



**FUNDAMENTAL RIGHTS
AND THE RULE OF LAW**

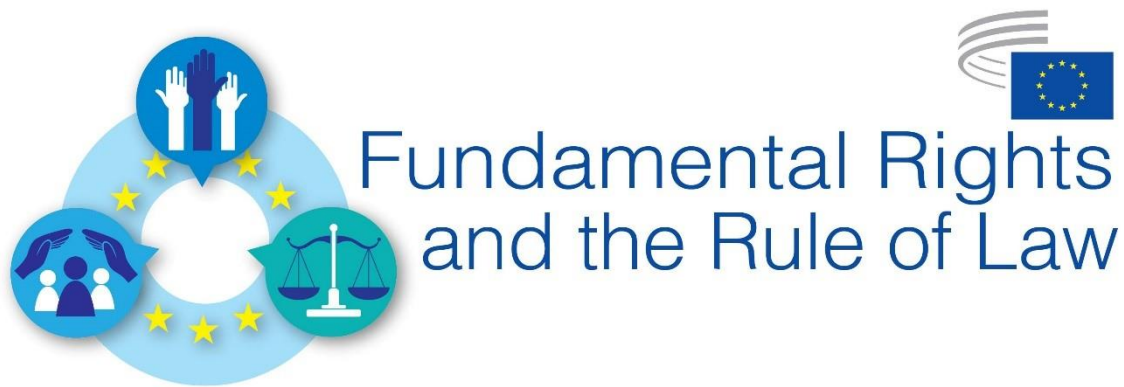
Report on the visit to Bulgaria Authorities' observations on the report

11-12 December 2025



**European Economic
and Social Committee**

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Six EESC FRRL group members took part in the visit to Bulgaria. The delegation met with several representatives of civil society in all of its diversity, more specifically civil society organisations (CSOs), the social partners, the media and the legal professions, under Chatham House rules. The aim of this report is to faithfully reflect and reproduce the views of civil society. The delegation also met with government representatives. The observations of the authorities are attached to this report.

1. Fundamental rights of the social partners

Participants explained that there was an established framework for tripartite social dialogue. At national level, four employers' organisations and two representative trade unions participated in formal dialogue structures. However, according to the participants, social dialogue often remained procedural rather than substantive. According to them, technical committees occasionally influenced legislative positions, although their positions were frequently disregarded at national and economic council level. There was no national coverage for collective bargaining agreements, and trade union density was in decline. According to some participants, trade unions increasingly relied on statutory regulation to safeguard workers' rights instead of collective bargaining with employers. There was reduced trust between social partners, despite earlier cooperation on major reforms such as pensions.

Employers' organisations called for a better business environment, a more stable regulatory environment – citing frequent legislative amendments, often initiated without adequate consultation – and more effective public administration. The labour market was characterised by high employment and acute labour and skills shortages, leading to wage pressures. According to some participants, negotiations on the statutory minimum wage could have been successful with better government involvement.

According to participants, corruption and weak rule of law remained systemic challenges, particularly in public procurement. Although EU-driven reforms had improved the legislative framework, enforcement remained ineffective due to entrenched interests and limited institutional accountability. Participants found that there was insufficient recognition among the public that offering bribes was an offence equal to receiving bribes.

Freedom of association was guaranteed by the constitution and did not require prior authorisation. Amendments to the Labour Code had modified registration procedures, with social partner organisations being registered under a specific register. Representativeness had to be revalidated every four years

based on membership and geographical coverage. According to participants, public servants were governed by a separate legal regime that did not fully ensure freedom of association and collective bargaining rights in line with ILO standards. They explained that social dialogue in public administration relied on non-binding memoranda rather than enforceable collective agreements, and trade unions were calling for public servants to be able to organise fully. However, trade unions were happy that several years of campaigning had led to legislation penalising anti-unionism.

According to participants, the quality of labour inspection was low and affected by staff shortages, low remuneration and excessive workloads, which undermined effective enforcement of labour law. The authorities said that there had been a 30% increase in labour inspectors a few years ago.

Participants explained that national gender equality priorities had weakened since EU accession, that women were significantly underrepresented in decision-making and that the gender pay gap was substantially higher in practice than officially reported. According to participants, violence and harassment in the world of work were widespread, with many cases going unreported. Trade unions were calling for the ratification of ILO Convention No 190, Violence and Harassment Convention.

Employers supported increased labour migration to address workforce shortages, while trade unions warned of downward pressure on wages and working conditions. Some participants cited examples of misuse of migrant workers, with employers withholding their passports to prevent them from leaving for jobs in other EU countries. Participants explained that after obtaining a residence permit many immediately left for other Member States. In Bulgaria legal quotas for migrant labour applied, with mandatory consultation of social partners above set thresholds.

2. Freedom of association and freedom of assembly

Freedom of association was guaranteed, and participants said that the registration process for CSOs had improved. However, the **administrative burden** for smaller CSOs remained a challenge. One **limitation** raised by participants was that those aged 14-18 did not have the legal capacity to represent themselves or their peers, despite their right of association, limiting effective youth participation. Participants also spoke about **restrictions** of association for organisations linked to Macedonian identity. The authorities responded that registration authorities, display no discrimination and on the contrary offer assistance.

Overall, participants found that civic space continued to shrink amid political polarisation and weakened consultation. They felt that the environment for CSOs became increasingly hostile after Bulgaria's accession to the EU and pointed to the repeated introduction of proposals for a '**foreign agents law**', the creation of an 'anti-Soros' parliamentary committee and stigmatising rhetoric against CSOs receiving foreign funding. Participants said that there had been organisations facing targeted inspections, audits and administrative pressure following public criticism by the authorities, for example regarding border control and environmental concerns. Some CSOs had been labelled eco-terrorists and others were prevented from working with schools and universities according to the participants. A legal **framework for lobbying** was under preparation, but CSOs had not seen the latest draft. The previous version, which had been shared, focused disproportionately on obligations for CSOs rather than public authorities.

