation to vulnerable social groups, which undoubtedly include people with disabilities and their caregivers (Article 5 § 3 in conjunction with Article 2 of the UN Convention on the Rights of Persons with Disabilities (CRPD), Article 51, para 3 of the Constitution of the Republic of Bulgaria, Articles 10 and 11 in conjunction with Article 2 of the Protection against Discrimination Act, Article 2 of the PDA; with regard to children with disabilities – including Article 7 of the CRPD and Article 23 of the UN Convention on the Rights of the Child; and with regard to positive measures for children with disabilities, explicit emphasis must be placed on the rules contained in Article 23 § 3 § 4 and § 5 of the CRPD).

Complaints in which citizens report poor treatment of children with disabilities at school by other students and teachers, as well as by parents of healthy children

Citizens turn to the Ombudsman institution of the Republic of Bulgaria to share their opinion that children with disabilities are constantly and widely discriminated against – they

2024 ANNUAL ACTIVITY REPORT - SUMMARY

are not allowed to join sports clubs or participate in certain training programs, and they are denied a range of services.

Specifically, in relation to the opinion cited above, the institution notes that it implicitly contains the assumption that all children with disabilities are useless to society and endanger the education of healthy children. This creates a link between their health status and their classification as members of a vulnerable group, namely people with disabilities and especially children with disabilities, on the basis of the protected criterion of “disability” in the Protection against Discrimination Act – Article 4 of the Act. For intolerance to exist, it is not necessary for one or more of the criteria listed in Article 4 of the Protection against Discrimination Act to constitute the sole or determining factor leading to contempt or a notion of superiority; it is sufficient for these grounds to be among the factors that led to the expression of contempt or to the idea (perception) of superiority. Thus, opinions may emerge in the public sphere that children with disabilities have certain privileges and, in this way, to label them verbally socially and morally unacceptable which is humiliating and causes hostility towards people from this community.

The opinion expressed by the institution draws attention to the actions taken by the Ombudsman to protect the rights of children with disabilities, as well as to the numerous recommendations sent to the institutions responsible for this, specifically to the Minister of Education and Science.

In search of a solution to the problems of children with special educational needs (SEN), under the aegis of the Monitoring Council for People with Disabilities administered by the Ombudsman institution in 2024, a thematic discussion was held on 17 December 2024. It was attended by representatives of competent authorities, teachers and school principals, school psychologists, parents and experts from non-governmental organisations. In addition to the problems that children with SEN faced on a daily basis, good practices in some schools were also shared.

Complaints in which citizens report poor treatment of people of other nationalities and ethnic origin/race

A specific example is the case of a university student in Bulgaria with a different citizenship, ethnic origin and race. At university, he was subjected to verbal abuse, physical violence, daily harassment and isolation.

The citizen considered all that to be biased and discriminatory as he believed that the treatment he received was due to the fact that he was a person of different nationality, ethnicity and origin. He sought assistance in putting an end to the harassment he experienced from the university administration and other students.

The Ombudsman institution turned to the university leadership with a recommendation for an urgent investigation into the case.

The Ombudsman institution emphasises that the right to education is one of the fundamental rights of citizens enshrined in the Constitution of the Republic of Bulgaria – Article 53, para 1 of the Constitution. In the Protection against Discrimination Act, the legislator emphasises the protection of the right to education and training in Chapter Two, Section Two, which details all aspects of this inalienable right of citizens.

In its response, the university noted that an urgent investigation had been conducted and measures had been taken to guarantee the citizen’s rights.

Complaints about harassment in the workplace within the meaning of § 1, item 1 of the Additional Provisions of the Protection against Discrimination Act, including sexual harassment within the meaning of § 1, item 2 of the Additional Provisions of the Protection against Discrimination Act, as well as insults and threats of dismissal

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Discrimination in the workplace, in particular the unequal treatment in the labour market, is an issue with the potential to shake the social order in any country to its core. Discrimination in the labour market can be said to occur when a person is denied employment or dismissed from a job, or is treated unfavourably at work on the basis of a protected characteristic.

The Ombudsman notes with concern that a number of complaints with such allegations were received over the past year and, therefore, the Ombudsman referred to the responsible institutions to pay particular attention to such manifestations because the discrimination in the labour market resulted in further social marginalisation and descent into deep, and sometimes hopeless, poverty.

Hate speech

Over the past year, the Ombudsman institution once again noted with concern that hate speech was a constant part of public discourse and it was also in the media. This is a problem that the institution has highlighted in its previous annual reports as its use and spread in society leads to violations of fundamental human rights and even to the commission of crimes.

The position of the institution is that it is necessary to raise awareness of this problem and to ensure a timely response from the responsible institutions with powers to impose restrictions and penalties for the use of hate speech.

In a statement issued in 2022 on a bill to amend and supplement the Criminal Code, published for public consultation on 23 August 2022, the Ombudsman stated that all hate crimes should be criminalised and effectively investigated and punished, and that victims should receive moral satisfaction and compensation for the damage they had suffered.

Bulgaria is one of the few countries in Europe whose legislation did not include hate crimes against people of different sexual orientations.

This is why, the Ombudsman welcomed the amendments to the Criminal Code in 2023, published in State Gazette, issue 67 of 2023, stipulating that acts committed on grounds of racism, xenophobia or sexual orientation are punishable under the Criminal Code. Many LGBT+ organisations in meetings explicitly thanked the institution for its support and efforts for the amendments to the Criminal Code that have already entered into force because they represent a serious guarantee for the protection of fundamental rights.

On 31 September and 1 October 2024, experts from the institution took part in a Human Rights Seminar organised by the LGBTI organisation Action.

The seminar was aimed at the municipal and state administration with a focus on the rights of systematically excluded groups such as Roma, refugees and LGBTIQ+ people.

On 8 October 2024, experts from the Ombudsman institution took part in the closing conference on “Equal – Together: Strengthening the Role of Civil Society Organisations of Vulnerable Communities in Bulgaria to Counter Discrimination, Intolerance, Hate Speech and Prejudice-Based Crimes”. The event was organised by the Bulgarian Helsinki Committee and was attended by representatives of international organisations committed to the protection of human rights.

Complaints are also received about media publications concerning the problems of people with mental disabilities, while the characteristic of “disability” is still not included in the Bulgarian legislation as a motive for a hate crime against people with disabilities, as mentioned above.

The Ombudsman explains in detail to citizens that such publications give the impression that all people with mental illnesses are dangerous to society and put the lives and health of other citizens at risk.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The Ombudsman points out that linking the personal qualities of these people to their disability creates a basis for unequal treatment because this imposes a stereotype on these citizens in society. The institution considers that their disability and subsequent behaviour are the result of an illness for which these persons are not to blame and that their problems should be approached with understanding and compassion.

Over the years, the institution has always emphasised that state policy on mental health should prioritise the need to improve the quality of life through the successful deinstitutionalisation of people with mental illnesses and their socialisation through community services.

Problems of the Roma community

Problems of discrimination against the Roma community in Bulgaria are deeply rooted stereotypes in Bulgarian society, which is why they have been a focus of the Ombudsman since the very establishment of the institution. Even though it is not a specialised body for protection against discrimination, in all its annual reports, the Ombudsman insists on observance of the anti-discrimination laws with respect to this large vulnerable group of citizens so that they can be included in society and take part in it fully and actively. The institution's position is that the priority of the responsible authorities should be the effective implementation of the existing regulatory framework to combat anti-Roma attitudes and discrimination by improving the institutional culture and expert capacity of public institutions, increasing trust in their activities with a focus on human rights and the administration of justice, raising awareness among representatives of Roma communities about their rights and the mechanisms for their protection.

The institution has repeatedly drawn the attention of the authorities and emphasised that the successful resolution of existing problems requires an integrated and decentralised approach.

The Council of Ministers has adopted a National Strategy for Roma Equality, Inclusion and Participation (2021–2030) and a National Action Plan for the period 2022 – 2023. On 17 May 2023, at a meeting of the Council of Ministers, the Administrative Monitoring Report on the National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation (2022–2030) was adopted.

The Ombudsman reiterates that an important political signal for the integration process would be for the strategy on Roma issues to be brought to the attention of the National Assembly. To ensure effectiveness of the strategy activities, there needs to be a special annex to it with specific measures to combat anti-Roma discrimination; something that did not happen in the last year.

In addition, and last but not least, it should be noted that 21 complaints were received regarding inaccessible architectural environments registered as a violation of the right to accessibility under the category of “Rights of people with disabilities” which is also a violation of Article 5 of the Protection against Discrimination Act.

1. The topic of accessibility of the architectural environment for people with reduced mobility and people with disabilities, a separate violation of Article 5 of the Protection against Discrimination Act, has been the subject of a number of complaints submitted to the Ombudsman institution over the years, with 21 such complaints received in 2024. For all of them, recommendations were sent to the responsible authorities and actions were taken to protect the rights of the citizens concerned.

The latest opinion on complaint No. 3400/2024 submitted by citizens in connection with an inaccessible architectural environment in the area of the square in front of the Central Railway Station and the Central Bus Station received widespread attention. Following an on-

2024 ANNUAL ACTIVITY REPORT - SUMMARY

site inspection and the finding of a number of violations, a recommendation was sent to the mayor of Sofia Municipality.

In response to the institution's recommendation, on the same day it was received by the Sofia Municipality, it announced on its website that the municipality was launching a new plan for the renovation and safety of the Rotunda underpass in front of the Central Railway Station: A new plan for the renovation and safety of the Rotunda underpass in front of the Central Railway Station begins by the end of October 2024. It has been prepared by Sofia Municipality together with the administration of Serdika District and the district mayor.

The plan aims to solve long-standing problems in the area without the need for a complete reconstruction, and it focuses on effective and rapid action. It is part of a broader strategy for the development of Knyaginya Maria Luiza Boulevard and the Front Railway Square.

The measures envisaged in the plan aim not only to improve the infrastructure but also to create a safer and more attractive urban environment. The main priorities are set out in detail. Work on some key activities is already underway.

A new plan is being discussed for cleaning and maintaining the area after the completion of the listed activities in order to transform the Rotunda underpass into a place where people can pass through and enjoy peace and comfort.

These measures are the first step towards transforming the Rotunda underpass into a safe and vibrant space that will serve the residents and visitors of Sofia.

2. In addition, the institution received complaints about the inaccessibility of designated parking spaces for people with disabilities; the most striking example was in Varna.

The findings are that, on the one hand, there are designated parking spaces, but they are located in a place that is practically the most difficult to reach and manoeuvre. Instead of a separate entrance for easy access to the parking space, in this particular case, there are rubbish bins right in front of it. On the other hand, due to the lack of parking spaces in the area, this parking space for people with disabilities (legally designated and marked with the appropriate sign) is often blocked by other cars. In practice, if the only parking space for people with disabilities is free, the person must stop, get out, look for the owner of the car blocking the way, call them, wait for them to arrive and move their car, and only then try to park, especially since the parking space in question is on a slope. If the citizen seeks the help of a tow truck, even then the employees cannot reach the illegally parked cars to move them.

In response to the recommendations sent to take measures to resolve the problem raised by citizens, the institution has been informed that immediate action will be taken to ensure unhindered access to parking spaces for people with disabilities.

3. Over the year, complaints were received from parents of children with disabilities who attended the Lozenets Special Educational Support Centre (SESC). They pointed out that the Centre was funded under a Ministry of Education and Science project to build a ramp for access to the building and an internal lift. This is highly necessary in view of the needs of the children who attend the institution on a daily basis.

A project contractor was selected and the funding process by the Ministry of Education and Science should start in the 2024 calendar year, or the funding would be lost.

For the purposes of the project, a design and construction permit was issued by Lozenets Municipality. However, an important element in the whole process was the existence of private claims to a part of the yard, which were currently unresolved. This was why the citizens filed a complaint against the continuation of the construction of the two facilities, which were intended entirely to meet the basic needs of children with disabilities.

Citizens had brought this issue to the attention of the regional governor of Sofia, but had not been informed whether any measures were taken to resolve the situation, and if so, what stage the process was at.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

They insisted that the necessary measures be taken to implement the project, as the funding period was about to expire.

In view of the functions of the Ombudsman of the Republic of Bulgaria, it is important to note that lack of accessibility not only creates serious difficulties for interested parties, including people with disabilities, but also constitutes a violation of a number of international and domestic legal acts – the UN Convention on the Rights of Persons with Disabilities ratified by the Republic of Bulgaria, the Charter of Fundamental Rights of the EU, the Protection against Discrimination Act and Ordinance No. RD-02-20-2 of 26 January 2021 on the requirements for accessibility and universal design of elements of the accessible environment in urban areas and buildings and facilities.

In relation to the above and out of concern for the rights of children and their families, the Ombudsman institution referred the matter to the mayor of Lozenets Municipality and the regional governor of Sofia for urgent resolution.

The response received from the mayor of Lozenets District made it clear that, as early as August 2024, an urgent permit was issued for the design of “a lift system (in the stairwell) in the building of the Lozenets SESC and an external covered ramp to the building to ensure accessibility”. In compliance with the statutory provisions and pursuant to Article 140, para 3 of the Spatial Development Act, the administrative act issued was communicated to the owners of the private property falling within RLP I, inasmuch as they are interested parties under Article 131 of the Spatial Development Act. The design permit was contested by one of the owners and, at the time, legal proceedings were pending before the Sofia City Administrative Court.

It is also reported that a meeting was held with the regional governor of Sofia at which a commitment was made to resolve the case and seek support from the Minister of Education.

Main recommendations:

1. Take action, including regulatory changes, to provide fair support for children with disabilities and with special educational needs in order to implement effectively inclusive education that ensures their inclusion in society.
2. Take action to resolve the problems related to the lack of an accessible environment for people with reduced mobility.
3. Take measures to combat discrimination in the labour market, particularly against people with disabilities.
4. Take action to resolve the problem with the lack of sufficient recognition and counteraction of hate speech.
5. The competent authorities need to commit to measures and actions to raise the public awareness of discrimination and hate speech.

XII. RIGHT OF DEFENCE IN ENFORCEMENT PROCEEDINGS

In 2024, there were 214 complaints regarding citizens' rights in enforcement proceedings, i.e. a decrease compared to the same period in 2023 – 341 complaints.

Although the Ombudsman is not among the authorities with control powers over enforcement officers, the number of complaints and signals submitted indicates that the citizens have confidence in the institution and expect it to intervene positively to protect their rights as debtors and, in many cases, as creditors in enforcement proceedings.

The problems that citizens share with the Ombudsman institution are related mainly to distraints that, according to them, came as a surprise and without any preliminary notice to the debtors, and that they did not even know they were being sued. They also complain that they are not given the opportunity to pay voluntarily as they do not have access to their funds due to the distraint already imposed. A common problem is the imposition of a distraint by the National Social Security Institute and deductions from pensions when the debtor works and receives both a pension and remuneration since, in such cases, the part of their income subject to seizure is determined by the sum of the two amounts received and the deduction is made from the pension, even if the pension itself is not income subject to seizure. There are also inquiries from debtors in proceedings regarding the amount of the debt in enforcement proceedings. The requests submitted by citizens to the Public Advocate also include such for the termination of enforcement proceedings initiated against them.

XIII. NATIONAL PREVENTIVE MECHANISM

Pursuant to Article 3 of the Ombudsman Act, for the 12th consecutive year, the Ombudsman institution presents an annual report on its activities as a National Preventive Mechanism (NPM). The functions and powers of the Ombudsman of the Republic of Bulgaria as the National Preventive Mechanism are related to the implementation of the Optional Protocol to the UN Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and the amendments to the Ombudsman Act promulgated in the State Gazette, issue 29 of 2012.

The matter of protecting the rights of people with mental illnesses has been particularly acute in recent years. The Ombudsman of the Republic of Bulgaria, in the exercise of its functions as the National Preventive Mechanism, monitors on an annual basis state psychiatric hospitals (SPHs), mental health centres (MHCs) and social facilities for people with mental disorders. In August 2024, the Ombudsman, acting as NPM, carried out an inspection at the psychiatric clinic of the St. Marina University Multi-Profile Hospital for Active Treatment – Varna **on the occasion of another tragic case of a burnt patient while under a temporary measure of physical restraint for immobilisation.**

The inspection found significant violations of the requirements of Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders, as well as non-compliance with the instructions of control authorities, the most important of which are:

- **Failure to monitor the patient continuously, as required by the provisions of Article 11 of the Regulation** – pursuant to para 2 of the above-mentioned provision, a patient who is subject to a temporary physical restraint measure shall be monitored

2024 ANNUAL ACTIVITY REPORT - SUMMARY

continuously by the nurses designated by the doctor, who shall change every hour. The nurses monitor the patient by direct visual observation or by remote means during temporary isolation and at the patient's bedside during temporary immobilisation;

- **The failure to register measures of temporary physical restraint** by isolation is a prerequisite for the application of this measure without medical justification and without following the procedure laid down for this, thereby violating patients' rights;
- **The lack of a fire alarm system with central signalling, despite instruction from the control authorities**, is also among the reasons for the late detection of the fire. As early as 2019, the Ombudsman institution alerted the Minister of Health to the need to provide for a requirement to install smoke detectors as a quality criterion for healthcare, in order to improve the safety of patients with mental illnesses.

Alarmingly critical continue to be issues with the provision of social services to vulnerable groups and the lack of control over the implementation of basic standards which create conditions for a threat to the lives of the people in facilities. **In another case of a serious incident of death in an institution that provides social services without having the required license in 2024, the Ombudsman institution immediately reached out to the competent authorities with a proposal to take urgent action to provide for criminal liability of people who provide social services without a license or do not comply with the standards and quality criteria for social services and these actions result in danger to the life and health of people using social services.**

The observations and inspections carried out in 2024 also brought to the fore the issue of the **protection of the rights of asylum seekers in the Republic of Bulgaria** with particular urgency. In view of the strategic geographical position of the country and the fact that the Republic of Bulgaria is an external border of the European Union, the migration pressure in the country has traditionally been increased.

In its work as the NPM, the Ombudsman institution has identified chronic problems which have been repeatedly brought to the attention of the competent authorities, but so far the necessary actions to eliminate them have not yet been taken.

The main shortcomings in the protection of the rights of people seeking international protection, people with temporary protection as well as foreigners who have been refused protection include:

- Poor material and living conditions caused by insufficient funding in the accommodation centres of the SAR with the Council of Ministers and the special centres for temporary accommodation of foreigners (SCTAF) under the Ministry of Interior, taking the form of pests on the premises, high temperatures during the summer months, obsolete and unusable material facilities;
- Deficiencies in medical services due to the shortage of medical specialists, resulting in severely hampered and limited access to medical care;
- Lack of complete and clear information for asylum seekers on their rights and the terms for lawful residence on the territory of the Bulgarian State;
- Lack of a sustainable and long-term state strategy for the support and integration of displaced people which will permanently guarantee their rights of access to social, health and educational services;

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- Lack of a well-established practice for foreigners to be informed about the content of individual administrative acts issued against them in a language they know, as well as about their right to contest them in court within the statutory time limit.

In 2024, teams of the Ombudsman institution, acting as National Preventive Mechanism, carried out inspections in the two special centres for temporary accommodation of foreigners under the Ministry of Interior and in five of the accommodation centres for asylum seekers under the State Agency for Refugees (SAR) with the Council of Ministers.

The main focus of each inspection is the assessment of the conditions in which the accommodated people live, the forms of support provided for their integration into the community, as well as the respect of their guaranteed legal rights, the most important of which are:

- **Right to remain on the territory of the country;**
- **Right to social support;**
- **Right to health insurance;**
- **Right to accessible medical care and free use of medical services under the terms and procedure for Bulgarian citizens, and others.**

According to official data from the SAR with the Council of Ministers, the total number of people who applied for protection in 2024 is **12,250**, of whom **56** applicants have been granted refugee status, **4,895** have been granted humanitarian status, **3,140** have received refusals. The total number of application proceedings is **15,392**, of which **7,301** proceedings were terminated.

The increase in the number of unaccompanied minors in the country remains alarming. According to the statistics of the SAR with the Council of Ministers, for the period 01.01.2024 - 31.12.2024, the total number of applications for protection submitted by unaccompanied minors is **2,601**, of whom **234** are minors, **717** children are aged between 14-15 years, **1,650** children are aged between 16-17 years.

The greatest number of applications comes from citizens of countries with military conflicts such as Syria, Afghanistan, Morocco, Egypt and Iraq.

Significant progress in the protection of the rights of unaccompanied children is the implementation of the recommendation repeatedly made over the years by the Ombudsman institution to establish a safe zone for unaccompanied children seeking protection in the largest registration and reception centre of the SAR with the Council of Ministers in Harmanli.

The zone was launched on 16 May 2024 in the presence of representatives of all stakeholder institutions, including representatives of the Ombudsman. The capacity of the safe zone is **98 places** for accommodation with the option to increase them in the event of a crisis.

Despite the progress made, a number of problems persist, such as problems with the control of **hygiene and sanitation conditions, with access of people to specialised healthcare, with the need to provide better security at the facilities.**

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Another major problem for the children granted status in the country is related to their **obligation to leave the centres where they are accommodated at within 14 days and to declare their address in the municipality where they will settle**. This puts them in a difficult and vulnerable situation because of the obstacles they face in finding an address at which to register. In practice, the Ombudsman has found that registration often poses difficulties for foreigners who have a very short deadline to declare an address and often do not have the necessary documents such as a valid rental contract. As a result, a **mass practice of unauthorised “selling” of address registrations** has been created, in particular Bulgarian citizens allow refugees to register at their address for a fee while the refugees are forced to “buy” address registrations in the country.

The Ombudsman’s recommendation on the need to introduce a systematic policy for the protection and integration of unaccompanied minors continues to be relevant. There is a need to assess possible measures to provide protection and support to unaccompanied persons through their integration into the community. Efforts need to be made to remove children from refugee centres once they have acquired refugee, humanitarian or asylum status in the country and to place them in an appropriate social service in the community.

In relation to this pressing problem, a proposal was made, within the framework of a working group for amendments to the Civil Registration Act involving the Ombudsman institution, to supplement the Civil Registration Act with a new provision. **The proposal of the Ombudsman’s experts was to introduce a provision that would regulate the right of people who have obtained status in the country to declare their address in the municipality where they reside in cases where they do not have the legally required documents and have failed to register within the short 14-day period. The proposal was approved and published in the Official Gazette on 8 October 2024, and a new provision of the Civil Registration Act was introduced, Article 93, para 6, which entered into force on 10 December 2024.**

Pursuant to Article 39a, para 2 of the Foreigners in the Republic of Bulgaria Act (FRBA), **the Ombudsman is the only state institution that monitors the removal of foreign nationals** subject to coercive administrative measures – return to the country of origin, transit country or third country; and expulsion. In connection with these powers, in 2024 the Ombudsman monitored the implementation of a total of **30 coercive administrative measures of return to the country of origin**. The monitoring teams identified **systematic problems** in the verification of the personal files of foreign nationals, mostly related to the incomplete set of documentation (a foreigner’s file):

- Lack of evidence that foreign nationals are familiar with the content of the orders issued with respect to them regarding the imposition of coercive administrative measures, their right to contest them under the Administrative Procedure Code and their right to obtain legal aid;
- Imposing the most severe coercive administrative measure of placement at SCTAF without examining the existing possibilities for a lighter, non-repressive measure under the FRBA.

In relation to the rights of foreigners accommodated forcibly at SCTAF, the Ombudsman, acting as NPM, was contacted at the beginning of the year by a non-governmental organisation which reported the imposition of the coercive administrative measure of forced

2024 ANNUAL ACTIVITY REPORT - SUMMARY

placement in a special centre for temporary accommodation of foreigners on a citizen of the Islamic Republic of Iran.

It was established that the foreign national had been living in Bulgaria **for 13 years and that his return to Iran would expose him to an imminent risk of torture, inhuman or degrading treatment by the Iranian authorities**. The Iranian national is seeking protection in the Republic of Bulgaria because of a well-founded fear of religious and political persecution in his country of origin.

The inspection team found **that there were no legal grounds to impose the most severe coercive administrative measure on the foreign national**; therefore the Ombudsman turned to the Director of the Migration Directorate at the Ministry of Interior **with a recommendation to issue an order for a lighter precautionary measure and to order the immediate release of the person**.

In response to the recommendation, the Migration Directorate provided information that the foreign national **had been released** from the special centre for temporary accommodation of foreigners, that a protection procedure under the Asylum and Refugee Act had been opened and that the foreign national already **had refugee status and resided legally in the country**.

In 2024, the Ombudsman institution as the NPM carried out a total of **53 inspections** in prisons and prison hostels, in police detention facilities, in state psychiatric hospitals, in refugee accommodation centres and special centres for temporary accommodation of foreigners, in 24-hour detention facilities with district police departments and in family-type residential centres for children and adults. The number of inspections carried out by categories of inspected facilities is as follows:

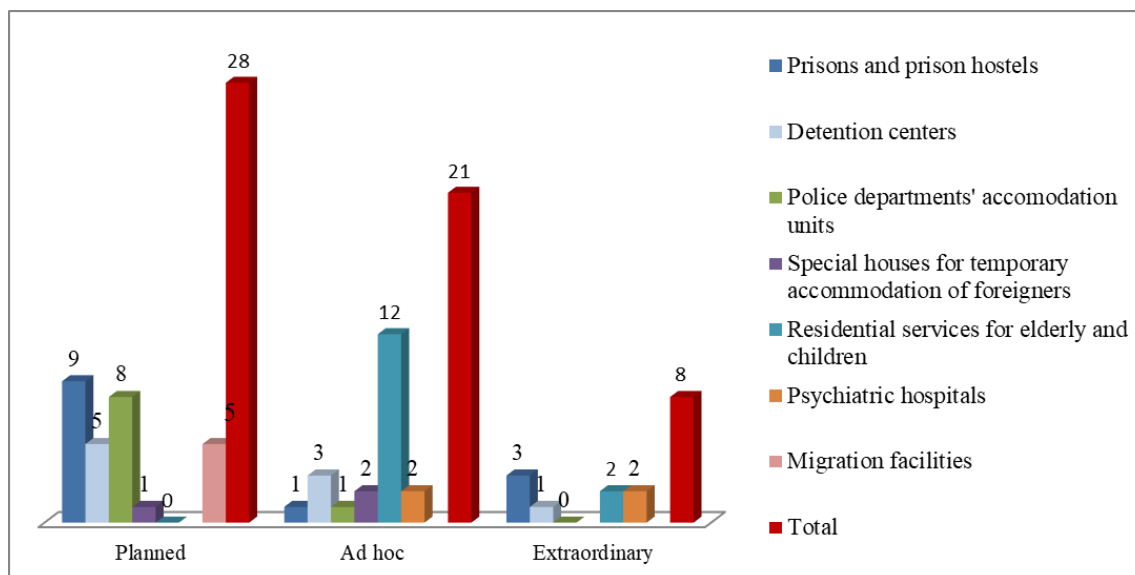


Figure 1: Inspections by type and by categories of sites in 2024.

Source: Statistics of the Ombudsman of the Republic of Bulgaria

In 2024, the trend of a high number of inspections in facilities for deprivation of liberty and detention with the Ministry of Justice continued, with **5 prisons, 7 prison hostels and 8 police detention facilities** inspected. The inspections of places for deprivation of liberty and execution of the measure of remand in custody covered the largest number of people - a total of **1,409** persons deprived of liberty and detainees in the facilities at the time of inspection.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The **main problems of the penitentiary system** identified by inspections carried out over the years remain:

- Poor material and living conditions: limited access to natural daylight, lack of ventilation and air conditioning during the summer months, overcrowding in dormitories, obsolete buildings;
- Difficult access to medical care for persons deprived of liberty and detainees and a shortage of the medicinal products delivered under a contract between the DGEP and a pharmaceutical company;
- Presence of cockroaches, bedbugs and other pests despite ongoing disinfection activities;
- Complaints of ill treatment, violence and uncooperative prison administration;
- Lack of budget funding for social activities due to which the resocialisation and reintegration of the persons deprived of liberty is severely hampered.

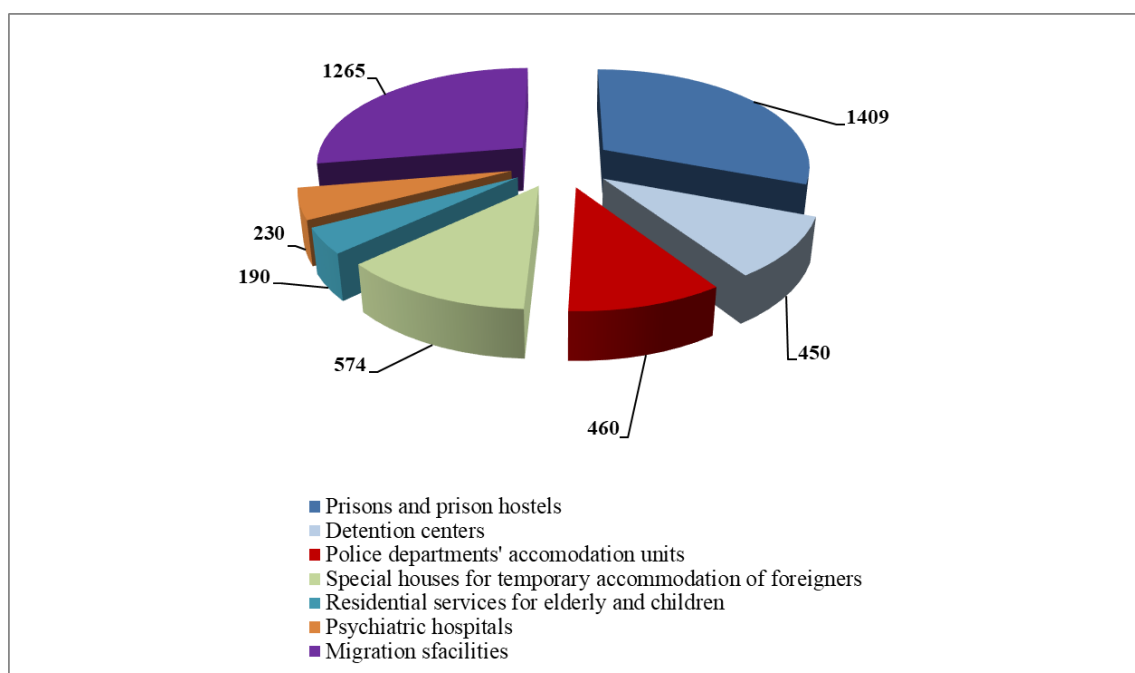


Figure: Number of people accommodated in places subject to planned and unplanned NPM inspections in 2024

Source: Statistics of the Ombudsman of the Republic of Bulgaria

Another highlight of the Ombudsman's work as NPM in 2024 continued to be the protection of the rights of people in the 24-hour detention facilities of the Ministry of Interior. In 2024, teams from the Ombudsman institution carried out inspections in the detention facilities of five district police departments. The material and living conditions in detention facilities continue to be **unsatisfactory, with poor access to natural daylight and obsolete building facilities. The detention premises are in need of major renovation as well as capacity expansion due to the high occupancy rates.**

All inspected facilities have separate premises for the accommodation of minors and the recommendations made by the Ombudsman to comply with the provision of Article 2 of the

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Child Protection Act when detaining minors are followed. The amendments to Instruction No. 8121h-78 of 24 January 2015 on the procedure for detention, the equipment of detention facilities and the order therein at the Ministry of Interior have implemented the Ombudsman's recommendation on the **mandatory participation of a lawyer when the detainee is a minor**.

In 2024, the Ombudsman as NPM acted *ex officio* 4 times in **cases of police violence, suicide attempts and escape from the detention facilities of the Ministry of Interior**, and made recommendations to the Minister of Interior. A particularly disturbing case from the beginning of the year was in connection with a **person detained by officers of the Stara Zagora Regional Police Department who died in custody as a result of excessive use of physical force**. In a letter to the then caretaker Minister of Interior, the Ombudsman emphasised that **the use of physical force and auxiliary means by police officers is a measure of last resort to be applied only when absolutely necessary and insisted on a full, comprehensive and objective investigation of the case**. In a reply to the Ombudsman institution, the Ministry of Interior stated that a number of shortcomings and deficiencies had been identified on the part of MoI officers in finding and detaining the person. Two officers were imposed the penalty of dismissal on account of the breaches found in the performance of their duties.

In the course of all inspections carried out in 2024, the Ombudsman as NPM identified **similar problems and deficiencies in the medical care** at the inspected facilities, which can be summarized as follows:

- **Lack of sufficient number of medical staff**, mostly full-time doctors, which makes it necessary for other medical professionals (lab technicians, nurses) to perform activities not specific to their position such as outpatient examinations and even prescribing treatment;
- **Lack of dental doctors** and limited access to dental treatment in all inspected facilities;
- **Poor material and living conditions** in many of the medical centres and their inpatient facilities which do not meet the requirements for medical institutions and need major renovation;
- **A limited range of medicinal products and consumables** which are procured centrally (on request) in accordance with procurement contracts. If a medicinal product prescribed by an external specialist is missing, it is replaced by an analogous product or a medicinal product with the same effect, and **in the absence of such a product, the residents have to organise its purchase themselves**;
- **Lack of interpreters** which hampers the provision of medical care when the people concerned include foreign nationals;
- **Poor treatment** on the part of medical staff with regard to people detained.

XIV. AUDIT OF WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION ACTIVITIES

In 2023, the Ombudsman of the Republic of Bulgaria took on a new role, expanding the powers in advocating for the rights and freedoms of citizens. Pursuant to § 5 of the Final Provisions of the Whistleblower Protection Act (published in State Gazette, issue 11 of 2

2024 ANNUAL ACTIVITY REPORT - SUMMARY

February 2023) and Article 19, para 1, item 14 of the Ombudsman Act, the Ombudsman shall carry out an external audit of the activities related to whistleblowing and the protection of whistleblowers. In addition, pursuant to Article 30, para 3 of the Whistleblower Protection Act, the Ombudsman shall receive and examine complaints against the Personal Data Protection Commission (PDPC/“the Commission”) from persons who have already submitted signals, including for failure to ensure protection or violations of the confidentiality of information about them.

To ensure the implementation of the new powers, a directorate was established within the institution – Audit of Whistleblowing and Protection of Whistleblowers; work capacity was built and a methodology and rules were developed to conduct an independent external audit of the activities of the Central Authority for External Reporting and Protection of Whistleblowers in the Republic of Bulgaria under Article 19 of the Whistleblower Protection Act, as well as capacity to examine complaints against the Commission from persons who have submitted reports to the External Whistleblowing Channel.

Rules were adopted for examining complaints against the PDPC. In order to protect the identity of complainants, complaints/reports received by the Ombudsman of the Republic of Bulgaria under Article 30, para 3 of the Whistleblower Protection Act are registered by an employee of the Audit of Whistleblowing and Protection of Whistleblowers Directorate in a separate section of the electronic system of the Ombudsman institution.

Complaints and reports under Article 30, para 3 of the Whistleblower Protection Act are examined in accordance with the requirements of the Ombudsman Act and the Rules of Procedure of the Ombudsman.

An ad-hoc inspection at the PDPC may be initiated when complaints are examined.

In 2024, the Ombudsman institution received a total of 7 complaints against the Commission from individuals who had submitted reports to it under the Whistleblower Protection Act, the majority of which concerned failure to provide protection to the individuals. Although the number of complaints is still relatively small, they highlight some important trends and problem areas.

The complaints show that citizens find it difficult to navigate the complex legal framework governing the protection of whistleblowers and those who publicly disclose information about violations. In many cases, it is precisely the lack of understanding of the regulatory framework and the procedures applied that leads to false expectations about the scope of their rights and the possibilities for protection. This trend shows clearly the need for additional efforts to clarify the legal requirements and to present the procedures in a more accessible manner in order to raise the citizens’ legal awareness and prevent future misunderstanding.

Next, it is clear that there is ambiguity regarding the term “whistleblower” – the Whistleblower Protection Act protects persons who report or publicly disclose information about violations within a strictly defined work context, as well as those for whom there are specific grounds under Article 3 of the Act (e.g. violations committed in the last two years that meet the specified criteria). The Ombudsman institution received complaints from individuals who had not submitted a report to the External Whistleblowing Channel but believed that any disclosure of wrongdoing automatically entitled them to protection while they were not aware of the specific requirements of the law.