Formal bodies for **participation** existed, like the Council for the Development of Civil Society, but according to participants their effectiveness was undermined by political instability and a lack of follow-up. Participants stressed that **consultations** of CSOs were dominated by quasi-governmental or industry-

linked representatives, marginalising genuine CSOs working for the public interest, so they were in favour of a European statute for associations. They felt that consultations mostly amounted to **facade dialogue** to legitimise legislation, often excluding critical voices and disregarding input from expert CSOs in the field. Participants regretted that legislative initiatives were regularly introduced by individual MPs instead of the government, thus bypassing consultation requirements. The authorities explained that all bills introduced by the government were published for online public consultation and that they consulted CSOs.

The funding and financial sustainability of CSOs was a big concern for participants, who said public funding for CSOs was limited and fragmented. The largest allocations went to sports associations or religious organisations, while funding for youth and civic organisations remained minimal. They pointed out that a budget heading for CSO capacity building remained unused due to the prolonged inactivity of the council responsible for its allocation. Participants explained that CSOs faced difficulties accessing **EU funds managed by the state** due to demands for high financial guarantees, restrictive eligibility criteria and lack of application of the *de minimis principle*. They were concerned that EU funding and **participation** mechanisms were not effectively safeguarding **EU values**, like pluralism, equality and meaningful civil society participation and worried about what financing would be provided for CSOs in the next multiannual financial framework (MFF). They said that many organisations depended on **foreign funding**, particularly from the United States (not USAID), making them vulnerable to political stigmatisation and external funding disruptions.

According to participants, the legal framework for **peaceful assembly** lacked clarity, particularly regarding spontaneous protests. Participants spoke of cases where restrictions and bans had been applied, for instance on pro-Palestinian protests. Bulgaria had recently – including just the day before the visit – experienced large-scale demonstrations against corruption, leading the government to step down. According to participants, recent protests demonstrated renewed civic mobilisation, including among younger generations, despite low trust in democratic institutions and declining electoral participation.

Participants explained that there had been reports of **excessive use of force by the police** during the demonstrations on 1 December 2025, and in 2024. Despite hundreds of complaints against police ill-treatment, only one had resulted in pre-trial investigation. Participants said that Bulgaria had been condemned by the European Court of Human Rights (ECtHR) for ineffective investigations of excessive use of force and prolonged detention, which, according to participants, reflected structural problems within the prosecution system. The authorities said that, during the recent protests, police officers had needed medical assistance, but there had been no serious injuries on either side. However, all incidents would be carefully investigated and followed up on.

3. Freedom of expression and media freedom

According to participants, **public service media** remained weakened by political interference and, despite legislative changes regarding **media ownership transparency**, there was still a lack of transparency of ownership when it came to local and small media, and the **media market remained distorted**. Participants regretted that the rules did not change the core problems of **media ethics, political pressure and economic dependency**. The director of the public broadcaster was continuing in his position even though his **term had expired**, and according to participants media regulators, the judiciary and the executive were widely perceived as being under political influence, which consequently limited effective oversight and enforcement of media freedom standards. Participants

believed that advertising money was used in ways that distorted competition and undermined editorial independence.

Participants said that independent media faced severe **financial sustainability challenges**. They said that there was no viable domestic funding market and that businesses were reluctant to support independent outlets for fear of political retaliation. Most independent media relied heavily on **foreign philanthropic funding**, particularly from US-based foundations, enabling negative, stigmatising political narratives. According to participants, low pay and precarious conditions contributed to self-censorship and declining journalistic quality, with independence being discouraged.

Another problem, according to participants, was difficulties in **accessing information**. There had been attempts to limit journalists' access to real estate records to impair investigative reporting, which journalists' organisations would probably challenge in courts. Journalists continued to rely on freedom of information litigation, often successfully, though resistance from public authorities remained strong according to the participants. They explained that independent and investigative journalism played an increasingly **important watchdog role**, partially compensating for **the prosecution's failure to investigate corruption**. However, this role exposed journalists and outlets to intensified political attacks, economic pressure and legal harassment, according to participants. There had even been attempts to make it a criminal offence for journalists to publish personal data related to corruption, but this proposal had been withdrawn following civil society pressure. While journalists were not being physically attacked as they had been in the past, participants explained that **verbal attacks, intimidation and smear campaigns** by politicians and oligarchic media remained common and were effective in leading to self-censorship.

According to participants, **strategic lawsuits against public participation (SLAPPs)** used by the mafia and politicians alike represented one of the most serious threats to media freedom. They reported that courts increasingly awarded **higher damages** and that legal uncertainty persisted over whether legal entities could claim **moral damages**, raising financial risks for media outlets. Participants mentioned several **active SLAPP cases**, some involving claims for hundreds of thousands of euros. They explained that journalists even faced cross-border SLAPPs, where the **General Data Protection Regulation** was used to challenge investigative reporting that had cited criminal proceedings in another Member State. According to participants, legislative efforts to introduce comprehensive anti-SLAPP safeguards had been delayed despite several proposed drafts. Amendments to criminal defamation provisions had been adopted only after years of advocacy, and problems remained according to the participants. They explained that journalists won most SLAPP cases, but politicised prosecution, the lack of judicial independence, prolonged proceedings, asset freezes, unpredictable outcomes and the financial and mental strain were having a chilling effect on investigative journalism. The authorities said that there was a working group on SLAPPs and that a draft proposal was almost ready to be sent for consultation. They also highlighted the fact that many SLAPPs were filed at the initiative of private persons.