Whistleblowers who are entitled to protection under the provisions of the Whistleblower Protection Act refer to the Ombudsman when they consider that their legal protection has not been ensured or has been seriously delayed. In many cases, these individuals do not have specific information or do not understand the reasons for the delay or refusal of protection, which leads to a feeling of legal uncertainty and lack of transparency in the institutional

2024 ANNUAL ACTIVITY REPORT - SUMMARY

procedures. There is not always timely communication and clarity regarding the protection envisaged, which causes difficulties for whistleblowers. This situation highlights the need to optimise the notification and awareness mechanisms.

Another problem proves to be ensuring timely and effective protection in cases of public disclosure of information about violations. For example, in early 2024, the Ombudsman received a complaint about a case that gained widespread publicity due to a lawsuit known in the public sphere as a “SLAPP case” brought against the complainant. The individual filed a request for immediate protection within the meaning of Article 23, para 3 of the Whistleblower Protection Act on 28 December 2023, after publicly disclosing information obtained in a work context about violations falling within the scope of the Whistleblower Protection Act through interviews on the Bulgarian National Radio, Darik Radio and publications in a number of media outlets (news.bg, actualno.com, dnevnik.bg, factor.bg). Subsequently, a SLAPP lawsuit was filed against the individual by Kozloduy NPP EAD, claiming damages of BGN 500,000. The case caused a public outcry and scandal.

Still, the PDPC requested additional information from the individual and subjected the case to verification for the existence of “reasonable grounds to believe that the person is a whistleblower within the meaning of the law” (verification of regularity, admissibility, reliability and credibility). In this case, the Commission insisted on the submission of an explicit report through the external channel, even though a public disclosure had already been made. It is this additional stage – the mandatory submission of a report through the external channel and the subsequent verification of regularity, admissibility, reliability and credibility – that compromises the principle of immediacy laid down in Article 23, para 3 of the Whistleblower Protection Act.

Ultimately, in this particular case, protection was provided with a delay (on 15 January 2024) and after the case had already gained widespread publicity. As a result of the public pressure, the claim was withdrawn and the court proceedings against the whistleblower were terminated. The case serves as a clear example of the need to refine and optimise the procedures for applying immediate protection under the Whistleblower Protection Act in order to ensure effective and timely protection for persons who publicly disclose information about violations.

EXTERNAL AUDIT

In performance of the obligations under Article 30, para 1, para 2 and para 4 of the Whistleblower Protection Act, the Ombudsman conducted an external audit of the PDPC as the central authority for external reporting and protection of persons under the Whistleblower Protection Act from 14 October 2024 to 18 November 2024, where the audit covered the period from 1 January 2024 to 30 September 2024.

The audit covered all key aspects of the activities of the External Whistleblowing Channel Directorate (EWCD) through an on-site review of the unit’s work which included a review of the procedures and methods for receiving reports, an assessment of the interaction with the competent authorities, the mechanisms for providing protection to whistleblowers, as well as the provision of support measures, the unified signal processing system “Signal” and other aspects of the Commission’s activities, allowing for an assessment of its effectiveness in dealing with signals.

The audit ended with a report containing findings, conclusions and recommendations.

As a result of the audit, the following main findings were made:

- **Protection of whistleblowers:** The audit found that the PDPC considered the disclosure of identity to be a necessary condition for providing full protection. Article 5 of the Whistleblower Protection Act and Directive (EU) 2019/1937 (“the Directive”) require that

2024 ANNUAL ACTIVITY REPORT - SUMMARY

protection be provided from the moment the report is submitted. **The audit team found that it was provided only when explicitly requested.** Pursuant to the Whistleblower Protection Act, the norm is that identity should remain undisclosed, while according to the practice of the PDPC, the norm is that it should be disclosed in order to ensure protection. In other words, a distinction has been made in the scope of protection, which is not in line with the meaning and objectives of the Directive. It points out that the protection of identity is one of the key elements and is disclosed only as an exception, when necessary and proportionate.

- **Corrective measures:** In its current form, **the Whistleblower Protection Act does not contain a procedure or specifics regarding the scope of corrective measures.** As a result of this gap in the legislation, corrective measures that are key to the Directive and the Whistleblower Protection Act are not implemented.
- **Support for whistleblowers:** It is unclear what support measures are provided by the External Whistleblowing Channel Directorate. The support measures consist solely of sending three attachments whose content is identical to the Whistleblower Protection Act and repeats its text. They do not answer essential questions that a whistleblower would ask: “what actions” can be taken to obtain support and protection; “how”; “under what conditions”; “through whom”; “when” and “where”.
- **Legal aid:** Whistleblowing seeking legal aid under the Legal Aid Act⁴ follow the general procedure for its provision – i.e., by definition it is not free of charge for them. **This category of persons is not included in the categories of persons under Article 22 of the Legal Aid Act and, de facto, there is no facilitation of the application procedure and no added benefit for whistleblowers.** At the same time, these persons are likely to be under psychological pressure in connection with the signals, especially when their identity has been revealed and/or retaliatory action has been taken.
- **Capacity:** The PDPC experiences difficulties to fill the staff positions in the External Whistleblowing Channel Directorate. With a total of 15 staff positions, only 6 are currently filled. Staff turnover has also been observed.
- **Submission and registration:** Problems were identified with delays in the timely registration of signals, with statistics, and with additional administrative steps that increase the risk of missing deadlines under the Whistleblower Protection Act.
- **Checks upon signals:** Cases of exceeding the deadline for referral to the competent authorities under Article 20, para 1 of the Whistleblower Protection Act, which is “immediately but not later than seven days” after receipt of a signal, were established. The verification of regularity, admissibility, reliability and credibility found a narrow interpretation of the Whistleblower Protection Act.
- **Interaction:** The EWCD has difficulties with the recommendation of the Ombudsman to develop a methodology/procedure to regulate the interaction with the competent authorities to ensure that the competent authorities are determined accurately and that the statutory deadlines are observed.
- **Register:** It is necessary that responsibility for processing documents in the Signal system is not concentrated in one employee. Problems were identified with the accuracy of reports from the Signal system.

⁴ This can be done either by the National Legal Aid Office or the Regional Counselling Centres with Bar Associations or the court where proceedings have been initiated.

RECOMMENDATIONS OF THE OMBUDSMAN AND PROBLEMS IN FORMALIZING THE INTERACTION BETWEEN THE PDPC AND THE COMPETENT AUTHORITIES

After the completion of the final report on the audit carried out in the period from 14 October 2024 to 18 November 2024, the Ombudsman institution received a letter on 2 February 2025 regarding the results of the actions taken by the PDPC on recommendation No. 3 of report No. 37-36#3/05.03.2024 of the Ombudsman of the Republic of Bulgaria for the development of a methodology/procedure to ensure effective interaction with the competent authorities and in order to determine the competent authorities accurately and to observe the statutory deadlines. The letter also includes a description of the objections raised by the Commission on Protection of Competition, the Financial Supervision Commission and the Ministry of Transport and Communication. In the letter, the PDPC informs the Ombudsman institution that there is no legal basis to adopting rules for the interaction with competent authorities under Article 20, para 1 of the Whistleblower Protection Act.

Comments of the audit team on the implementation of Recommendation No. 3 of the Ombudsman of the Republic of Bulgaria:

Even though the law does not provide for mandatory formalisation of interaction, establishing clear and documented procedures for interaction between the PDPC and the competent authorities under Article 20 is essential to ensure the prompt, transparent and effective handling of signals while guaranteeing the protection of the rights of whistleblowers and compliance with the statutory deadlines.

In view of this, the legislator should consider the possibility of amendments to allow for the formal regulation of interaction under the Whistleblower Protection Act in each of the laws concerning the competent authorities under Article 20 (including special laws of certain competent authorities), as well as the creation of regulations for the implementation of the Whistleblower Protection Act which would define in detail the mandatory procedures for information exchange and coordination.

Recommendations

In view of the findings, the audit team finds it necessary **to amend and supplement the Whistleblower Protection Act** to, inter alia:

1. Clarify the extent to which the Whistleblower Protection Act is special with regard to the procedural rules and deadlines that the competent authorities need to comply with in the course of their investigation of signals.
2. Refine the list of competent authorities in Article 20 of the Whistleblower Protection Act.
3. Clarify how the PDPC ensures protection in relation to signals about violations against “*the protection of privacy and personal data*” with regard to the minimum requirements of the Whistleblower Protection Act which are considered by the PDPC under the general procedure.
4. Clarify what constitutes “public interest” in the context of signals of violations of labour law and legislation related to the performance of public service.
5. Extend the deadline for forwarding signals to the competent authorities to 14 days, given the findings of the audit team and the difficulties encountered by the EWCD.
6. As for the lack of procedure and specifics on the scope of corrective measures:
 - a. Align the Labour Code to the Whistleblower Protection Act if it continues to be taken that the General Labour Inspectorate Executive Agency is the authority that must apply corrective measures for retaliatory actions of a labour law nature; **or**

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- b. Clarify how corrective measures are implemented by the competent authorities, especially when they concern retaliatory actions taken, if the approach is that each competent authority implements corrective measures, **as well as**
 - c. Refine who declares retaliatory action invalid within the meaning of Article 33, para 4 of the Whistleblower Protection Act.⁵
 - d. Clarify whether corrective measures can be applied to retaliatory actions already taken, as well as to “attempts” at such within the meaning of Article 33 of the Whistleblower Protection Act.
7. Clarify whether Article 33, para 5 of the Whistleblower Protection Act is to be interpreted:
- a. A person under Article 5 against whom retaliatory actions were taken may submit a request to the competent administrative authority for restoration of the situation in which the person was before the retaliatory actions were taken; **or**
 - b. A person under Article 5 against whom retaliatory actions were taken may submit a request to the competent court for restoration of the situation in which the person was before the retaliatory actions were taken.
8. Supplement the text of Article 22 of the Legal Aid Act with a new category of persons in line with practice in other Member States.⁶

⁵ Such an approach would ensure immediate protection for the whistleblower in accordance with the spirit and objectives of the Directive (Recital 95). However, it would introduce “temporary invalidity” into Bulgarian law or include retaliatory measures under the Whistleblower Protection Act in the case of “suspended invalidity” existing in contractual relations (where there is a legal impediment outside the factual circumstances of the act that prevents the legal consequences of that act from occurring).

⁶ For example in Greece, Latvia, Lithuania, Spain, Romania, Slovenia and Croatia.



CHAPTER TWO

IMPACT ON THE LEGAL FRAMEWORK

I. REQUESTS TO THE CONSTITUTIONAL COURT AND THE SUPREME COURTS IN 2024

Request for a declaration of unconstitutionality of Article 158, para 1, item 1 of the Road Traffic Act (RTA) as regards the part: “... provided that the driver has fulfilled their obligations under Article 190, para 3 as evidenced by the relevant payment documents”

According to the Ombudsman, the contested text contradicts Article 4, para 1 (principle of rule of law), Article 17, paras 1-3 (right to property), Article 35, para 1 (right to freedom of movement) and Article 56 (right to defence) of the Constitution of the Republic of Bulgaria.

The contested RTA provision sets out that the number of penalty points for recorded violations shall be restored by a partial increase of 1/3 of the maximum number of points after additional training but no more than once within a period of one year, provided that the driver has fulfilled their obligations under Article 190, para 3 of the RTA (obligation to pay a fine within one month of the entry into force of the penal order, electronic ticket or court judgment or ruling on appeal) as evidenced by the relevant payment documents. The grounds for the request state that the contested text affects the rights of citizens who wish to improve their qualifications or fill in gaps in their knowledge for which they have had penalty points deducted, as, according to the current wording of the provision, they are deprived of the opportunity to enrol in and complete the required additional training.

Constitutional Case No. 5/2024 was initiated upon the request of the Ombudsman. By Judgment No. 9 of 6 June 2024 of the Constitutional Court, the Ombudsman’s request was rejected.

In 2024, the Constitutional Court ruled on two more cases initiated upon requests of the Ombudsman.

By Judgment No. 5 of 9 April 2024, the Constitutional Court rejected the Ombudsman’s request to establish the unconstitutionality of the “state” part of the provision of Article 8, item 3 of the Higher Education Act (published in State Gazette, issue 112 of 27 December 1995, last amended issue 27 of 29 March 2024), constitutional case No. 20/2022. The provision challenged by the Ombudsman regulates the subsidisation of student education by the State only in state higher education institutions, providing them with scholarships, dormitories and canteens. The State may not provide scholarships to students in private higher education institutions.

By Judgment No. 8 of 4 June 2024, the Constitutional Court rejected the Ombudsman’s request to establish the unconstitutionality of the provision of Article 300, para 3 of the Judicial System Act (JSA) in the part “up to three times” (published in State Gazette, issue 64 of 7 August 2007; last amended and supplemented in State Gazette, issue 18 of 1 March 2024), constitutional case No. 21/2023. The provision challenged by the Ombudsman provides that, in the event of a “failed” result, a trainee lawyer has the right to sit for the legal capacity exam up to three times after an additional two-month internship in accordance with Article 297, para 2, item 1 of the JSA.

Requests for interpretative cases

The Ombudsman institution received a signal about diverse practices of Bulgarian courts on issues concerning contracts concluded with banks and financial institutions providing fast loans, with mobile operators, and procedural issues related to the powers of the court, as well as the exercise of the right to defence in judicial proceedings by Bulgarian citizens. A significant contradiction with the case-law of the Court of Justice of the European Union was

2024 ANNUAL ACTIVITY REPORT - SUMMARY

also identified. The differences in the judicial acts issued and in the interpretation of procedural rules create uncertainty for consumers which may discourage them from bringing an action to protect their consumer rights because, if their claim is rejected, they will have to bear the court costs.

In view of the above, pursuant to Article 125 in conjunction with Article 124, para 1, item 1 of the Judicial System Act, the Ombudsman requested of the General Assembly of the Civil and Commercial Colleges of the Supreme Court of Cassation to adopt an interpretative judgment on the following matters:

1. What are the criteria to assess whether the remuneration interest rate agreed in a consumer credit agreement is contrary to good morals?
2. Is remuneration interest exceeding twice the statutory interest rate for unsecured loans and three times the statutory interest rate for unsecured loans invalid after the entry into force of Article 19, para 4 of the Consumer Credit Act?
3. How is the court to proceed if it finds that the amount of the remuneration interest is invalid as contrary to good morals?
4. Does a charge designated by the creditor as a “penalty” that initially did not have a security or compensatory function constitute an expense within the meaning of Article 19, para 3, item 1 of the Consumer Credit Act which the consumer must pay in the event of non-performance of their obligations or does it constitute an additional benefit for the creditor – hidden interest – and, as such, to be included in the scope of the annual cost percentage as per Article 19, para 1, item 3 the Consumer Credit Act?
5. Is a clause of remuneration interest unfair when it is announced in a misleading manner without the contractual interest rate specified in the consumer credit agreement including other additional economic benefits – profits of the creditor misleadingly referred to as “penalties for failure to provide security”, “remuneration for additional services” or “remuneration for a guarantor company where the latter is a related party of the lender”?
6. Part of the case-law considers such clauses to be unfair?
7. Is a clause providing that an overdraft agreement is automatically renewed if the consumer does not object 30 days before the expiry date, regardless of whether a new credit card has been provided to the consumer, which is the only means of drawing on the overdraft, unfair?
8. If a creditor does not include insurance, a document review fee or a guarantor fee in the annual cost percentage, what is the legal consequence?
9. Do claims for remuneration for additional services which, in essence, do not constitute such services but are related to the utilisation and management of the credit, remuneration of guarantor companies designated by the lender as well as claims under insurance contracts constitute general credit costs within the meaning of § 1, item 1 of the Additional Provisions of the Consumer Credit Act?
10. What are the legal consequences if the consumer credit agreement only specifies the absolute value of the annual cost percentage of the credit and the total amount payable under the credit but does not describe the method used to calculate the annual cost percentage – what components are included in it and how the annual cost percentage specified in the agreement is calculated?
11. What is the starting point for the statute of limitation for a receivable arising from the unjust enrichment of a creditor as a result of the application of unfair clauses in a consumer contract in a situation where the consumer is unable to assess for themselves that a contractual clause is unfair or in which the consumer was not aware of its unfair nature?

2024 ANNUAL ACTIVITY REPORT - SUMMARY

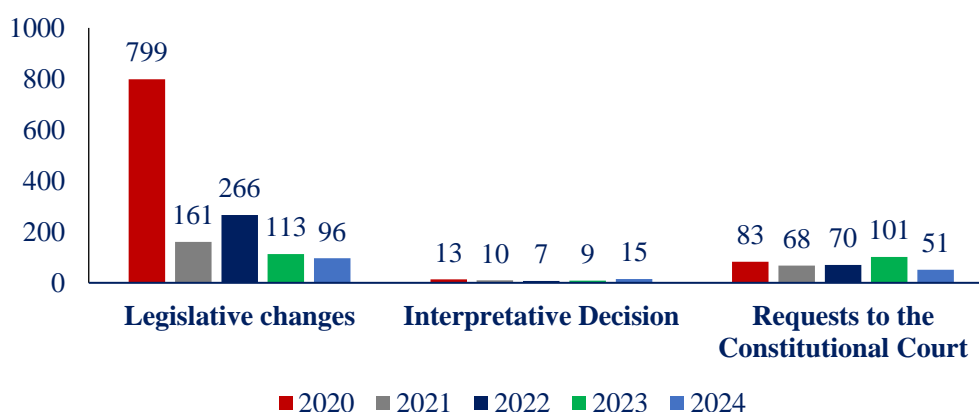
12. Is a clause providing for automatic termination of a contract on the 124th day of non-performance without the need to notify the consumer in the case of a 24-month contract unfair?
13. Is the penalty clause for three times the standard monthly payments without discounts plus the amount of the discount on the services offered in the event of termination of the contract due to the consumer's fault unfair?
14. Does the relevant court hear violations under Article 22 of the Consumer Credit Act and may it apply Article 23 of the Consumer Credit Act?
15. Who is the legitimate respondent to a claim under Article 439 of the Civil Procedure Code?
16. Is a claim under Article 422 of the Civil Procedure Code admissible in the event of a recusal based on the existence of an arbitration clause?
17. Are Article 6 (1) and Article 7 (1) of Directive 93/13 to be interpreted as precluding an interpretation of national law which, by reason of the *res judicata* effect in the proceedings resulting from the consumer's failure to lodge an objection within the time limit prevents the consumer from relying on the unfairness of clauses in the contract in subsequent proceedings for a negative declaratory judgment or a sentencing judgment, even though the order for enforcement does not contain any grounds, even in summary form, indicating that the court has reviewed the unfair clauses in the contract on which the order for enforcement is based?
18. Are Article 6 (1) and Article 7 (1) of Directive 93/13 to be interpreted as precluding an interpretation of national law which, by virtue of the *res judicata* effect of a judgment on a partial claim, prevents the consumer from relying on the unfairness of contractual clauses in subsequent proceedings on a subsequent partial claim, even though the final judgment does not contain any grounds, even in summary form, indicating that the court examined the unfairness of the contractual clauses?
19. Does the fact that the creditor is a sole trader and the credit agreement states that the purpose of the credit is working capital exempt the court from its obligation to examine *ex officio* whether a consumer contract exists, including gathering evidence to that effect?
20. Does the fact that the creditor is a sole trader and the credit agreement states that the purpose of the credit is working capital exempt the court from its obligation to examine *ex officio* whether a consumer contract exists, including gathering evidence to that effect in proceedings for cancellation of an arbitral award under Article 47 of the International Commercial Arbitration Act?
21. Is it necessary for the consumer to prove a legal interest in bringing a negative declaratory action for the invalidity of an unfair contract clause or a contract clause agreed in breach of the requirements of the Consumer Credit Act in a case where the consumer's rights can be protected by bringing an action for the return of what has been given without legal grounds?
22. Is it admissible to transform claims under Article 439, para 2 of the Civil Procedure Code into sentencing ones in line with Article 214, para 1, proposition 3 of the Civil Procedure Code?
23. Is it admissible to notify a special representative of the respondent of an assignment?
24. Is the claimant in an action for a declaration of unfair clauses liable to bear a proportionate share of the costs where some of the clauses are not unfair?
25. As of what time is the statute of limitation considered interrupted if the application for an enforcement order was rejected and the court gave instructions to bring an action for a sentencing judgment which was brought?

2024 ANNUAL ACTIVITY REPORT - SUMMARY

26. Is a claim under Article 422 of the Civil Procedure Code admissible if a negative declaratory action was already brought for the same claim prior to the filing of the application for an enforcement order?
27. Is a partial negative declaratory action for a claim admissible??
28. How is the price of a claim for invalidation of a contract determined on the basis of Article 23 of the Consumer Credit Act?
29. Does the relevant court have the power to instruct the claimant to specify the amount paid by the debtor and may the entire claim be dismissed for failure to comply with such instructions?
30. How is the liability for costs allocated in the event of a negative declaratory action upheld due to the fact that the respondent creditor acknowledged the claim?
31. Is a negative declaratory action under Article 124, para 1 of the Civil Procedure Code admissible when brought by the debtor within the time limit for objection to the enforcement order?
32. How is the lawyer's remuneration determined in the case of cumulative claims?
33. Is an arbitration clause which provides that disputes arising from performance shall be settled by agreement and, where this proves impossible, by an arbitration court valid?
34. Is should also be considered whether it is necessary to notify the guarantors and the mortgage debtor of the early maturity of the credit pursuant to Article 60, para 2 of the Credit Institutions Act, or whether it is sufficient to notify only the principal debtor?
35. Is a ruling to stay proceedings issued by a court of first instance, appeal court or court of cassation subject to appeal on the grounds of a request for a preliminary ruling by another court under Article 628 *et seq.* of the Civil Procedure Code?

II. LEGISLATIVE PORPOSALS

Figure 35 – Number of complaints, proposals and signals related to legislative amendments, interpretative decisions and requests to the Constitutional court



Statistics show a negligible decrease in the number of complaints, proposals and signals related to changes in the regulatory framework in 2024 compared to 2023. The number of requests to refer to the supreme courts to initiate interpretative proceedings remains low but is still higher than the one in the previous year, while the signals about unconstitutional legislation are half the number submitted in 2023. The review of statistics should note that some of the Ombudsman's powers are exclusive and may not be exercised by other persons. These include, in particular, referral to the Constitutional Court and the supreme courts.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

For yet another year, the important issues that the Ombudsman institution monitors and actively participates in include citizens' problems with debt collectors, fast loan companies and the need for a Personal Insolvency Act. In relation to the problem of registering the registered offices of commercial companies without the knowledge of the property owner, the Ombudsman submitted a proposal for amendments to the Speaker of the National Assembly and the Minister of Justice. The issue is also addressed in the section of the report on consumer rights.

In relation to complaints received from citizens and professional organisations who shared their concern about a list of teachers and offensive descriptions with threats of harassment published on social media, the Ombudsman of the Republic of Bulgaria expressed a public position that the use of a list of names and workplaces of persons who publicly supported a civic position on important public issues, as well as calls for lynching and vigilante justice against these individuals, directly violated fundamental rights and freedoms guaranteed by the Constitution of the Republic of Bulgaria, the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights of the European Union (CFREU) and other international legal instruments for the protection of human rights.

The Ombudsman institution referred to the Minister of Health in relation to the lack of statutory provisions regarding the widespread violations of the ban on smoking in enclosed public places and the offering, sale and use of tobacco and related products by children under the age of 18 in response to an appeal to the institution by the Bulgaria without Smoke Association and the Coalition for a Life without Tobacco Smoke, supported by 22 organisations, for better regulation of vapes and other nicotine-containing products. It is possible that other directorates may also address this issue. An opinion was sent on the bill on credit service providers and credit purchasers, emphasizing the need for the bill to protect the citizens' rights when transferring obligations under credit agreements.

The Ombudsman institution familiarised the Members of Parliament with its opinion on the Bill on Registering Foreign Agents. It was pointed out that the bill contradicted directly not only the Constitution of the Republic of Bulgaria, but also a number of international acts and other legal commitments that Bulgaria has undertaken to support the process of democratisation and prosperity of the country, guaranteeing human rights and strengthening the rule of law.



CHAPTER THREE

MONITORING THE IMPLEMENTATION OF INTERNATIONAL ACTS IN THE AREA OF HUMAN RIGHTS

I. GENERAL REMARKS

The monitoring of the implementation of international legal acts in the area of human rights is carried out by the Ombudsman of the Republic of Bulgaria on the basis of the UN Paris Principles and the Ombudsman Act (OA). Pursuant to Article 19, para 1, item 10 of the OA, the Ombudsman has explicit powers to monitor and promote the effective implementation of human rights conventions to which the Republic of Bulgaria is a party.

Based on the continuous monitoring of how the State implements international human rights instruments, the Ombudsman prepares opinions and formulates recommendations. In addition, in fulfilment of the powers to promote and protect human rights, the Ombudsman includes in the Annual Report a separate section to assess both the extent to which national legislation has been aligned to the content of each convention and the practices of national institutions in implementing them.

For yet another year, the Ombudsman has found that Bulgaria lags behind in the process of acceding to international legal instruments that allow citizens to lodge complaints with supranational (conventional) bodies in cases of violations of their rights. **In 2024, Bulgaria again failed to take steps to accede to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and to the Third Optional Protocol to the Convention on the Rights of the Child.**

In addition, Bulgaria has not yet ratified Protocol 16 to the ECHR which provides for a mechanism for cooperation between the national courts and the ECtHR similar to preliminary rulings to the ECJ. This mechanism will facilitate significantly the alignment of the Bulgarian case-law to that of the ECtHR and contribute to fewer convictions.

For yet another year, the Ombudsman reminds that, after the entry into force of Article 28, para 3 of the Statutory Instruments Act at the end of 2016, the National Mechanism for reviewing the compliance of statutory instruments with the ECHR is to be applied by both the executive and the legislative authorities⁷. The practice of not checking bills proposed by Members of Parliament for compliance with the ECHR and the case law of the ECtHR may lead to violations of international human rights standards and new judgments against Bulgaria in Strasbourg. In this sense, it would be appropriate to consider legislative changes to envisage a preliminary assessment of the compliance of legislative proposals by Members of Parliament with the ECHR when they relate to fundamental rights and freedoms of citizens.

Unfortunately, the 50th and 51st National Assemblies did not continue the positive practice established in the 47th National Assembly of setting up a parliamentary subcommittee to monitor and analyse legislation in accordance with EU principles and standards and international standards for the protection of human rights and fundamental freedoms, and to analyse the legal consequences of Constitutional Court judgments.

⁷ The obligation to review draft legislation for compliance with the European Convention is provided for in paragraph 9 (c) (ii) of the Brighton Declaration of 2012 and reaffirmed in the Declaration adopted at the high-level conference of Council of Europe Member States in Brussels in 2015 (B (1) (d) of the Action Plan to the Declaration).

II. EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Through its provisions, the ECHR ensures that most of the rights proclaimed in the Universal Declaration are binding. Furthermore, the ECHR is the first convention to establish a European supranational judicial body to monitor compliance with the commitments taken on by the States parties to the Convention. This is why, the citizens of countries which have accepted the jurisdiction of the ECtHR acquire a special partial legal personality under international law expressed in the right to seek redress from States at the European level when they violate their fundamental rights and freedoms.

Undoubtedly, Bulgaria's joining the ECHR means a recognition of its commitment to pay more attention to human rights – rights that cannot be taken away but that can be breached, trampled on and changed beyond recognition if we do not stand up for them all the time. The ECHR is dedicated to the fundamental rights and the rule of law is an absolute prerequisite for the protection of these rights, the foundation on which this protection is based.

Human rights, democracy and the rule of law are indivisible, unified and interrelated; the absence of any one of the elements of this triad makes the existence of the other two impossible. The ECHR is a document with a rich history and content, bringing together in a single legal instrument all the civil, personal, economic, political and social rights enjoyed by the citizens of European countries, clearly highlighting their indivisible nature.

Pursuant to Article 46 (1) of the ECHR, as a party to the Convention, Bulgaria is obligated to comply with the final judgments of the ECtHR establishing violations of the Convention, as well as those confirming the amicable settlements reached between the parties. The execution of a judgment of the ECtHR consists in the adoption by the State of **individual measures** to restore the applicants to their situation prior to the violation and of **general measures** (such as legislative amendments, changes in case-law, etc.) aimed at preventing similar violations in the future.

The execution of final judgments of the ECtHR is monitored by the Committee of Ministers of the Council of Europe (Article 46 (2)). The Bulgarian State is obligated to comply with these judgments and, in this regard, it needs to send periodically updated information about the measures taken. The Committee of Ministers prepares an annual report with information on each State party to the ECHR. The execution of the judgments of the ECtHR is not limited to the payment of the compensation awarded by the Court, but also includes other measures such as reopening of proceedings where relevant and alignment of the national legislation to the case-law of the ECtHR. It is this approach that makes it possible to take measures of a general nature with a preventive effect in respect of similar violations, so that the ECHR is not violated in the future.

At the national level, the coordination of the execution of ECtHR judgments is carried out by the Ministry of Justice. Since 2012, based on a decision of the 41st National Assembly, the Minister of Justice submits a summary annual report on the execution of ECtHR judgments. In this way, the Parliament is able to monitor the process of aligning the national legislation to the case-law of the ECtHR and to be informed of any necessary legislative amendments. Summary information on the status of cases against Bulgaria before the ECtHR and cases under enhanced monitoring can be found in a special document prepared by the Department for the

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Execution of Judgments of the ECtHR⁸. Information about the judgments whose execution has been completed is available in the Annual Report of the Committee of Ministers⁹ and in the Annual report of the Minister of Justice. The execution of judgments against Bulgaria is concluded with a final resolution by the Committee of Ministers after assessment that the State has fulfilled its obligations and taken the appropriate individual and general measures.

In 2024, the Ministry of Justice team attempted to consolidate support for regulatory arrangements and the establishment of a **National Coordination Mechanism for the Execution of Judgments of the European Court of Human Rights**. This approach has been consistently advocated for in the Ombudsman's recommendations in the annual reports since 2019.

A draft decree provides for the establishment of an advisory council to the Council of Ministers, an expert group to assist it and a secretariat, as well as a detailed procedure for execution of judgments. The coordination will take place at two levels – political and expert – with the clear aim of ensuring the effectiveness and sustainability of the process related to the execution of judgments. **However, the mechanism has not been established yet.**

I.1. General findings on the execution of final judgments of the ECtHR in 2023 within the meaning of Article 46 of the ECHR

As in previous years, a conclusion can again be reached that the individual measures for execution set out in the Court's judgments are being implemented and do not usually pose any problems. The process of paying compensation and informing the competent authorities of any need for additional individual measures (e.g., resumption of court proceedings, etc.), as well as the process of translating the judgments and disseminating them, is coordinated by the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate (PRRBEctHRD) at the Ministry of Justice, which strictly monitors compliance with the relevant deadlines and ensures that the judgments reach the widest possible range of competent authorities and persons. In addition, all judgments are published on the website of the Ministry of Justice and on the portal: <http://humanrights.bg/>.

On the other hand, the general measures required by the Committee of Ministers to execute the ECtHR judgments raise many serious questions. Some ECtHR judgments reveal systemic or structural problems requiring legislative amendments or changes in the case-law or administrative practice. It is the general measures that are monitored by the Committee of Ministers and it is they that remain unimplemented for years by the national institutions. One of the main reasons for this is the fact that implementation requires active efforts on the part of various institutions which, in many cases, do not take the necessary measures to execute the judgments in a timely manner. The coordinating role of the Ministry of Justice is insufficient to enforce the adoption of measures that fall within the competence of other ministries.

The following main conclusions can be drawn with regard to Bulgaria's progress in executing the judgments monitored by the Committee of Ministers in 2024:

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

⁸ The information about Bulgaria is available at: <https://rm.coe.int/1680709740>

⁹ On the website with information about the ECtHR judgments: <http://hudoc.exec.coe.int/eng>

2024 ANNUAL ACTIVITY REPORT - SUMMARY

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)¹⁰. 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.

The conclusions from previous years remained valid in 2024, namely:

- A significant number of judgments has remained under enhanced monitoring for more than a decade.
- The trend continues that the convicting judgments still subject to enhanced monitoring concern, unfortunately, a large number of ECHR texts which requires a large number of complex measures to be taken; the number of leading judgments in which the general recommendations of the ECtHR have been implemented is still incomparably smaller than those in which no satisfactory progress has been made.
- Bulgaria continues to pay extremely high amounts in compensation for violations of rights. Although action has been taken to execute almost all of the convicting judgments in the years following their delivery, it is still insufficient to close the monitoring, despite the efforts of various institutions and working groups. As a result, the recommendations of the Committee of Ministers on the execution of such judgments remain largely unchanged.
- 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.

Main recommendations:

1. 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.
2. 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 The data is updated as of 31.12.2024, source: Country Factsheet:
<https://www.coe.int/en/web/execution/bulgaria>

3. 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.

2. New ECtHR judgments against Bulgaria in 2024¹¹

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.

Main recommendations:

- 1. Bulgaria is to sign and ratify Protocol No. 16 to the ECHR.**
- Criminalise torture in the context of Bulgaria's commitments under the ECHR and the UN Convention against Torture.
- 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.
- 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.
- 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.
- Take urgent steps to table the bill on natural persons and support measures before the Council of Ministers and the National Assembly.
- 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.

¹¹ <https://www.echr.coe.int/documents/d/echr/stats-violation-2024-fra>

III. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

In accordance with Article 12, para 4 of the Persons with Disabilities Act, throughout 2024, the Council's activities were administered by the Ombudsman institution.

In view of the Council's important role, the following paragraphs provide a brief overview of its activities over the past year.

1. WORK OF THE MONITORING COUNCIL IN 2024

The Monitoring Council held three meetings – on 28 March 2024, on 11 October 2024 and on 17 December 2024 – completely presided over by the Ombudsman institution.

The meetings continued the practice introduced by the Ombudsman institution to discuss current issues related to the rights of people with disabilities and their families, and to cooperate actively with representatives of organisations of and for people with disabilities and with the institutions responsible for specific issues.

First meeting of the Monitoring Council in 2024

The first meeting of the Monitoring Council in 2024 was held on 28 March 2024. The problems in the system identified by the Ombudsman institution and the recommendations made were supported by the members and a decision was taken to send a joint opinion of the Monitoring Council to the Minister of Labour and Social Policy and the Governor of the National Social Security Institute.

The opinion highlights the following:

- **Suspension of disability pensions by the National Social Security Institute in cases where the National Expert Medical Commission revokes and remands the expert decision of the Territorial Expert Medical Commission for a new decision**
- **In the event of an appeal, the disability pension is granted, resumed and restored but only up to the amount of the social old-age pension**
- **Period within which the National Social Security Institute resumes payments upon re-examination of persons**
- **Choice of pension that is not the most favourable one in terms of amount**
- **Restrictions on the granting of disability pensions due to a general illness under the provisions of Article 74 of the Social Security Code**

The recommendations have not been implemented.

Second meeting of the Monitoring Council in 2024

The Ombudsman institution of the Republic of Bulgaria organised a regular meeting of the Council on 11 October 2024. The meeting discussed the continuing difficulties faced by people with disabilities in obtaining the necessary aids, appliances, equipment and medical devices that were not covered by compulsory health insurance, as well as their quality and service life.

There was also a discussion of the lack of information on the provision of high-tech aids to people with disabilities under the project “Provision of assistive devices for people with permanent disabilities” where the Ombudsman institution had already referred the matter to the Ministry of Labour and Social Policy. In connection with the issues discussed and in order to guarantee the rights of the citizens concerned, decisions were taken in accordance with the requirements of the Rules of Procedure and Organisation of the Monitoring Council that the

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Ombudsman institution, as the administrator of the activities of the Monitoring Council, would prepare and send opinions with recommendations to the heads of the responsible authorities.

In implementation of the decisions, 10 opinions and recommendations were prepared and sent.