Participants explained that there were very few lawyers specialising in cases defending journalists and that legal entities like small independent media outlets were not permitted to benefit from pro bono legal assistance. They were very critical of the justice system and the prosecution in particular. Finally, they also explained that disinformation in Bulgaria was an additional problem, which was amplified by social media platforms, polarising algorithms and foreign influence.

4. The right to non-discrimination

Participants spoke about the broader context, which was marked by erosion of trust in institutions, large-scale protests and perceptions of institutional abuse, selective enforcement and misuse of power. According to participants, the overall environment was hostile to CSOs, with systemic and coordinated attacks by the far right against, among others, women's and LGBTIQ+ organisations, which thus had to spend time defending themselves instead of supporting the causes for which they were created. Oversight bodies such as the National Gender Equality Council and the Commission for Protection against Discrimination were ineffective, according to participants. Hate crimes were underreported and under-investigated. The authorities said that they had introduced stricter punishments for hate crimes against groups experiencing discrimination.

Trade unions had mentioned the weakening of national **gender equality** priorities since EU accession, with many cases of **violence against women** at the workplace, but participants also highlighted limited access to services for survivors of domestic and gender-based violence, a lack of institutional coordination, fragmentation and insufficient state funding. A national support mechanism was under development, but according to participants reforms largely existed on paper. State-funded shelters lacked sustainability, and there was inadequate long-term funding, as well as insufficient training for police, social workers and those working in the judicial system. In 2025, public funding for protection measures was minimal compared to resources distributed through non-state funds. Domestic violence was increasingly framed as a private or cultural issue rather than a public policy concern, contrary to EU and international standards. Bulgaria had still not ratified the Istanbul Convention. The authorities acknowledged insufficient funding and were planning to continue the national victim support programme (map of services) and to set aside additional means to support survivors of violence. They also mentioned the creation of national domestic violence coordinators.

Legislative amendments from 2023 provided heavier punishments for crimes against people based on their sexual orientation, but hate speech, forced outing and **discrimination against LGBTIQ+ people** remained widespread according to participants, and legislative changes had not been implemented, with no investigations, prosecutions or court cases. Complaints lodged with the Commission for Protection against Discrimination very rarely resulted in findings of discrimination, even in obvious cases, with one such case linked to a candidate for mayor of Sofia, who had openly campaigned for ending Sofia Pride and was well known for anti-LGBTIQ+ positions. The participants recommended flexible long-term funding for training for the police, social workers and those working in the justice system. According to participants, amendments to the Education Act restricted discussion of gender identity in schools, barring access for LGBTIQ+ CSOs and undermining inclusive education. Participants described how same-sex relationships and families remained unrecognised, and transgender people faced severe barriers to legal gender recognition and access to justice. According to participants, sexual orientation and gender identity were not recognised as grounds for awarding asylum. The authorities said that the Education Act did not target specific groups but was aimed at preventing dissemination of certain ideologies.

According to participants, despite ratification of the UN Convention on the **Rights of Persons with Disabilities** and its optional protocol, the legal and administrative framework did not align with the convention. Participants explained that **access to rights** depended on excessively high disability thresholds (which was also a means for the government to artificially lower the statistical number of people with disabilities), lengthy certification procedures (often exceeding several years) and discretionary reviews that frequently suspended benefits. Compensation and effective remedies for lack of access to rights were rare, even when cases against discrimination were won. According to participants, social services were underfunded and understaffed and people with disabilities had difficulties in accessing education, housing and public services. Participants criticised the procedure for

granting labour capacity status and said that children with disabilities were not included in school, where rooms were not accessible and teachers lacked specialised training on inclusion and support for such children. Participants also mentioned the lack of a legal framework for volunteers, who often provided care that would not otherwise be provided.

Roma communities were disproportionately affected by discrimination across all areas, particularly employment, education, housing and access to services. Although education was formally guaranteed, equal access to quality education was not ensured. Participants explained that school segregation remained widespread, including in Sofia, with segregated schools providing lower-quality education, affected by higher levels of violence and limited integration. According to participants, housing conditions for many Roma families remained inadequate, with dwellings lacking basic facilities, with no comprehensive housing policy and with the continued existence of segregated settlements. Participants mentioned that demolition of Roma segregated areas by the local Sofia mayor had left hundreds of people homeless, leading CSOs to bring the case to the ECtHR. The authorities responded that systematic legislative and practical measures were undertaken to improve the access of affected groups to housing and related social services.

According to participants, there was a media bias against **migrants**, who were subjected to hate speech, and CSOs working with migrants were being ostracised and put under soft pressure, with financial check-ups for organisations, their workers and even family members. Participants identified political influence over the **asylum system** as a major concern. They explained that recognition rates fluctuated following political events, notably reduced acceptance of Syrians. They described problems with administrative detention, detention of unaccompanied minors and poor conditions. People who were denied asylum but could not be returned were left in irregular situations, leading to labour exploitation and exclusion from social services. According to participants, there were violations of fundamental rights, particularly at the land borders. The authorities stressed that police officers were given training on human rights and gave examples of good cooperation with CSOs. They said that the ombudsman would be responsible for monitoring the implementation of the Pact on Migration and Asylum.

Participants called for widespread recognition of the need for a more rights-based, inclusive approach, meaningful engagement with civil society, implementation of ECtHR rulings in the area of equality, stronger monitoring of hate crime within the EU rule of law framework, urgent action on housing, social inclusion, and improved legal immigration pathways.

5. The rule of law

According to participants, there were systemic deficiencies with the rule of law and democratic governance, which were fuelling the recent demonstrations. They said that demonstrators were tired of what was perceived as corruption, and the lack of the rule of law and lacked faith in institutions. According to them, disinformation proliferated through social media and other means and contributed to **electoral manipulation**, as did vote-buying practices in smaller municipalities. Participants described limited progress on long-standing rule of law recommendations made by the European Commission.

According to participants, the courts had a bad reputation, but there was a **lack of investigative journalists specialising in the judiciary**. Participants explained that, more than a decade ago, there had been a major scandal regarding the appointment of judges, but the journalists involved had subsequently been punished in some way or the other, quelling public scrutiny and criticism.

According to participants, the **independence of the judiciary** continued to be eroded by structural weaknesses and external pressure. The Supreme Judicial Council and the Inspectorate of the Supreme Judicial Council remained in office beyond their terms, according to participants enabling institutional capture. They described how judicial appointments and promotions increasingly lacked transparency, with the absence of objective, qualitative criteria. They believed that the judicial map needed reform and mentioned the expanded use of seconded judges as particularly problematic. According to participants, judges who publicly defended judicial independence were subjected to coordinated smear campaigns, often amplified by the media. A sharp increase in judicial recusals numbering in the several thousands, including **self-recusals without stated reasons**, indicated a climate of intimidation and fear, according to participants, and adversely affected the administration of justice. Furthermore, participants described one case where a judge had recused himself but, after being promoted to a higher-level court, decided to hear the same case at the higher level. The authorities responded that the judicial reform proposals had been struck down by the constitutional court, so they were in the process of reviewing their proposals. Seconded magistrates were a temporary solution, and the authorities were planning to hold a competition enabling vacant posts to be filled.

Participants expressed particular concern about the **prosecutor-general** continuing beyond his term. Moreover, according to them, his office was under **political influence** and exercised disproportionate influence over the criminal justice system. Participants explained that criminal proceedings against high-level officials were frequently initiated and conducted in a manner suggestive of political or non-legal objectives, while credible allegations of serious crimes and police misconduct remained uninvestigated. They explained that the mayor of Varna had been detained in July 2025 and had only been released when the case had gone back to the local court. However, the case against him was ongoing. The effectiveness of mechanisms for the independent investigation of highest ranking prosecutors is still to be seen, at the background of allegations for enabling investigation of independent and non-corrupt judges, and further weakening accountability, according to NGO participants. They regretted the lack of transparency in how salaries were structured in the judiciary and stressed that Bulgaria was one of the countries that spent most on its legal system, but was at the bottom of rule of law rankings.

Participants gave examples of the lack of implementation of environmental law at local level and the clearing of Roma settlements in contravention of the law, but the courts dismissed the cases, denied legal standing or failed to apply binding EU environmental jurisprudence.

According to participants, **anti-corruption frameworks remained largely ineffective** and key commitments under the Recovery and Resilience Facility had not been fulfilled. The commissioners under the Commission for Anti-Corruption and the Commission for Asset Forfeiture still had to be elected, and a number of anti-corruption bodies existed but were ineffective. At the time of the visit, an anti-corruption strategy was being developed. According to participants, the document was quite good, but implementation would be the real test.

Participants said that **conditions in prisons** were unacceptable. Although new facilities had been built and overcrowding was improving, participants talked about infestations, insufficient heating, inadequate healthcare and insufficient safeguards against ill-treatment, especially in pre-detention. The ombudsman could inspect detention facilities, but had not been very active in this field, according to participants. Participants believed that domestic accountability mechanisms were inefficient, and recommended that Bulgaria continue to benefit from external scrutiny from independent media, civil society and the European institutions. The authorities responded that they had almost completely tackled the overcrowding problem, and significantly improved the material conditions of detention.

**Authorities' observations
on the report on the visit to Bulgaria
11-12 December 2025**

EESC Report on the visit to Bulgaria
Comments of the Ministry of Justice in Bulgaria

Freedom of association and freedom of assembly

Representatives of civil society were included in the composition of the working group established to prepare legislative amendments regulating lobbying activities. In June 2025, the members of the working group were provided with a draft Law on Transparency and Integrity in Governance, the purpose of which is to identify a balanced approach that complies both with the recommendations of the OECD and the European Commission and with the opinions submitted to date.

For the purposes of public consultation, a Consultation Document concerning the draft Law on Transparency and Integrity in Governance was published for the period from 25 July to 25 August 2025, serving as the basis for the preparation of a comprehensive ex ante impact assessment, which forms part of the required documentation package. On 29 January 2026, a draft Law on Transparency and Integrity in Governance was published with a 30-day period for submitting proposals and opinions.

The draft law provides for numerous obligations for public institutions, including the maintenance of a meetings calendar, a legislative footprint, the adoption of ethical rules of conduct, and others. Registration in the Transparency Register is to be carried out by interest representatives themselves only where they engage in the representation of interests on a regular, professional basis; where the representation of interests is carried out commercially for third parties; or where such representation is entrusted in return for remuneration. The draft law also provides for exemptions from the registration requirements in the Transparency Register, in order to avoid restricting constitutionally guaranteed rights.

The draft Law on Transparency and Integrity in Governance aims to ensure transparency, equal access, and a clear framework under which all interested natural and legal persons—interest representatives—may express their views and exert influence in the process of drafting normative acts and other acts that are relevant to the formulation of the main directions of public development.