Third meeting of the Monitoring Council in 2024

On the occasion of 3 December, International Day of Persons with Disabilities, an expert discussion entitled “Right to Access to Education for Children with Special Educational Needs” was held on 17 December 2024 in the form of a thematic meeting of the Monitoring Council; the invitees included experts from responsible authorities, representatives of non-governmental organisations, parents of children with disabilities and schools principals. The goal was to discuss the current difficulties faced by children with special educational needs (SEN) and their families, as well as to find possible solutions. Troubling findings were highlighted during the discussion: regardless of the measures taken so far by the responsible authorities, children with SEN and their families still faced a number of challenges. Children and students with disabilities and SEN were disproportionately excluded from the education system, both in pre-school and school education. The quality of education for such children remained unsatisfactory, with a persistent lack of accessible and inclusive environment and low levels of skills acquired by them.

A decision was taken to send an opinion from the Monitoring Council to the heads of the responsible authorities, bringing together the proposals made in order to find solutions to the problems in the system.

Other activities of the Ombudsman and the Monitoring Council in 2024

The Ombudsman continued the work in the Working Group of the European Network of National Human Rights Institutions on the CRPD.

The members of the Working Group cooperate in the performance of the functions under Article 33 (2) and (3) of the CRPD in the respective countries and exchange good practices on the matter. The Working Group carries out its activities in accordance with a pre-approved Annual Program in which all members have the opportunity to participate.

In addition to the Annual Program, the members of the Working Group consider issues that have an impact on the rights and interests of people with disabilities and their families.

The Working Group continues to publish a quarterly newsletter presenting data on the initiatives of the authorities, the challenges encountered in implementing the activities, and the recommendations made.

The institution also sends information on the activities of the Monitoring Council in the performance of its functions under Article 33 (2) and (3) of the UN Convention on the Rights of Persons with Disabilities.

2. APPLICATION OF THE CONVENTION BY EXECUTIVE BODIES

As in previous reports, this report also contains the findings and recommendations of the Ombudsman on the implementation of the CRPD which are based on inspections and analyses in relation to citizens' complaints, the participation of the institution in public discussions, participation in interdepartmental working groups, also reflecting the activities of government institutions which are responsible directly for the formulation and implementation of policies related to people with disabilities.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

In order to gather the necessary information about the fulfilment of the obligations under the CRPD, letters with questionnaires were sent again to the Ministry of Labour and Social Policy and the Ministry of Health in their capacity of policy-making and implementing bodies.

FINDINGS:

- The responsible authorities make efforts to overcome the existing problems in specific areas of the rights of people with disabilities.
- The measures taken in the area of employment of people with disabilities are not sufficient to meet the needs and capabilities of all job seekers with disabilities.
- The measures taken to amend the medical examination procedure do not yield the expected and necessary rapid results to overcome the difficulties faced by people with disabilities in examination/re-examination by medical examination authorities and the significant delays in issuing expert decisions.
- Action is taken to improve the organisation of the work of medical examination bodies but not to carry out comprehensive reforms in this area.
- Action is taken to follow up on the final recommendations of the UN Committee on the Rights of Persons with Disabilities regarding women with disabilities but the measures are insufficient to guarantee equality and free exercise of rights under the CRPD.
- The measures to update the lists of assistive devices and medical devices do not contribute to the inclusion of devices that meet the needs of people with disabilities.
- Not enough action is taken to overcome delays in ratifying the Optional Protocol to the CRPD.

Main recommendations:

1. Look for additional mechanisms to support the employment of people with disabilities, in particular by increasing the resources under the National Program Employment and Training of People with Permanent Disabilities.
2. Take action to continue the reform of medical expert examinations and work capacity examinations, including through the introduction of international standards, with the active involvement of representatives of people with disabilities in broad public discussions and publicity.
3. Take action to update adequately the lists of assistive devices and medical products and improve their quality.
4. Take additional measures to guarantee the rights of girls and women with disabilities and to overcome the problems with the personal mobility of people with disabilities, including with regard to the delay in the project “Provision of assistive devices for people with permanent disabilities”.
5. Speed up the ratification process of the Optional Protocol to the CRPD.

IV. UN CONVENTION ON THE RIGHTS OF THE CHILD

The Ombudsman’s annual report contains an overview of our country’s progress in implementing the UN Convention and its optional protocols, as well as of the measures taken by national institutions in response to the recommendations of the UN Committee on the Rights

2024 ANNUAL ACTIVITY REPORT - SUMMARY

of the Child (“the Committee”). The Ombudsman’s annual monitoring provides an independent contribution to the reporting process to the Committee.

For the purposes of horizontal monitoring of the protection of the rights of the child, the Ombudsman turned to the Bulgarian institutions which, according to the Child Protection Act (CPA), are protection authorities, sending them specially prepared questionnaires. This study includes targeted consultations with protection authorities to gather views on the feasibility, effectiveness and benefits of national policies for children.

The questionnaires are structured around the overall implementation of the Convention, its optional protocols and the recommendations of the Committee on the Rights of the Child. The approach to developing the questionnaires is based on specific, measurable and achievable results for children.

Taking into account that civil society organisations play an important role in society in promoting human rights and the rights of the child, and also taking into account the proven partnership between the institution and civil society structures, in 2025 the Ombudsman turned to the For Our Children Foundation and Teach for Bulgaria with a special questionnaire to assess the situation in our country.

Recalling that the Committee examined Bulgaria’s consolidated sixth and seventh periodic reports at its meetings held on 17 and 18 January 2024 and adopted its concluding observations, the Ombudsman notes that a number of recommendations were made to our country whose implementation is part of the monitoring process. The Committee welcomed the submission of the consolidated sixth and seventh periodic reports of the State party under the Convention in accordance with the simplified reporting procedure which allows for a better understanding of the situation of children’s rights in the country.

The Committee welcomed the measures taken in implementation of the Convention, including amendments to the Child Protection Act (2020), Family Benefits for Children Act (2016-2023), Pre-School and School Education Act (2020), Labour Code (2022), Family Code (2023), Protection against Domestic Violence Act (2023), Criminal Procedure Code (2023), Foreigners in the Republic of Bulgaria Act (2018), Asylum and Refugees Act and the Victim Support and Financial Compensation Act (2023); the adoption of the Social Services Act in 2019, Persons with Disabilities Act in 2018, Personal Assistance Act in 2018, National Strategy for the Child 2024–2030, Action Plan in Implementation of Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee (2030), National Program on Prevention of Violence and Abuse of Children 2023-2026, National Strategy to Reduce Poverty and Promote Social Inclusion 2030, National Strategy for Persons with Disabilities 2021–2030, National Youth Strategy 2021–2030 and updated Action Plan in Implementation of the National Strategy Vision of Deinstitutionalisation of Children in the Republic of Bulgaria 2016.

The Committee recalled that all rights enshrined in the Convention were indivisible and interrelated, and emphasised the importance of all recommendations contained in the concluding observations.

Despite the economic recovery and the increasingly clearer context of Bulgaria’s policy to promote child well-being in a number of sectors, the measures taken are not commensurate with the scale of the challenges. Much more targeted efforts and policies are needed to put children at the centre.

The Committee recommended that the State ensure the implementation of children’s rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the implementation of the 2030 Sustainable Development Program. The Committee called upon the State to ensure the full participation of children in the

2024 ANNUAL ACTIVITY REPORT - SUMMARY

development and implementation of policies and programs aimed at achieving all 17 Sustainable Development Goals, insofar as they related to children.

General measures of implementation and monitoring (Articles 4, 42 and 44 (6) of the Convention)

Bulgaria was among the first States to sign the UN Convention on the Rights of the Child (CRC), enthusiastically ratifying it without reservations as early as 1991. In accordance with Article 44 of the CRC and pursuant to Article 5, para 4 of the Constitution of the Republic of Bulgaria, the Convention became part of the State's domestic law on 13 July 1991. The entry into force of the Convention was marked by the turbulent days of Bulgaria's historic transition.

The Convention became a living instrument and inspired all those working with and for children to view its implementation not as a formal approach but as an energizing and exciting process of work for a better life for children because the Convention is not just a legal instrument guaranteeing children's rights but a set of principles and ideas for supporting and developing children and families that goes beyond legal norms.

Following the adoption of the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, Bulgaria ratified them timely in November 2001.

As one of the objectives of monitoring, the Ombudsman sets for itself the task to develop sufficient expertise and experience to be used for the independent contribution to the national reporting process to the Committee, in accordance with the provisions of the Convention, as well as to "monitor the integrity of State reports to bodies established under international instruments relating to the rights of children, including through dialogue with the Committee on the Rights of the Child in its pre-sessional working group, as well as with other relevant treaty-based bodies".

In relation to the Committee's recommendations to Bulgaria, the **For Our Children Foundation** notes that several recommendations have not been implemented by our State:

- Improve the collection, quality, and analysis of data on children, including children with disabilities.
- Implement targeted policies and programs to eliminate discrimination against children with disabilities.
- Encourage the participation of children with disabilities in the family, community and school.
- Strengthen early detection and early intervention services and ensure inter-institutional cooperation to refer children with disabilities to accessible and effective health services.
- Ensure the right of children with disabilities to grow up in a family environment.

The main challenges to their implementation are:

- Lack of systematic and accessible data in general on children at an early age, including children with developmental difficulties and disabilities and other vulnerable groups of children.
- Need for a comprehensive strategic vision of the State for early childhood development. In 2024, an Annual ECD Plan was adopted but no comprehensive long-term strategy.
- Need to develop a cross-sectoral system of services for parents and caregivers of young children who are at risk, have developmental difficulties, disabilities, behavioural problems or mental health support needs.
- Need to increase the number of specialists (speech therapists, model teachers) supporting the inclusion of children in pre-school and school education. Need to

2024 ANNUAL ACTIVITY REPORT - SUMMARY

improve the skills of teachers and other staff in nurseries, kindergartens and schools for work with children with special educational needs.

It is important to note that, in exercising the powers and statutory functions, the Ombudsman systematically draws the attention of the Council of Ministers and the National Assembly to important international conventions and optional protocols. It is indisputable that, as an EU Member State and a party to universal human rights treaties, the Republic of Bulgaria strives to develop and improve its national legislative framework to enable and guarantee, to the maximum extent possible, the implementation of the fundamental rights and freedoms of the Bulgarian citizens.

It is essential for our State to accede to all optional protocols to the relevant conventions that provide for the possibility of individual complaints in cases of violations of fundamental rights.

The Ombudsman institution strongly encourages national action to accede to the Third Optional Protocol to the UN Convention on the Rights of the Child which was adopted at the 66th session of the UN General Assembly by means of Resolution 66/138 of 19 December 2011 in view of the need for enhanced protection to ensure the observance of the rights of the child. However, concerted efforts are needed to prepare in advance and to create the necessary administrative capacity and to ensure the availability of the financial resources required by the Protocol.

It should be noted that the Bulgarian legislation lacks a mechanism to regulate the implementation of recommendations made by control authorities under the relevant conventions in cases of upheld individual complaints against Bulgaria, which further complicates the decision-making process regarding our country's accession to the aforementioned optional protocols.

The Ombudsman institution extends gratitude to all institutions and organisations to which it addressed questions for their timely responses.

General measures of implementation and monitoring (Articles 4, 42 and 44 (6) of the Convention)

Legislation

Recommendations of the Ombudsman

- *Any law, ordinance or rule that is adopted and affects the rights of children needs to be subject to prior assessment of its compatibility with the Convention.*
- *Conduct a preliminary assessment of the impact of new legislation or amendments to existing legislation, followed by an ex-post assessment of the impact of the acts adopted.*

Overall policy and strategy

Recommendations of the Ombudsman

- *Take action to ensure comprehensive regulation of children's rights.*
- *Adopt a National Strategy for the Child 2025–2030.*
- *Carry out systematic reforms in areas affecting children such as justice, violence and protection of the rights of children at a disadvantage.*

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Coordination

Recommendations of the Ombudsman

- *Introduce a budgeting mechanism that takes into account the perspective of children's rights, with clearly established budgetary resources for children in the relevant sectors, including specific indicators and a monitoring system.*

General principles (Articles 2, 3, 6 and 12)

Anti-discrimination

Recommendations of the Ombudsman

- *Establish protocols for the prevention and condemnation of hate speech used by public officials and politicians and investigate incidents of racist hate speech and hate-motivated violence.*
- *Monitor effectively the impact and effectiveness of the existing anti-discrimination legislation and the relevant measures against discrimination based on ethnicity.*
- *Implement a multidisciplinary approach to eliminating discrimination in Bulgaria, strengthening the institutional mechanisms to promote equal treatment.*

Standard of living (Articles 18 (3), 26 and 27 (1)–(3))

Recommendations of the Ombudsman

- *Improve in practice the existing social protection policies and measures aimed at eradicating child poverty.*
- *Increase social assistance in line with rising living costs, applying individual needs assessments.*
- *Repeal the provision in the Family Benefits for Children Act pursuant to which family benefits are suspended in the event of five unexcused absences from school.*

Family environment and alternative care (Articles 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

No.	Social service	Number	Number of places ¹²
1	Daycare centre for children and/or adults with disabilities	95	2 624
2	Daycare centre for children with disabilities (with an early disability intervention program)	1	20
3	Daycare centre in support of children with disabilities and their families	19	570
4	Daycare centre for children and/or adults with disabilities with multiple disabilities	21	655
5	Daycare centre for children with disabilities – weekly care	6	143
6	Social rehabilitation and integration centre	78	2 688
7	Social rehabilitation and integration centre (with an early disability intervention program)	5	265
8	Social support centre	172	8 020

¹² Depending on the type of service, the target groups include children and adults for some numbers.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

9	Social support centre/community centre for children and families	16	884
10	Mother and Child Unit	12	75
11	Centre working with children in the street	28	624
12	Crisis centre	20	212
13	Family-type accommodation centre for children/youth without disabilities	144	1 683
14	Family-type accommodation centre for children/youth with disabilities	126	1 695
15	Family-type accommodation centre for children/youth without disabilities in need of constant medical care	9	73
16	Transitional home	22	174
17	Assistant support	263	21 710
TOTAL:		1 037	42 115

Recommendations of the Ombudsman

- *Take targeted measures to prevent the separation of children from their families and provide the necessary support resources.*
- *Perform quality monitoring of the care provided in the community and ensure specialised support services for children residing in and leaving alternative care.*
- *Improve the capacity of the protection system and enhance the inter-departmental coordination.*

Freedom of the child from all forms of violence (Articles 19, 24 (3), 28 (2), 34, 35, 37 (a), 39 and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography)

Recommendations of the Ombudsman

- *Conduct a comprehensive assessment of the extent, incidence and nature of violence against children, including domestic violence, to support the implementation of the relevant strategies and programs.*
- *Ensure systematic and coordinated collection and analysis of data on violence against children by establishing a specialised national database that includes: the possibility to report more than one type of violence in annual summary reports.*
- *Improve the capacity of professionals working with and for children, including social workers and law enforcement agencies, to identify and support children at risk of violence and to prevent, report and respond to cases of violence.*

Special protection measures (Articles 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38–40)

Juvenile justice

At present, **12 judgments of the European Court of Human Rights (ECtHR)** on various family law matters and other matters related to children's rights are in the process of execution. For the purposes of monitoring the execution by the Committee of Ministers of the Council of Europe, some of the judgments have been grouped together on the basis of their similar subject matter and the violations of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") found.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Nencheva and Others v. Bulgaria (application No. 48609/06, final judgment of 18 September 2013) – death of children in the Home for Children and Youth with Several Mental Disorders in Dzhurkovo Village and ineffective investigation of these cases. The case is under the enhanced monitoring procedure.

Group of cases *A. and Others v. Bulgaria* (application No. 51776/08, final judgment of 29 February 2012), ***D.L. v. Bulgaria*** (application No. 7472/14, judgment of 17 October 2016), in standard monitoring procedure, as well as ***I.G.D. v. Bulgaria*** (application No. 70139/14, judgment of 7 September 2022) – placement in institutions of minors and underage persons. The group is under enhanced monitoring.

The latest judgment in a similar cases was issued in 2022 in *I.G.D. v. Bulgaria* and the Committee of Ministers put it immediately under enhanced monitoring. The case concerns the lack of direct access to automatic and periodic judicial review in relation to the placement of the applicant, a minor at risk, in a closed boarding school between 2012 and 2015 (violation of Article 5 § 4).

Group of cases *Aneva and Others v. Bulgaria* (application No. 66997/13, final judgment of 6 July 2017), ***X and Y v. Bulgaria*** (application No. 23763/18, final judgment of 6 February 2020) and ***Pavlovi v. Bulgaria*** (application No. 72059, final judgment of 1 February 2022) – failure to enforce judgments on the exercise of parental rights. The cases are in a standard monitoring procedure.

Penchevi v. Bulgaria (application No. 77818/12, final judgment of 10 May 2015) – excessive length of proceedings concerning a request for permission for a child to travel abroad in the absence of consent from a parent and an overly formalistic approach resulting in rejection; the case is under standard monitoring.

E.S. v. Romania and Bulgaria (application No. 60281/11, final judgment of 19 October 2016) – excessive length of proceedings for the recognition of a foreign judgment on parental rights; the case is in a standard monitoring procedure.

Osso v. Bulgaria (application No. 51056/21, final judgment of 13 June 2023), ***Kukavica v. Bulgaria*** (application No. 57202/21, final judgment of 13 June 2023) and ***A. And Others v. Bulgaria*** (application No. 28383/20, final judgment of 9 May 2023) – violations of Article 8 of the Convention due to the decision-making process and/or the length of court proceedings under the Hague Convention on the Civil Aspects of International Child Abduction.