At the end of 2025 the Ministry of Interior published for public consultations amendments in the internal instructions of the ministry which provided that all complaints of police violence shall be sent immediately to the respective prosecutor's office. Also, the detainee who complains of police violence shall be seen by a doctor who will note the detected injuries on a special form. The injuries shall also be photographed (with the consent of the detainee) and

described in detail. Following that, the information shall be transferred to the head of the respective police department who shall send it to the respective prosecutor's office in due course.

The right to non-discrimination

In this regard, it should be noted that in 2025 a working group was established within the Ministry of Justice to carry out a comprehensive analysis of the compliance of Bulgarian legislation with Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. The deadline for implementing the requirements of Directive (EU) 2024/1385 is 14 June 2027.

Based on the compliance analysis, legislative amendments will be drafted to the Criminal Code, the Protection against Domestic Violence Act, the Ministry of Interior Act, the Social Services Act, the Health Act, and other relevant legal acts. The working group has not completed its work as of the current reporting period.

Following the implementation of the directive on combating domestic violence, we believe that the requirements and standards established by the European Union and the Council of Europe in this field will be more fully met.

Roma communities: To those criticisms, the authorities responded that systematic legislative and practical measures were undertaken to improve the access of affected groups to housing and related social services and to expand the availability of social housing and other alternative accommodation.

The rule of law

By order of the Minister of Justice, a working group was established within the Ministry of Justice to carry out a comprehensive analysis of Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, and to prepare the necessary amendments and supplements to the legislation in order to bring it into conformity with the requirements of the Directive, as well as to undertake other necessary organizational measures.

The authorities responded that they had almost completely tackled the overcrowding problem, and significantly improved the material conditions of detention and to the introduction of domestic preventive and compensatory remedies against ill-treatment. These led the Committee

of Ministers to close the examination in of the pilot judgment *Neshkov and Others v. Bulgaria*, as well as to transfer the remaining issues (with a few exceptions) in a standard procedure of supervision. A strategy on health care in the penitentiary system was adopted in September 2022 and the efforts on its implementations are ongoing. The primary and secondary medical aid including the material conditions in the medical facilities in the prison system were improved by various steps. Additional information on the measures envisaged or taken, as well as statistical data, are included in the most recent Addendum on the implementation of the ECHR judgments in the cases of *Kehayov, Harakchiev and Tolumov and Gavazov v. Bulgaria* of 23 April 2025.

The Ministry of Justice prepared a draft Law Amending and Supplementing the Execution of Punishments and Detention in Custody Act, which aims to introduce foreign best practices in preparing persons deprived of liberty for life after release by establishing transitional units (halfway houses). The purpose of these transitional units is to enable persons deprived of liberty, in conditions and premises resembling a family environment, to adapt more easily to their reintegration into society. Furthermore, the proposed amendments aim to improve the regulatory framework governing the execution of punishments, including medical care, thereby ensuring the effective application of European standards in the treatment of convicted persons and the full safeguarding of their rights.

The draft law was adopted by Council of Ministers Decision No. 767 of 12 November 2024 and submitted to the National Assembly on 2 December 2024. It was referred to the Committee on Constitutional and Legal Affairs, where a first reading was held.

With regard to the change in the status of the medical facilities of the General Directorate “Execution of Punishments” (GDEP), meetings were held with the Director of the “Medical Activities” Directorate and officials from the “Legal” Directorate of the Ministry of Health, during which the issue of changing the status of medical facilities within places of deprivation of liberty was discussed. It was concluded, together with the Ministry of Health, which exercises methodological guidance and control over the medical activities of healthcare establishments within places of deprivation of liberty, that such a change would not constitute a workable option for the penitentiary system.

Given the fact that medical facilities within places of deprivation of liberty provide healthcare services to persons deprived of liberty from across the country and are the only facilities with specific functions related to the regime, security, and safety during the execution of sentences

of deprivation of liberty, the existing organization of medical care corresponds to the capacities of the GDEP and ensures the necessary medical assistance for persons deprived of liberty. Where conditions for the provision of the required treatment are lacking, where treatment of infectious diseases is necessary, or where consultative examinations or specialized diagnostic tests are required, persons deprived of liberty are referred to healthcare establishments outside places of deprivation of liberty.

Ensuring equal access to medical care for persons deprived of liberty, equivalent to that of free citizens of the Republic of Bulgaria, through the full package of healthcare services provided by the National Health Insurance Fund (NHIF) and the National Framework Agreement (NFA), as well as access to specialized inpatient and outpatient healthcare, together with the provision of qualified medical assistance and healthcare services by departmental physicians within medical facilities in places of deprivation of liberty whenever necessary, constitutes a continuous process in safeguarding the health of persons deprived of liberty.

Situation in places of detention, including the construction of new facilities, overcrowding, and the right to vote in elections (GDEP)

Measures for the modernization of the material infrastructure

With regard to possible solutions and measures for the implementation of the recommendations concerning the assessment of opportunities for modernization of the material infrastructure, as well as the construction of new prisons, a substantial part of the material base of places of deprivation of liberty has been renovated, in compliance with international requirements and the standards of the European Committee for the Prevention of Torture.

Through the implementation of a predefined project entitled “**Ensuring a Secure and Safe Material Environment in Prisons and Arrest Facilities**”, financed under the Norwegian Financial Mechanism 2014–2021, the following facilities were renovated:

1. The prison wing of Plovdiv Prison, including the open-type prison dormitory “Hebros,” which was designated as a transitional unit (halfway house);
2. Bobov Dol Prison, including the open-type prison dormitory “Samoranovo,” and the establishment of a transitional unit (halfway house);
3. Conversion and renovation of a newly acquired building at Vratsa Prison, intended for the relocation of an open-type prison dormitory;

4. Reconstruction of a building and establishment of an arrest facility and probation service in the town of Petrich;
5. Reconstruction and renovation of the open-type prison dormitory “Stroitel” at Burgas Prison and its designation as a transitional unit (halfway house);
6. Conversion of an existing production facility at Pazardzhik Prison into a training center to support the social reintegration of persons deprived of liberty following their release.