Children in conflict with the law

Number and type of crimes and antisocial acts committed by children in 2024

Number of crimes committed by minors and underage persons (total)	4916
Of them: by minors	1387
by underage persons	3529
Perpetrators found (suspected) – total	4113
Of them: minors	1285
underage persons	2828
Premeditated murder (completed)	3
Premeditated murder (attempted)	1

2024 ANNUAL ACTIVITY REPORT - SUMMARY

Number of child victims of crime in 2024, by type of crime and by Articles of the Criminal Code

Number of registered criminal offenses against children (total)	18
Number of crimes uncovered against minors and underage persons (total)	95
Child victims – total	18
Of them: minors	80
underage persons	10
Premeditated murder (Articles 115-116, 118 of the Criminal Code) – completed, the object is a minor or underage person	3
Premeditated murder (Articles 115-116, 118 of the Criminal Code) – attempt, the object is a minor or underage person	1
Robbery, Articles 198-200 of the Criminal Code	12
Theft, Articles 194-197 of the Criminal Code	25
Drug-related crimes:	2
Fornication (Articles 149-150 of the Criminal Code)	12
Rape (Article 152 of the Criminal Code) (completed)	31
Bodily injury (Articles 128-135 of the Criminal Code)	45
Hooliganism (Article 325 of the Criminal Code)	63
Crimes against marriage, family and youth (Articles 176-179, 181-193 of the Criminal Code)	440
Crimes in the situation of domestic violence	12
of which: threat	5
bodily injury	11

Number of crimes uncovered against minors and underage persons

Robbery	151
Theft	2217
Of them: Burglary	152
Pickpocketing	58
Home robbery	313
From shops	858
Of parts and items from vehicles	94
Of agricultural products, livestock and poultry	329
Drug-related crimes:	529
Fornication (Articles 149-150 of the Criminal Code)	18
Rape (Article 152 of the Criminal Code) – completed	4
Bodily injury (Articles 128-135 of the Criminal Code)	284
Hooliganism (Article 325 of the Criminal Code)	151

Recommendations of the Ombudsman

- *Introduce mandatory specialisation in working with children for pre-trial and judicial authorities.*
- *Improve significantly the quality of the social reports submitted by the Social Assistance Directorate to the court.*
- *Develop an individual assessment form prepared by the Ministry of Interior in cooperation with other services and adopt a methodology for the work in an inter-institutional environment.*
- *The social report is to be an important part of the individual assessment.*
- *Introduce a mechanism to protect children from secondary or repeat victimisation, intimidation or coercion at every stage of the proceedings.*
- *Phase out gradually the use of reform boarding schools and, in the meantime, ensure that every child placed in such boarding schools has access to protection measures in accordance with the Child Protection Act.*
- *Review systematically the placement of children in boarding schools with the possibility of terminating it.*
- *Take urgent measures to repeal the Combating Juvenile Anti-Social Behaviour Act and to ensure that children below the minimum age of criminal liability are not subject to punitive measures, including placement in boarding schools.*
- *Ensure that children accused or found guilty of violating criminal law are provided with qualified and independent legal aid at an early stage of the proceedings and throughout the criminal process.*

Asylum-seeking children, refugees and migrants

Recommendations of the Ombudsman

- *Work on all signals related to violent repulsion by border officers.*
- *Limit the prolonged stay of asylum-seeking children and refugees in closed-type reception centres with living conditions that do not meet international standards.*
- *Provide more resources for the children's access to effective integration measures.*
- *All measures need to ensure that the best interests of asylum-seeking children are a primary consideration in all asylum procedures.*

Education, leisure time and cultural activities (Articles 28–31)

Recommendations of the Ombudsman

- *Improve the cooperation among the ministries responsible for early childhood development in order to identify and support children with SEN in a timely manner. Monitor periodically the implementation of the Annual Plan for the Promotion of Early Childhood Development adopted by the Council of Ministers.*

- *Analyse in detail the reasons for the sharp decline in the number of students with SEN in lower and upper secondary education and identify measures to improve it, especially in vocational education.*

- *Ensure the financial and human resources for appointment of teaching assistants in groups and classes with three or more children and pupils with SEN provided for in the Ordinance on Inclusive Education.*

2024 ANNUAL ACTIVITY REPORT - SUMMARY

- *Improve the mechanism for collecting data on the inclusion of children and pupils with SEN in the individual modules of national programs in the field of education with a view to more informed adoption of new measures and policies.*

- *Examine the accessibility of the architectural environment in municipal kindergartens and schools, as well as the availability of specialised spaces such as sensory rooms and occupational therapy rooms, in order to develop future policies to improve the facilities.*

- *Ensure sufficient human and financial resources to provide additional support for children and pupils with SEN. In this regard, the Ombudsman institution welcomes the ideas for differentiating the standards for resource support in order to take into account the greater needs of children and pupils with complex deficits.*

Health (Articles 6, 24 u 33)

Doctors by specialisations as of 31 December 2023

Total for the country	Total	Including recognised specialisation
Paediatric gastroenterology	12	9
Paediatric endocrinology and metabolic diseases	27	24
Paediatric cardiology	36	28
Paediatric Clinical Haematology and Oncology	32	21
Paediatric nephrology and phthysiology	37	26
Paediatric psychiatry	22	16
Paediatric rheumatology	9	9
Paediatric surgery	65	53
neonatology	270	189
paediatrics	1445	870
midwives	3 256	
Nurses – all profiles	28 570	

Recommendations of the Ombudsman

- *Focus systematically on prevention, prophylaxis and screening in children's health.*

- *Achieve integration among the systems of education, healthcare and social services.*

- *Conduct a national campaign to raise the prestige of paediatricians.*

- *Ensure sufficient human, technical and financial resources for the implementation of the activities under the National Program for Improving Maternal and Child Health 2021–2030.*

- *Promote the implementation of appropriate medical practices in maternity wards and neonatal units.*

- *Ensure the availability of health mediators throughout the country.*

- *Develop a national program for children's mental health, providing adequate resources and including measures for: therapeutic and interdisciplinary mental health services in the community; screening for mental health problems and early prevention services in schools.*

- *Expand the scope of children and their access to medical foods for therapeutic purposes.*

- *Improving the quality of medical devices.*
- *Increase the access of children with disabilities to rehabilitation.*
- *Guarantee the access of every child to timely, quality and effective health services tailored to their needs throughout the different periods of their childhood.*

Main recommendations:

1. Ratify the Third Optional Protocol to the UN Convention on the Rights of the Child.
2. Introduce a mechanism to involve children in the development and fulfilment of policies and programs related to the implementation of the 2030 Sustainable Development Program.
3. Adopt a National Strategy for the Child.
4. Develop a special procedure to assess the impact on children's rights of all policies, regulations and administrative decisions relating to children.
5. Establish a mechanism to monitor and evaluate the adequacy, efficiency and fairness of the allocation of resources for the implementation of the Convention and its protocols.
6. Improve the data collection to cover all areas of the Convention.
7. Guarantee that all children have access to independent complaint mechanisms in schools, places of detention and deprivation of liberty, residential services, foster care.
8. Create mechanisms to monitor the quality of inclusive education and to guarantee that children with special educational needs are recognised as a target group by the National Education Inspectorate, thereby bringing inclusive education in line with quality assurance standards.
9. Develop targeted measures to address the problems with the high dropout rate of children with disabilities from the education system and to ensure the right of all non-verbal children and children with special needs to inclusive education in general schools.
10. Ensure systematic and mandatory training on children's rights, the UN Convention and optional protocols for all professionals working with children and introduce special classes in higher education programs.
11. Implement systematic reforms in the areas of juvenile justice and the protection of children at a disadvantage, including Roma, refugees, migrants, etc.
12. Take specific measures to prevent and condemn hate speech and investigate effectively specific cases.
13. Improve the coordination among the institutions in implementing the Coordination Mechanism for Unaccompanied Refugee Children and recognise the Mechanism as a working tool with a binding force. Encourage all participants in the process to sign the Coordination Mechanism.
14. Establishing a model and practices for the placement of unaccompanied children who are foreign nationals in social services for children and implement a holistic support method that reflects their specific needs.

V. UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”) was adopted by the General Assembly on 10 December 1984 and entered into force on 26 June 1987.

The Convention is the most significant international treaty in the field of human rights, insisting on the universal abolition of torture and completing the process of codifying the fight against torture.

The main idea of the Convention is to unite countries in their fight against torture by taking positive steps to prevent it at both the national and international levels. In particular, the Convention requires States Parties to criminalise torture as a crime in their domestic law. In addition, the Convention establishes an international mechanism to monitor the implementation of its provisions – the UN Committee against Torture.

The Convention introduces two types of obligations for States – positive and negative. The negative obligations require each State to refrain from all forms of ill-treatment. **All acts with the characteristics of torture must be recognised as criminal offences and prosecuted as such under the domestic law of each State.**

The positive obligations are linked to the adoption of specific measures to prevent torture (legislative, administrative, judicial, provision of training for staff in places of deprivation of liberty, or others). In cases where the prohibition of torture has been violated, States need to ensure that victims receive fair and adequate compensation.

On 18 December 2002, the UN General Assembly adopted the Optional Protocol to the Convention. The purpose of the Optional Protocol, in force as of 22 June 2006, is to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment and to establish a preventive system. One of the elements of the preventive system is the **creation and maintenance of an independent national preventive mechanism (NPM)** to prevent torture and ill-treatment at the national level.

Following the amendments to the Ombudsman Act of 2012, the Ombudsman of the Republic of Bulgaria began to perform the functions of the National Preventive Mechanism in accordance with the Optional Protocol to the Convention. In this role, the Ombudsman conducts annual monitoring of places of serving the punishment of deprivation of liberty under the Ministry of Justice, places of detention within the structures of the Ministry of Interior (MoI), special accommodation centres for foreigners under the Migration Directorate and the registration and reception centres of the State Agency for Refugees under the Council of Ministers, residential social services for children and adults, state psychiatric hospitals.

The main recommendations made by the Committee against Torture in its sixth periodic report remained valid in 2024.

The Committee notes that **the Bulgarian law does not contain a legal definition of “torture”** within the meaning of Article 1 of the Convention. According to that provision, torture is to be understood as any **act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person** for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

In 2023, the Ombudsman submitted a proposal to the National Assembly to amend the Criminal Code to criminalise acts that have the characteristics of torture through the introduction of a new criminal offense. The main provisions of the proposed amendments

2024 ANNUAL ACTIVITY REPORT - SUMMARY

envisage criminal liability for acts whereby a person deliberately uses force against another person or causes them physical suffering or pain in a manner or by means that clearly humiliate the human dignity of the victim, oppress them, cause them severe stress, mental pain or a feeling of inferiority, helplessness or fear, or places another person in a position or keeps them in a position that clearly degrades the human dignity of the victim, oppresses them, causes them severe stress, mental pain or a feeling of inferiority, helplessness or fear. More severe penalties are provided for in cases the act was committed by an official in the course of or in connection with the performance of their duties or with his or her express or tacit consent; against a pregnant woman, a minor or underage person, or more than one person; in a manner particularly painful for the victim; in the conditions of domestic violence. **In order to respond to public sentiment, the National Assembly included a new provision in the Criminal Code criminalizing the offense of “torture,”** albeit with a narrower (compared to the Ombudsman’s proposal) scope of criminal liability from an objective and subjective point of view. In particular, the definition of the crime under Article 144b, para 1 of the Criminal Code adopted by the Bulgarian legislator states that **anyone who, by force, threat, or other means, tortures another person in order to obtain information or a confession from that person or another person, so that the person may be punished for an act which he or she has committed or is suspected of having committed,** shall be punished for torture with deprivation of liberty of one to six years, unless subject to a more severe penalty, and **where the act is committed by a public official in the course of or in connection with the performance of their duties,** the penalty shall be deprivation of liberty of two to eight years.

Next, the Committee draws attention to the problems with 24-hour detention. The Bulgarian State needs to guarantee that all fundamental legal guarantees for detained persons are guaranteed in practice, not just in law.

Every detainee must be provided with access to a lawyer from the very beginning of their detention. The Committee expresses its concern that, in most cases, the detainees do not have access to a lawyer from the very beginning of the criminal proceedings against them and, even if they are provided with a lawyer during the 24-hour detention, the meetings take place in the presence of a police officer. Another problem is that, very often, arrested persons are not informed of their rights. Medical examinations are often carried out in the investigation detention facilities and are not recorded in the medical records.

In 2024, the Ombudsman carried out nine inspections of **detention facilities within the Ministry of Interior system**. The material and living conditions in detention facilities remain **unsatisfactory, with poor access to daylight and obsolete facilities**.

A positive change to be noted is the amending of Instruction No. 8121h-78 of 24 January 2015 on the procedure for detention, the equipment of detention facilities and the order therein at the Ministry of Interior, which implemented the Ombudsman’s recommendation about the **mandatory participation of a lawyer when the detainee is a minor**.

The Ombudsman as NPM also considers it a positive change that the telephone number of the National Legal Aid Office is displayed in a prominent place in all inspected premises, along with an up-to-date list of lawyers on duty at the relevant bar association, which guarantees the right to defence of detainees.

Next, the Committee notes the problem of excessive use of force (especially in the prisons in Sofia and Burgas), as well as in police detention facilities. The Committee also notes the poor conditions in places of deprivation of liberty, specifically mentioning problems related to infrastructure, overcrowding, lack of hygiene and adequate sanitation facilities, insufficient access to water, inadequate heating, and lack of trained staff. The Committee emphasises the problems with medical care in prisons, in particular: **shortage of medical staff; difficulties in accessing medicines; unsatisfactory quality of medical examinations; limited access to psychiatric care; lack of special care for people deprived of liberty who have physical**

2024 ANNUAL ACTIVITY REPORT - SUMMARY

and/or mental disabilities; lack of measures to deal with the widespread use of drugs and related problems such as HIV and hepatitis.

In 2024, the Ombudsman as NPM carried out planned inspections in five prisons (Pazardzhik Prison, Pleven Prison, Sliven Prison, Stara Zagora Prison and Plovdiv Prison), seven prison hostels (five open-type ones and two mixed-type ones), one reform home (Reform Home for Minor Girls with Sliven Prison), and eight police detention facilities (in Elhovo, Haskovo, Svilengrad, Pazardzhik, “G.M.Dimitrov”, “Vekilski”, Sliven and Stara Zagora). Following reports received, the Ombudsman carried out four ad-hoc inspections in prisons, prison hostels, reform homes and police detention facilities: Pleven Prison, Burgas Prison, and three ad-hoc inspections in Sofia Central Prison, one of which was in the Specialised Hospital for Active Treatment of Prisoners.

The inspections found **systemic deficiencies in the medical care provided to persons deprived of liberty, ongoing problems with worn-out, obsolete and unhygienic bedding, presence of pests in places of deprivation of liberty, etc.**

The main recommendations made by the Ombudsman in 2024 in relation to the systemic problems in prisons are:

- Take measures to address permanently the problem with bedbugs and cockroaches in places of deprivation of liberty;
- Increase the budget for schools at places of deprivation of liberty, as the training and education of persons deprived of liberty is an important part of the correctional process and the subsequent reintegration into society;
- Continue the efforts and seek new opportunities to ensure a longer-term presence of medical professionals in places of deprivation of liberty;
- Set a procedure for the payment of medicinal products with prison funds in cases where no funds have been received in the personal accounts of the persons deprived of liberty;
- Persons deprived of their liberty with established mental disorders need to be placed in an appropriate medical environment under the supervision of qualified specialists.

Another important matter raised in the Committee’s report concerns the **problems of social institutions**. The Committee expresses its concern that people with mental and psychosocial disabilities in state and municipal medical institutions continue to have limited legal capacity and that there are still no adequate procedural and substantive legal safeguards. The Committee’s report also notes the **lack of sufficient independent monitoring** of these types of institutions, as well as the remote locations of the homes. The Committee also highlights the problem of **excessive use of medication to restrict movement**, the involuntary application of irreversible psychiatric therapies and the violence among patients, including self-harm. Next, the Committee draws attention to the extremely poor **material and living conditions** in some institutions which amount to inhuman and degrading treatment (poor hygiene, poor access to sanitary facilities, etc.).

In 2024, the Ombudsman carried out a total of **17 inspections in psychiatric institutions and residential social services centres**. The issue of protecting the rights of people with mental illnesses was raised with particular urgency. In performing the functions of National Preventive Mechanism, the Ombudsman of the Republic of Bulgaria conducts annual monitoring of state psychiatric hospitals (SPHs), mental health centres (MHCs) and social institutions for people with mental disorders. Within the meaning of the Convention, **state psychiatric hospitals are places of deprivation of liberty** as some of the patients are placed there by court orders and may not leave voluntarily. Therefore, the Ombudsman, as NPM, pays particular attention to preventing torture and other forms of inhuman or degrading treatment in these places.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

During the inspections, the Ombudsman found systemic problems in SPHs that are incompatible with the fundamental standards for protection against torture and other forms of cruel, inhuman or degrading treatment or punishment such as:

- Humiliating living conditions in state psychiatric hospitals;
- Chronic malnutrition of patients due to an incorrect financing model;
- Poor quality of medical care due to the lack of staff and a sustainable policy to resolve this issue;
- Absence of social services to assist in the reintegration of patients in SPHs.

In relation to the excessive use of restrictive measures, the Ombudsman, as NPM, recommended to the Ministry of Health to review Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders and to prepare a protocol for the application of the coercive measures of immobilisation and isolation, clearly stating the duration and frequency with which patients may be isolated and restrained for a period of 24 hours, as well as specifying the grounds on which these measures are applied.

Next, the Committee draws attention to the problems related to the situation of people seeking protection and migrants. The Committee emphasises that States Parties to the Convention need to ensure that people seeking international protection are not subjected to arbitrary detention, that judicial review of detention is provided, and that alternatives to detention are available. Another major problem highlighted in the Committee's report is the registration of unaccompanied children as "accompanied" by adults with whom they have no connection. The Committee draws attention to the need to improve the material conditions in reception centres to ensure an adequate standard of living and to reduce overcrowding in migrant detention centres, in particular in the Special Centres for Temporary Accommodation of Foreigners in Sofia and Lyubimets.

In the capacity of National Preventive Mechanism, the Ombudsman carries out inspections in the **special centres for temporary accommodation of foreigners (SCTAFs)** under the Ministry of Interior and in refugee accommodation centres under the State Agency for Refugees (SAR) with the Council of Ministers. The main focus of each inspection is to assess **the conditions in which unaccompanied minors and underage persons live and the forms of support provided**. The inspections in 2024 found **a large number of unaccompanied minors and underage persons**. The Ombudsman's recommendation about the need to introduce a systematic policy for the protection and integration of unaccompanied children remains relevant.