As a long-term solution to issues related to overcrowding and living conditions, the General Directorate “Execution of Punishments,” as a beneficiary, completed a predefined project under the **Justice Programme**, Programme Area 19 “Correctional Services and Pre-Trial Detention,” of the Norwegian Financial Mechanism 2014–2021, within the framework of which a new pilot prison linked to a training center was constructed.

The renovation of existing places of deprivation of liberty and the construction of a pilot facility with rehabilitation centers, compliant with applicable international standards, will contribute to the overall improvement of conditions in places of deprivation of liberty and will reduce overcrowding.

Reducing overcrowding in places of deprivation of liberty through the construction of new facilities and the improvement of living conditions, as part of the comprehensive reform of the penitentiary system, will ensure more humane treatment of persons deprived of liberty and detained persons, provide better opportunities for rehabilitation, and achieve a higher level of interinstitutional cooperation.



СЪВЕТ ЗА ЕЛЕКТРОННИ МЕДИИ
COUNCIL FOR ELECTRONIC MEDIA

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Изходящ №

деловодител на СЕМ

Signed by: MARIYA VASILEVA OVCHAROVA

ДО
Г-Н ГЕОРГИ ГЕОРГИЕВ
МИНИСТЪР НА ПРАВОСЪДИЕТО
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УВАЖАЕМИ ГОСПОДИН МИИСТЪР,

Във връзка с полученото писмо на Министерството на правосъдието относно предоставения проект на доклад от посещението на ЕИСК в Република България (11–12 декември 2025 г.), изпращаме писменото становище на Съвета за електронни медии по констатациите и възприятията, изложени в проекта на доклад.

Текстът на становището е предоставен на английски език, съгласно посочените в писмото указания.

In accordance with the established practice of the Permanent Group on Fundamental Rights and the Rule of Law (FRRL Group) of the European Economic and Social Committee (EESC), and with the opportunity provided to Bulgarian institutions to submit written observations on the findings and perceptions set out in the draft report, the Council for Electronic Media (CEM) hereby submits these written observations. The observations concern CEM's powers in relation to Section 3, "Freedom of expression and media freedom", of the draft report.

The draft report states that, according to participants, the media regulator was widely perceived as being politically influenced, which was said to have limited effective oversight and the enforcement of media freedom standards. CEM does not agree that subjective perceptions should be presented as a generalising conclusion.

As regards CEM, there are legally established safeguards ensuring its independence, openness and transparency. CEM is an independent specialised authority which regulates media services and video-sharing platform services in the cases and in accordance with the procedures provided for in the Radio and Television Act (RTA). CEM consists of five members: three are elected by the National Assembly and two are appointed by the President of the Republic. This dual

institutional representation is provided for with a view to guaranteeing political independence. The media regulator is constituted by the only two bodies directly elected by the people—the National Assembly and the President. The appointment of CEM involves institutions that represent the nation as a whole, rather than individual social groups or estates. This condition is guaranteed by Article 67(1) of the Constitution, which provides that “Members of the National Assembly shall represent not only their constituencies but the entire nation”, and by Article 92(1) of the Constitution, which provides that the President “shall embody the unity of the nation”. An additional safeguard for the independence of the media regulator is the combination of the quota-based appointment mechanism with the rotation principle for the periodic renewal of the Council’s membership, which may take place under a different balance of political forces in Parliament and by a different President. Furthermore, it should be noted that the criteria for the appointment of CEM members are not political in nature; they are set out in Article 25 of the RTA and relate to the education and professional experience of the respective persons in specific fields—electronic media, electronic communications, journalism, law or economics.

The members’ term of office is six years, with no possibility of immediate renewal, which prevents long-term concentration of power and strengthens independence. A person may not be a member of CEM for more than two terms, the terms may not be consecutive, and members perform their functions until a new member takes office. Terms do not begin and end simultaneously, as noted above, which ensures continuity and guarantees independence. Early termination is possible only on limited and expressly defined grounds (e.g. resignation, permanent inability to perform duties, a serious breach of the law, conflict of interest, or an incompatibility arising after appointment).

The law guarantees openness and transparency in the work of the Council for Electronic Media: its meetings are public and may be attended freely by citizens, media and any person interested in the regulator’s work. In addition, the meetings are live-streamed and may be followed in real time. The agenda is published 24 hours in advance; the minutes are also published on the website, together with all decisions.

The public register—which includes data on all media services and video-sharing platform services that are licensed, registered or recorded in the register, including data on their providers—is publicly accessible on the Council’s website.

The draft report states that the Director-General of the public television broadcaster continues to perform the duties of the post even though his term of office has expired. CEM considers that this passage should be assessed in its proper legal context: the RTA provides that, in the absence of an elected new Director-General, the incumbent continues to perform the functions until the new person takes office, in accordance with the principle of legal continuity and uninterrupted governance.

From a factual perspective, it is important to note that, in 2022, CEM opened a procedure for the election of the Director-General of the Bulgarian National Television; subsequently, the procedure was terminated and judicial proceedings were initiated in relation to that termination. On 15 July 2025, CEM complied with instructions given by the court and adopted a reasoned decision confirming the termination of the 2022 procedure and opening a new one. This was followed by numerous appeals, which in essence seek to hinder the exercise of the media regulator’s powers to elect a Director-General of Bulgarian National Television. Additional complexity arose after different court instances issued contradictory judicial acts. CEM asserts its rights and appeals against the decisions ordering the suspension of the procedure, and publicly informs on developments in the court proceedings via its official website.

The draft report contains assessments of continued lack of ownership transparency, particularly with respect to local and small media.

As noted above, CEM maintains a public register under the RTA, which includes separate sections for different types of services (linear services (radio and television), non-linear services and video-sharing platform services). The information is updated both on CEM's own initiative and following notifications by providers of changes in the data. Within the statutory requirements, the register also contains data on the ownership/control and management bodies of providers. The public availability of CEM's registers, decisions and acts (including minutes and information on meetings) is a key instrument for transparency and public oversight. CEM considers that the report should clearly distinguish between ownership transparency in respect of media service providers and services within the scope of the RTA, for which CEM maintains a public register and publishes data in accordance with the law, and media activities outside the scope of the RTA (e.g. print publications and certain online services), where competences and transparency instruments are different and fall outside CEM's remit, being within the remit of the Ministry of Culture.

The draft report contains an assessment that advertising funds are used in a manner that distorts competition and undermines editorial independence. CEM notes that the allocation of public and private advertising budgets and competition-related matters fall within the competence of the competition authorities and other relevant institutions, rather than CEM. Within the framework of the RTA, CEM exercises supervision over compliance with the rules on commercial communications, including the requirements for clear recognisability and separation of advertising, the distinction between sponsorship and product placement, and the prohibition of surreptitious commercial communications, and takes enforcement action where violations are established.

CEM notes that the national legal framework contains explicit safeguards against external interference in journalistic activity. The Radio and Television Act provides that journalists and creative professionals may not receive instructions and directions regarding the exercise of their activity from persons and/or groups outside the management bodies of media service providers, and that public criticism of media service providers does not constitute disloyalty to the employer.

As regards disinformation, CEM underlines that the Radio and Television Act currently in force does not contain a legal definition of the term "disinformation", nor does it provide for a stand-alone administrative offence that would allow sanctions to be imposed "for disinformation" as such.

CEM remains at your disposal to provide additional information and clarifications within the scope of its statutory mandate. CEM considers that correct institutional attribution of responsibilities and a clear delineation of competences are essential for the accuracy and usefulness of the report.

С уважение,

X **Симона Велева**

Д-Р СИМОНА ВЕЛЕВА

ПРЕДСЕДАТЕЛ НА СЕМ

Signed by: SIMONA ZDRAVCHEVA VELEVA-STOYNOVA



Translation from Bulgarian

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TO

Mr GEORGI GEORGIEV

Minister of Justice

RE: Draft report on the visit to the Republic of Bulgaria by the European Economic and Social Committee (EESC) regarding compliance with fundamental rights and the rule of law

Dear Minister Georgiev,

The Commission for Protection against Discrimination (the “CPD”) has received your letter Ref. No. 04-01-642/25/22.01.2026, registered under Incoming No. 90-11-2/22.01.2026, concerning the draft report on the visit to the Republic of Bulgaria by the European Economic and Social Committee (the “EESC”) regarding compliance with fundamental rights and the rule of law. The report seeks to reflect the opinions and views of non-governmental organisations and competent authorities on the situation of citizens’ rights in specific areas.

Following a careful review of the document, it is noted that the CPD and its activities are referenced several times under the section “Right to Non-Discrimination”. More specifically, the report states that “Oversight bodies such as the National Council for Equality between Women and Men and the Commission for Protection against Discrimination have been

ineffective, according to participants.” The report further states that “Complaints submitted to the Commission for Protection against Discrimination very rarely lead to findings of discrimination, even in obvious cases, one such case being related to a candidate for Mayor of Sofia who openly campaigned to end Sofia Pride and was well known for anti-LGBTIQ+ positions.”

While recognising the efforts and important role of the EESC in promoting the values of European integration and in upholding democracy and the participation of civil society, and having regard to the statutory powers and competence of the CPD, the CPD hereby expresses the following position:

The CPD does not agree with the findings made regarding its activities.

The grounds for the Commission’s position are as follows:

Pursuant to Article 40(1) of the Protection against Discrimination Act (the “Act”), the Commission for Protection against Discrimination is an independent specialised state body responsible for the prevention of discrimination, protection against discrimination, and ensuring equality of opportunity. The CPD applies all legal mechanisms provided under Article 47 of the Act in the performance of its statutory functions.

It should be clarified that the CPD is a quasi-judicial body which issues decisions based on the evidence submitted and collected during the examination, as required for a full and comprehensive clarification of the facts and circumstances of each case. In adopting its decision, the CPD must assess: (i) whether there is a causal link between the alleged unfavourable treatment and a protected characteristic under Article 4(1) of the Act; (ii) whether comparable circumstances exist and an appropriate comparator can be identified; and (iii) whether any differential treatment is objectively justified—namely, whether it pursues a lawful aim and whether the means used are appropriate and necessary. Where any of these elements is not established, this constitutes a substantive legal bar to a decision finding discrimination and ordering measures under the Act.

It should be emphasised that where non-compliance with anti-discrimination legislation has been established, the CPD has issued decisions ordering the cessation of the infringement and

imposing sanctions on the responsible persons. Thus, for the period from 1 January 2020 to 31 December 2025, of the 18 CPD decisions involving complaints of discrimination on the ground of “sexual orientation”, discrimination was established in 6 cases and fines were imposed on the infringers. In the remaining 12 cases, discrimination was not established and the complaints were dismissed.