In accordance with the Foreigners in the Republic of Bulgaria Act (FRBA), in 2024 the Ombudsman monitored the implementation of 33 coercive administrative measures for return to the country of origin, transit country or third country and expulsion. The monitoring teams identified systemic problems in the verification of foreigners' personal files:

- Incomplete documentation, especially with regard to appeals against orders imposing coercive administrative measures;
- Lack of evidence that foreign nationals are aware of the content of the orders imposing coercive administrative measures issued against them, as well as of their right to contest them as per the Administrative Procedure Code;
- Lack of evidence that foreign nationals placed in SCTAF are aware of their right to legal aid and that they have met with lawyers who have advised them and informed them of their rights and legal options.

In view of the ongoing military conflict in Ukraine, the Ombudsman as NPM monitors closely the observance of the rights of people granted temporary protection. In 2023, in a letter to the National Assembly, the Ombudsman expressed support for the proposal made by Members of Parliament to conduct a study of the needs, social and financial status of displaced

persons from Ukraine, on the basis of which different groups in need would be defined for whom a specialised support mechanism would be developed. The introduction of such a mechanism is of utmost importance as it would contribute to the long-term and sustainable integration of vulnerable groups into Bulgarian society and would facilitate their access to a range of social services and medical care.

VI. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the UN in 1979 and has been in force in Bulgaria since 1982. By adopting it, our country undertakes to: incorporate the principle of equality between men and women in the Constitution of the Republic of Bulgaria or other legislation; adopt legislative and other measures prohibiting any discrimination against women; establish legal protection of women's rights on an equal basis with men and ensure, with the help of the courts and other government bodies, effective protection of women against any act of discrimination, etc. As **human rights are interrelated**, the discrimination on the basis of gender affects all other rights. In the Ombudsman's opinion, the current Equal Treatment of Women and Men Act is formal, declarative and not well known to the public, with no significant practical effect.

State policy on equality is determined by the Council of Ministers through the **National Council on the Equal Treatment of Women and Men** chaired by the Minister of Labour and Social Policy. In 2024, its functions remain unchanged and there are 28 gender equality coordinators in the country. In accordance with the Equal Treatment of Women and Men Act, the main strategic document is the **National Strategy for Promoting Equality between Women and Men 2021-2030**. Based on this, the **National Action Plan for the Promotion of Equality between Women and Men 2023–2024** has been developed, aiming at ensuring a **unified policy in five priority areas**: labour market and equal economic independence; reducing gender gaps in pay and income; equality in decision-making; combating violence, protecting and supporting victims; and overcoming gender stereotypes in public life and sexism. The measures in the National Action Plan 2023–2024 are accounted for in a **Report on the Equality between Women and Men in Bulgaria** which, for 2023, was published for public consultation on 25 July 2024. Although no public data on the results for 2024 were available as of 5 March 2025, the draft National Action Plan 2025–2026 had already been prepared and was open for public consultation until 4 March 2025.

There are delays in protection measures against domestic violence. The **National Council for Prevention and Protection against Domestic Violence** is developing a **Coordination Mechanism for Assistance and Support to Victims**. Even though the Coordination Mechanism should be operational from January 2024, **it was not yet adopted in 2024**. On 23 December 2024, the draft decision of the Council of Ministers for its adoption was sent for inter-ministerial coordination and public consultation (for the minimum period of 14 days "*due to the public importance of the matter*" and during holiday periods). When comments are sent, the Council of Ministers expects the process to be repeated (this time for approval within 30 days). The Ministry of Interior cites **the delay as a major obstacle** to the prevention and protection against domestic violence. At the same time, a **National Information System for Prevention and Protection against Domestic Violence** is being developed. Although its completion is laid down for August 2024, the Council of Ministers indicated that a request was submitted on 16 January 2025 with a deadline of **16 March 2026**. According to the Council of Ministers, the absence of an annual report on the activities of the National Council is the reason

2024 ANNUAL ACTIVITY REPORT - SUMMARY

why it is not possible to specify the number of administrative areas with a counselling centre for victims and a protected home, as well as the number of administrative areas with a district division with at least three protected homes and three counselling centres. Although **the National Strategy for Promoting Equality between Women and Men 2021–2030 recognises the need for social services for victims of violence and the National Action Plan 2023–2024 provides for them**, the amounts allocated for them are subject to delays and remain too low. According to data from 27 February 2025, **the draft budget for 2025 allocates BGN 450 000 for specialised services under the Protection against Domestic Violence Act, i.e., BGN 37 500 per month for the entire country**. Without a national coordination mechanism, a national information system and timely disclosure of the results prior to the adoption of annual plans, the government policy to combat domestic violence cannot be comprehensive and timely.

Undoubtedly, the victims of domestic violence also include men who encounter stereotypical restrictions and social stigma when reporting to the competent authorities – this should be taken seriously. At the same time, **women suffer from domestic violence significantly more often, especially with fatal consequences**. According to *spasena.bg*, there were at least 20 cases of murders of women in 2024. According to MoI data, in 2024 there were 5252 protection orders issued by district authorities (18% more than the 4429 in 2023). Of the total number of victims in 2024, women accounted for 68% (66% in 2023), children for 25% (24% in 2023); while the men were up by 16%. In 2023, men accounted for 89% of perpetrators. **The Ministry of Interior refers to the Methodological Guidelines for Actions under the Protection against Domestic Violence Act of 2 February 2024** and, in the event of a report of domestic violence, police officers separate the victim from the perpetrator and **interview** them separately. The police officers prepare a **report and fill out a questionnaire** on the presence of domestic violence. Upon confirmation, the victim is informed of their rights under the Protection against Domestic Violence Act and **referred to specialised services**. A **warning protocol** is drawn up for the perpetrator of domestic violence. In the event of a **protection order with protection measures issued by the district court**, the police officer **interviews the perpetrator and the victim within seven days**, and the victim fills out a risk assessment questionnaire. **In cases of (extremely) high risk, measures are taken to monitor the perpetrator**. The Ministry of Interior does not assess the measures taken for prevention and protection.

According to the 2024 Gender Equality Index, Bulgaria ranks 17th in the EU with 64.5 out of 100 points (a decline of 0.6 points). The Ministry of Labour and Social Policy explains that the Index is based on data from 2022 and that the country is catching up. According to the **2023 Report on Gender Equality in Bulgaria, the gender pay gap in 2022 was 13%**, compared to 15.5% in 2015 – **an improvement of 1.5% in 7 years**. According to the 2024 Index on **Power and Authority**, Bulgaria has **the largest decline (by 3.9 points)**. There is a decline in women in politics with only one woman in the government as of 16 January 2025. With regard to the balance between family and professional life, the Ministry of Labour and Social Policy cites a number of measures and results using quantitative indicators (e.g., number of people who have benefited from the measures) without qualitative indicators (e.g., satisfaction). The Ministry of Labour and Social Policy acknowledges that guaranteeing the rights of **women of Roma origin, women in rural areas, and women with disabilities** is a prerequisite for the implementation of the country's international commitments, but these groups continue to be marginalised.

Unfortunately, the principle of gender equality is also violated through **public statements**. **Gender-related stereotypes** are a major cause of gender inequality and **affect all areas of society**, including by limiting the opportunities for participation in public life. **As for women, stereotypes often limit their economic independence as well**.



CHAPTER FOUR

INTERNATIONAL COOPERATION

Actions of the Ombudsman to protect the rights and interests of Bulgarian citizens before international institutions

6 March – Ombudsman Diana Kovacheva presented the priorities of the institution to the ambassadors of EU Member States in Bulgaria, highlighting the most significant achievements in her work as a Public Advocate. The meeting was initiated at the invitation of the Belgian Ambassador to Bulgaria, H.E. Frédéric Meurice, within the framework of the Belgian Presidency of the Council of the EU.

Prof. Kovacheva familiarised the diplomats with the most pressing issues awaiting legislative solutions which were raised by citizens in their complaints and reports to the institution.



6 March – Meeting with a Member of the European Parliament – member of the Committee on Civil Liberties, Justice and Home Affairs Committee (LIBE).



2024 ANNUAL ACTIVITY REPORT - SUMMARY

5 June – Meeting at the request of the Organisation for Security and Cooperation in Europe with an expert team to observe the pre-term parliamentary elections on 9 June led by Ms. Lusine Badalyan.



10 September – Meeting between the Ombudsman institution and the leadership of the Office of the High Commissioner for Refugees in Bulgaria.



16 September – A delegation from the European Committee for the Prevention of Torture (CPT) held a meeting with the Chief of Staff of the Ombudsman and representatives of the NPM and Human Fundamental Rights and Freedoms Directorate in the context of their visit to the Republic of Bulgaria from 16 to 23 September 2024.

The reason for the visit of the CPT was to monitor the progress of the Bulgarian State in implementing the recommendations made following the visit of the CPT in 2018 in relation to the observance of the rights and prevention of torture and ill-treatment of foreigners in SCTAFs and border police detention facilities, as well as of refugees in the refugee centres of the SAR with the Council of Ministers.

During the meeting, the NPM team presented to the members of the CPT its findings from the planned and ad-hoc inspections of the facilities mentioned. The main problems related to migrants' rights were discussed such as unsatisfactory living conditions, lack of medical staff, lack of interpreters, failure to respect the right to information of foreigners, and cases of prolonged detention of people who could not be returned to their country of origin.

2024 ANNUAL ACTIVITY REPORT - SUMMARY

The members of the CPT and the NPM agreed that many of the problems identified in 2018 remained relevant. Despite the efforts of the State, poor funding and the lack of a comprehensive integration policy in the country continue to be a major problem.



Working meeting with a delegation from the Committee for the Prevention of Torture.



CHAPTER FIVE

RESOURCES

I. EXPENSES IN 2024

The Ombudsman of the Republic of Bulgaria is a first-level budget spending unit managing the funds in compliance with and application of the provisions of the Public Finance Act, the State Budget Act, the Ombudsman Act, the Rules of Procedure for the Organisation and Activities of the Ombudsman, and other statutory instruments related to the expenditure of public funds.

The Ombudsman institution has developed and implements Rules for the Establishment of Financial Management and Control Systems. The Ombudsman institution applies the double signature system, rules on access to assets and information, and preliminary legality checks carried out by a financial controller. The double signature is affixed after the documents have been checked before a decision is made to take on or incur expenditure.

The accounting policy of the Ombudsman institution has been developed and is based on the Accountancy Act, the National Accounting Standards, the Chart of Accounts for Budgetary Enterprises, the Individual Chart of Accounts of the institution, and other statutory instruments. Since 2017, fixed assets have been depreciated and amortised which will continue in the future. An annual inventory was carried out.

The State Budget Act allocated to the Ombudsman of the Republic of Bulgaria for 2024 a budget of BGN 4 669 500; Council of Ministers Decree No. 57 of 21 March 2024 approved capital expenditure of BGN 24 864 were approved; the revised plan for 2024 is BGN 4 694 364.

Reported revenue for 2024 under the relevant paragraphs – BGN 844.

In performing its activities as the high constitutional body for advocacy for citizens' rights and freedoms, the Ombudsman of the Republic of Bulgaria spends funds from the state budget and additional funds for capital expenditures, observing the principles of economy and efficiency.

Reported expenses for 2024 under the relevant paragraphs – BGN 4 008 535.

The main resource of the Ombudsman of the Republic of Bulgaria is the team of highly qualified professionals. Staff remuneration and social security contributions make up the largest part of the institution's budget expenditure.

The maintenance costs cover the institution's office supplies, office equipment and consumables, water, fuels, electricity and heating, telephone and internet services, hardware and specialised software maintenance, translation services, pre-press and printing, ongoing repairs, security, business trips, insurance, and others. To a large extent, these expenses are related to contractual commitments and obligations with corresponding regular payments. The largest relative share (50.6%) of "Maintenance" is the one of rent for the building (private property) in which the institution is located.

The Ombudsman of the Republic of Bulgaria is a member of various international organisations for which it pays membership fees – Global Alliance of National Human Rights Institutions, International Ombudsman Institute, Organisation of Ombudsmen and Mediators of La Francophonie, European Network of National Human Rights Institutions, European Network of Ombudspersons for Children.

All applicable state and municipal taxes and fees have been paid.

The capital expenditures as an expense for the institution amount to BGN 24 864. The existing Electronic System for Managing the Work of the Ombudsman Administration has been upgraded – BGN 24 864.

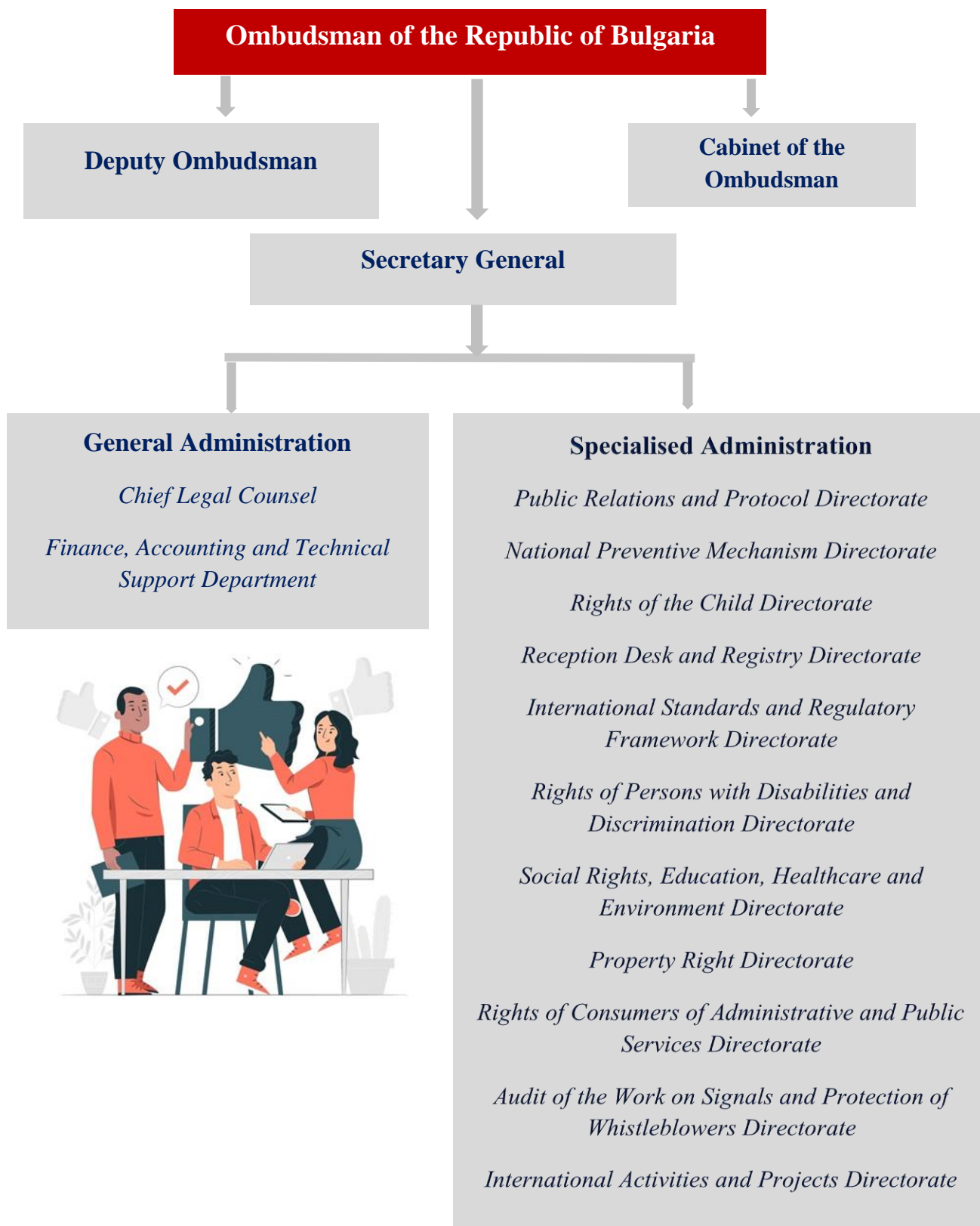
2024 ANNUAL ACTIVITY REPORT - SUMMARY

The Ombudsman institution completed the implementation of the project “Electronic System for Managing the Work of the Ombudsman Administration” under Priority Axis 2 Effective and Professional Management in Partnership with Civil Society and Business of the Operational Program Good Governance registered under No. 03-01/18.02.2019 as per Administrative Contract No. BG05SFOP001-2.001-0011-C01 for a direct grant until 30.09.2022. In 2024, a final verification was carried out and BGN 30 061 was reimbursed.

Under No. 2018-1-1440 (6) 02-01/18.02.2019, the Ombudsman of the Republic of Bulgaria launched a contract for the project “Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law”. The agreement is between the Ombudsman institution and the Operator of the EEA Financial Mechanism and the Norwegian Financial Mechanism through the Regional Cooperation Fund, represented by ECORYS Polska. The agreement is for 100 per cent grant aid. It was completed in 2024. Unused funds in the amount of BGN 36 740 were returned.

II. TEAM

Structure of the National Ombudsman Institution



III. PRIORITIES FOR 2025

A key priority for the Ombudsman institution in 2025 is **the effective protection of citizens' rights by sustainably addressing key issues** with a special focus on:

- ✓ Rights of consumers in their relations with monopolies;
- ✓ Advocacy for the rights of vulnerable groups regarding access to quality social services and social support;
- ✓ Children's rights in their relations with the judiciary and the introduction of modern juvenile justice;
- ✓ Promoting the right to safe environment in local communities;
- ✓ Rights of persons with mental illness.

Specific priorities by categories of rights in 2025

- Ensuring the rights of patients, providing equal access to healthcare for all citizens in compliance with the principles of timeliness, sufficiency and quality;
- Effective protection of the pension and social security rights of Bulgarian citizens;
- Ensuring equal access to education for children with SEN;
- Ensuring the right of elderly people to access pensions guaranteeing the right to a dignified life;
- Support to young people leaving residential and foster care;
- Support for children whose parents live or work outside Bulgaria and children at risk;
- Rights of victims of domestic violence;
- Assistance to workers or employees in protecting their employment and social insurance rights;
- Overcoming systemic problems with address registration of citizens and registration of registered offices of companies;
- Advocacy for the implementation of a systematic approach and addressing the problems with road infrastructure;
- Access of citizens to integrated administrative services and e-services
- Overcoming systemic problems related to spatial planning;
- Overcoming the status quo in land relations of inequality between small and medium-sized owners and farmers and finalisation of restitution.

CHAPTER SIX

**COOPERATION
WITH THE CIVIL
SOCIETY AND THE
ACADEMIC
COMMUNITY**

I. COOPERATION WITH THE CIVIL SOCIETY AND THE ACADEMIC COMMUNITY

The cooperation with the civil society, representatives of non-governmental organisations and the academic community is of paramount importance for the work of the Ombudsman of the Republic of Bulgaria. Since 2019, the institution has been accredited with the highest A ranking by the UN for work in line with the Paris Principles on the protection of human rights.

Civil society organisations have established themselves as key players from the third sector in the context of the development of human rights, humanitarian action, gender equality, the environment and a number of other areas of public life.

The understanding of the national human rights institution is to work in partnership with non-governmental organisations to achieve broad civil participation in key decision-making at all levels. This is a defining characteristic of good governance and respect for fundamental rights and freedoms. Civil society organisations provide an opportunity to achieve a balance between the different and divergent interests of social groups. For civic participation to be effective, it needs to be informed and organised, while the legislation and the activities of public institutions need to envisage guarantees and mechanisms. It is essential to involve competent civil society organisations in the preparation of governance acts and to respect civil control over the activities of the administration to ensure the effective inclusion of vulnerable social groups, equal participation of men and women and full freedom of association and expression, as well as the formation of a vibrant and organised civil society.

In its work, the institution's team maintains constant contact with over 300 civil society organisations working in various fields to protect human rights and fundamental freedoms. The institution's partnership with civil society structures is also enshrined in Article 11 of the EU Treaty and in the International Covenant on Civil and Political Rights. In this European context, the institution of the Public Advocate conducts an active, open, transparent and regular dialogue with representatives of the civil society.

Non-governmental organisations turn to the institution as a mediator or main forum for civic participation on a number of important public matters. In 2024, the Ombudsman's experts actively took part in forums and initiatives of civil society organisations with statements, recommendations, opinions, and as partners.

It is important to note that civil society structures in Bulgaria are a generator of social change and play a significant role in promoting, protecting and defending the fundamental human rights and freedoms. Through their work and research, they create opportunities for different groups in society to express their views on matters that affect them directly. Their role is particularly important in working with socially excluded and vulnerable groups whose communication with government authorities is difficult, often formal and unproductive due to the bureaucratic approach of the institutions.

In many cases, these people rely on civil society organisations to improve their situation, including through assistance in dealing with the relevant competent authorities.

Over the years, the Ombudsman institution has observed a prompt and adequate response from the non-governmental sector to changing social realities and the implementation of causes aimed at improving the lives of vulnerable groups of citizens. The Public Advocate

2024 ANNUAL ACTIVITY REPORT - SUMMARY

frequently supports members of non-governmental organisations that assist citizens in various administrative and judicial procedures in order to protect their rights, including as volunteer groups in unforeseen situations in times of crisis or disaster.

Non-governmental organisations also play an important role in the Monitoring Council under Article 11 of the Persons with Disabilities Act which monitors the implementation of policies for the protection of the rights of persons with disabilities in Bulgaria in accordance with the requirements of the UN Convention on the Rights of Persons with Disabilities. The Council includes representatives of the Ombudsman and the Commission for Protection against Discrimination as well as four representatives of organisations of and for people with disabilities and one representative of the academic community. Essential is the transparent and public procedure established allowing non-governmental organisations to select their own representatives to the Council. In October 2023, the Ombudsman again took over as chair of the Monitoring Council for the next two years. In this context, in 2024, the Ombudsman held a series of joint events, training sessions, and partnership initiatives with the participation of non-governmental organisations.

A BRIEF OVERVIEW OF THE PARTICIPATION OF THE OMBUDSMAN INSTITUTION IN INITIATIVES OF CIVIL SOCIETY ORGANISATIONS IN 2024

10 January – Students in the fourth grade from the Innovative Unified School Neofit Rilski in Samokov “called on” the Ombudsman institution on the occasion of the Roma New Year – 14 January. The children presented the ritual of preparing the traditional family meal and kneading the kulak bread for the celebration. The children presented the ritual of preparing the traditional family meal and kneading the kulak bread to welcome the holiday. With the words *Bahtalo Nevo Bresh!* the little *survakari* wished a happy new year to the institution’s team as well as health, success and prosperity.

The initiative was organised by the Amalipe Centre for Interethnic Dialogue and Tolerance.



16 January – Ombudsman Diana Kovacheva presented a check for BGN 14 350 in support of the project “Diversity and Equality in the Wonder Garden,” part of the funding program “You and LIDL for Our Tomorrow” 2023 held under the aegis of the Ombudsman.

The Wonder Garden is a social enterprise that provides employment for young people with intellectual disabilities. It has 18 decares of land in an urban environment close to a large secondary school and three kindergartens. The idea behind The Wonder Garden is to create a space where interactive outdoor training sessions, workshops and events can be organised for children aged 4 to 11. During the interactive outdoor educational sessions, all young guests will

2024 ANNUAL ACTIVITY REPORT - SUMMARY

have the opportunity to see and learn how different seasonal vegetables, flowers, herbs and forest species are grown.



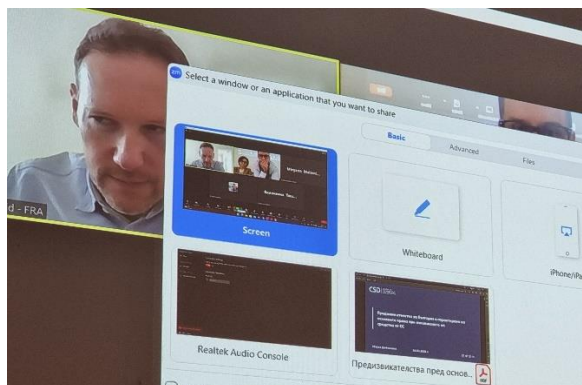
23 February – The newly elected student ombudspersons in 30 schools from the Amalipe Centre network marked the beginning of their term with a presentation at the Ombudsman institution followed by a special ceremony held in the Granite Hall of the Council of Ministers. Prime Minister Acad. Nikolay Denkov, Minister of Labour and Social Policy Dr. Ivanka Shalapatova, Minister of Education and Science Prof. Galin Tsokov, Deputy Ombudsman Elena Cherneva-Markova, as well as H.E. Martina Feeney, Ambassador of Ireland, H.E. Raymund Furrer, Ambassador of the Swiss Confederation to Bulgaria, and Andrea Brouillette-Rodriguez, US Chargé d’Affaires, congratulated the newly elected student ombudspersons and gave them advice for their successful work. The event is organised by the Amalipe Centre for Interethnic Dialogue and Tolerance.



26 February – Training with representatives of civil society organisations to enhance the capacity to implement the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities as horizontal enablers in the management of EU funds at national level.

The training was organised by the Ombudsman institution as part of the project “Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law” funded by the European Economic Area and the Kingdom of Norway.

2024 ANNUAL ACTIVITY REPORT - SUMMARY



12 March – Students aged between 14 and 18 from various schools in Stara Zagora visited the Ombudsman institution as part of their training as young leaders on the topic of “Integrity, Development and Success through Civic Activism” conducted as part of a project of the International Youth Centre – Think Locally, Act Globally.

Deputy Ombudsman Elena Cherneva welcomed the young people and familiarised them with the powers and activities of the institution, informing them that the Ombudsman was a constitutionally independent body that promoted and protected the rights and freedoms of citizens, elected by the National Assembly under the Ombudsman Act for a five-year term.

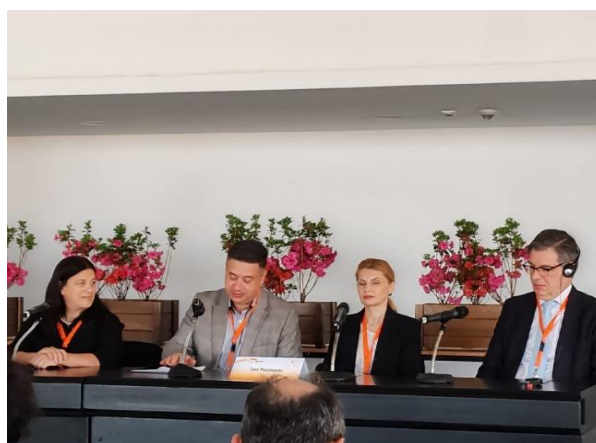


17 April – Meeting with experts from the Validity Foundation – the topic of discussion was people with disabilities, psychiatry and deinstitutionalisation.

2024 ANNUAL ACTIVITY REPORT - SUMMARY



26 April – Participation in a conference organised by the Global Initiative in Psychiatry Foundation on the occasion of its 20th anniversary focusing on matters in the field of care for people with mental disorders and the search for effective solutions to overcome them.



29 May – Participation in the National Advocacy Meeting “Together against Intolerance, Hate Speech and Prejudice Crimes” organised by the Bulgarian Helsinki Committee.



31 May – Meeting with the National Council for People with Disabilities.

2024 ANNUAL ACTIVITY REPORT - SUMMARY



31 May – 19th Children’s Roma Festival Open Heart organised by the Amalipe Centre for Interethnic Dialogue and Tolerance.



31 July – Meeting with experts from the Independent Expert Network We on the development of a methodology for monitoring gender-based violence. The meeting offered an opportunity to discuss the problem of the lack of appropriate institutions to accommodate victims of domestic violence, which was why such persons often ended up in residential social services for people with disabilities that did not deal with this issue in the first place. The shortcomings of the monitoring carried out by the Agency for Quality of Social Services, which was mainly based on documentary checks and did not focus on violations of fundamental human rights, were also discussed.

20 September – Introductory meeting with representatives of SOS Children’s Villages.



2024 ANNUAL ACTIVITY REPORT - SUMMARY

8 October – Participation of experts from the Ombudsman institution in the Bulgarian Helsinki Committee conference “Together against Intolerance, Hate Speech and Prejudice-Based Crimes”.



11 October – Problems continue with delays in scheduling dates for medical examinations of people with disabilities by TEMC/NEMC. This transpired at a meeting of the Monitoring Council under the Persons with Disabilities Act organised at the Ombudsman’s office.

Citizens continue to encounter difficulties in obtaining the necessary aids, appliances, equipment and medical devices that are not covered by the compulsory health insurance, as well as with their quality and service life.

People seek assistance from the Ombudsman institution to alleviate the terms for the physical transfer of products from the persons engaged in the provision and repair of medical devices, aids and equipment.

In relation to the significant delay and lack of information regarding the provision of high-tech aids to people with disabilities under the project “Provision of assistive devices for people with permanent disabilities,” which the Ombudsman institution had referred to the Ministry of Labour and Social Policy, the Council took a decision to send an opinion in order to resolve the issue.



28 November – Open-doors lesson with students from Aleko Konstantinov Professional Secondary School of Tourism, Pleven.



2024 ANNUAL ACTIVITY REPORT - SUMMARY

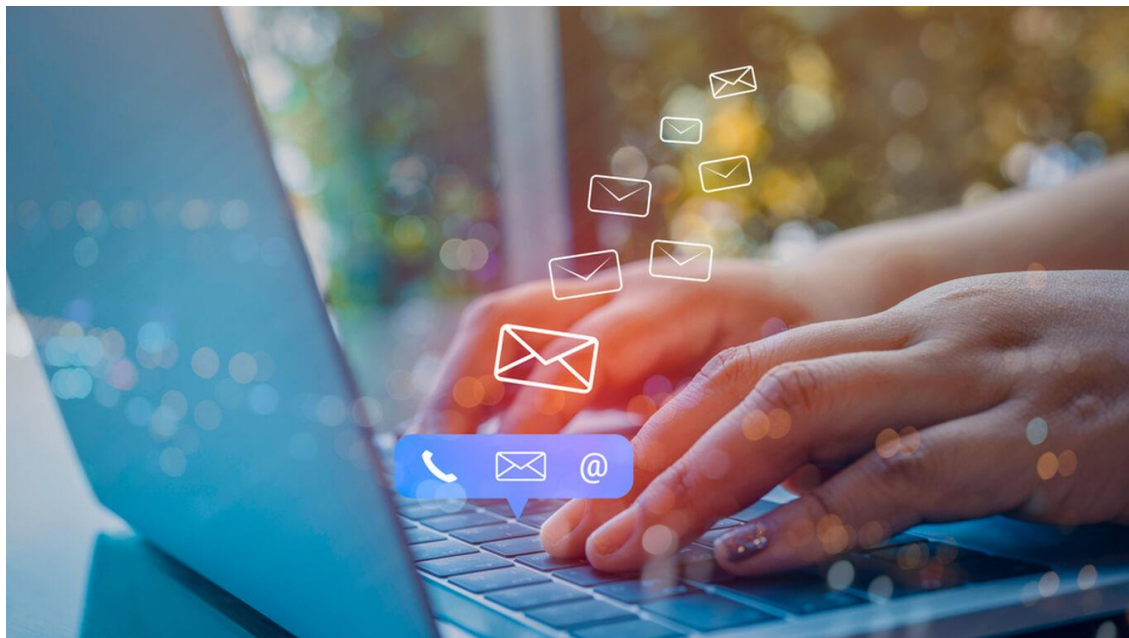
17 December – Insufficient number of specialists, overcrowded special groups in kindergartens, pressure on children with disabilities or special educational needs (SEN), hostile attitudes and rejection by the general education system, lack of assistant teachers and data on the number of classes in which there are such, disadvantages for students with individual programs. These are some of the findings made by experts during a discussion organised by the Ombudsman institution on the topic: “Right of Access to Education for Children with SEN”. It was held within the framework of the Monitoring Council which operates under the Persons with Disabilities Act and is administered by the Ombudsman.

The problems identified included the lack of tolerance and empathy among children at school towards their classmates with special needs. The blame for this lies with the family, the society and the educational environment as a whole, as it does not foster the social and emotional skills that are fundamental to the ability to get to know others, to develop feelings of understanding and to want to help classmates who find it difficult to adapt at school.

A total of 20,725 students with special educational needs from grades 1 to 12 were covered by the education system in the 2023-2024 school year, but only slightly more than 1,000 were enrolled in the second stage of secondary education, and one-third of the children with disabilities remained outside the education system as of 2024. At the same time, only 1,143 specialists worked in regional centres supporting the process of inclusive education. The pedagogical staff in inclusive education stood at only 4,846. These alarming statistics were presented during the discussion by Dr. Eva Zhecheva, Director of Children’s Rights at the Ombudsman institution.



II. LETTERS FROM CITIZENS



1.

Dear colleagues,

We would like to sincerely and with great respect express our gratitude to you for the incredible support and commitment you have shown in supporting the celebration of Vasilitsa – the Roma New Year. Your assistance allowed the pupils of Amalipe Network to experience incomparable moments in your institutions.

For many of them, it was their first experience outside the familiar environment of their locality. Your hospitality and diligence created not only positive emotions and unforgettable memories, but also opened new perspectives for them. These visits showed them that the world is big, full of possibilities, and that they themselves can be the creators of their own destiny.

With the help of your institutions, we are not only expanding our pupils' horizons, but also motivating them to build solid study habits. These visits are like a catalyst that helps our students believe in themselves and their potential. They become not just witnesses to knowledge, but part of the education process.

Together, let us continue to be an inspiration to our pupils and encourage them to be active participants in their educational journey. We believe that with such initiatives we can produce not only excellent pupils but also future leaders and motivators in society.

Thank you for your support and assistance!

Sincerely, Amalipe Centre Team

2.

From:.....com>

To: priemna@ombudsman.bg

Sent: Sunday, 23 April, 2023 2:40:44 PM

Subject: Thank you

Hello!

I am writing this email to thank PhD Diana Kovacheva, Ombudsman of the Republic of Bulgaria, for the assistance and help in reimbursing the costs incurred for medical examination in Bulgaria by the UK Health Fund. Thank you for your responsiveness, empathy and professionalism. I wish Ms. Diana Kovacheva and her entire team good health, longevity and many more professional successes.

Sincerely:

3.

With this e-mail, I would like to express my sincere thanks and best wishes to Ms. Eva Zhecheva, who was so kind and good and assisted in the protection of the rights of a young child in Bulgaria!

Mrs. Zhecheva, be safe and healthy and keep inspiring faith and hope that the state institutions can work and protect our children in Bulgaria!

YOURS SINCERELY

4.

To: priemna@ombudsman.bg **Sent:** Wednesday, 31 May, 2023 2:18:29 PM

Hello, I am [...], the mother of I wrote to you earlier for assistance with my child's treatment abroad. Thank you, only you as an institution and a person took up the case. I am hoping for your advocacy before the NHIF. With respect and gratitude.

5.

Dear Ms. Prof. PhD Diana Kovacheva, With this letter I would like to express my GRATITUDE and APPRECIATION of YOUR WORK (on complaint No. 309/2023).

I appreciate your ATTENTION, commitment and HIGH PROFESSIONALISM and PLEASE accept my DEEPEST THANKS as there is not a shred of doubt in my mind (a small

landowner) that the solution to the problem I have been dealing with over the past months could only have been resolved through the courts. Thank you for your contribution and trouble to help me in my search for a lawful and just outcome.

THANK YOU for helping the LAW to win!

Greetings

6.

TO Prof. DIANA KOVACHEVA

OMBUDSMAN OF THE REPUBLIC OF BULGARIA

22, GEORGE WASHINGTON STREET

SOFIA 1202

Subject: Your intervention in my case with the municipality of Cherven Bryag

DEAR PROF. KOVACHEVA,

This letter is to express my sincerest gratitude for your intervention and for the work of your team in relation to my complaint regarding the violation of the boundaries of my property.

I am delighted with your lawyers and their commitment and assistance. It is rare to find such people these days and I am very grateful to have had the opportunity to interact with them.

Thank you very much for all your efforts.

Stay alive and well and keep being on our side.

Sofia 31.08.2023