In addition to the fact that not every act or omission fulfils the legal elements of discrimination, it should be noted that CPD decisions are subject to appeal before the competent court. The court has the power to review the evidence collected and to rule on the merits, including to set aside the CPD’s decision and substitute its own. The review conducted in connection with the EESC draft report indicates that, of the 12 decisions in which discrimination was not established, only one was appealed before the Administrative Court. By a final and binding judgment, the Administrative Court upheld the CPD’s decision and findings.

The CPD also exercises its statutory powers to prevent discrimination on all protected grounds, including through measures aimed at preventing hate speech. To date, the CPD has issued multiple opinions emphasising, *inter alia*, the following:

Freedom of expression is a fundamental principle enshrined in the Constitution of the Republic of Bulgaria, as well as in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. However, this right is not absolute. Human rights and their protection are among the most significant issues for democratic societies and the rule of law. It is therefore essential that individuals recognise their responsibility—through both actions and words—for safeguarding human rights. In its opinions, the CPD has consistently stated that it does not tolerate hate speech and opposes any form of stereotyping based on a protected characteristic. In its capacity as the OSCE national contact point for hate crimes, the CPD also calls upon citizens, institutions, political parties, and organisations to adhere to high human-rights standards of civilised democratic debate and public criticism. The CPD urges participants in public discourse, including when expressing personal views on social media, to observe democratic norms of communication and to respect the right to hold and express opinions, freedom of conscience, and freedom of speech. Hate speech is unacceptable in public communication, and escalation of social tension should be avoided.

The CPD further notes that the draft report does not reflect the Commission's work under significant and well-established initiatives for the prevention of discrimination, such as "Accessible Bulgaria" and "Employer without Discrimination". As stated by the CPD representative during the hearing before the EESC on 12 December 2025, the "Accessible Bulgaria" campaign was launched in 2017. Within the framework of the campaign, the CPD carries out an independent assessment of accessibility, initiates proceedings, and imposes the sanctions and coercive administrative measures provided by law, with a view to ensuring the creation and maintenance of an accessible public environment for persons with mobility impairments, and to supporting persons with disabilities in addressing this significant public issue. Where an accessible environment has not been established, the CPD imposes sanctions and coercive administrative measures.

To date, more than 1,000 proceedings have been initiated. As a result of the CPD's work under the campaign, positive outcomes have been observed in improving accessibility for persons with mobility impairments, with a significant proportion of decisions recording that the identified infringement was remedied in the course of the proceedings. In such cases, the Commission's panels issue recommendations that the established accessible architectural environment be maintained.

Over the years, the CPD has also implemented and further developed the "Employer without Discrimination" initiative, which relates to certification and the introduction of a non-discrimination standard in the field of employment. It is aimed at employers and contributes to preventing discrimination in the workplace.

The Commission for Protection against Discrimination notes that, within the scope of its statutory powers, it will continue to work actively to fulfil its functions under the Protection against Discrimination Act, in cooperation with all state authorities and representatives of civil society.

Respectfully,

ELKA BOZHOVA

Chairperson of the Commission for Protection against Discrimination

I, the undersigned Ani Hristova Atanasova, certify the accuracy of the translation from Bulgarian into English of the attached document. The translation consists of 4 /four/ pages.

In places of deprivation of liberty, a minimum living space of 4 sq. m. per person is observed when accommodating convicted and detained persons. Persons accommodated in places of deprivation of liberty are provided with food in accordance with the caloric requirements set by the Ministry of Health, ensuring 2,622 calories per day for prisoners who are not engaged in work activities and 3,124 calories per day for those who are working. Meat and meat products are included in the menu six days a week, while fish is served only on Saturdays. Prisoners take their meals in the sleeping quarters, in compliance with sanitary and hygienic requirements, and dining tables are provided. The food itself is prepared in the prison kitchen, where strict hygiene standards, taste quality requirements, and portion sizes for each serving are observed. Prisoners who profess a religion other than Christianity, as well as those who have been prescribed a medical diet, are provided with meals of the same caloric value. Food is prepared according to a recipe book approved by the Ministry of Health and the Ministry of Finance. Persons accommodated who lack financial means and do not receive support from relatives are provided with clothing and footwear appropriate to the season.

All places of deprivation of liberty are equipped with heating systems for the winter period, which are maintained in proper working condition.

Prisoners are provided with sufficient daylight, artificial lighting, heating, and ventilation, access to sanitary facilities and running hot and cold water, as well as the minimum required furnishings in the sleeping quarters in accordance with Art. 21, para. 1 of the Regulations for the Implementation of the Execution of Sentences and Detention in Custody Act.

Electricity supply is ensured for prisoners from 6:00 a.m. to 10:00 p.m. During the summer months, due to high temperatures, electricity supply is extended until 2:00 a.m., and prisoners may use fans to cool the premises. In addition, on weekdays and weekends, electricity supply is extended until midnight when sports broadcasts are aired. Regarding night lighting, such lighting is installed in the sleeping quarters for use during the dark hours of the day. Additionally, lighting fixtures are installed opposite the windows of the sleeping quarters, ensuring access to artificial light during the night.

Each prisoner is provided with adequate conditions for personal hygiene: access to running hot and cold water, constructed toilet facilities allowing privacy, available 24 hours a day. The sleeping quarters have ventilation and access to natural light. The sleeping quarters are equipped with tables and chairs. All prisoners are provided with lockers for storing personal belongings and luggage.

General Directorate "Execution of Sentences" is committed to the continuous improvement of living conditions and the material base in the accommodation facilities for detained and convicted persons.

Prisons and the adjoining prison dormitories are supplied monthly with cleaning and hygiene products. Every month, units accommodated with inmates are distributed soap, detergent, bleach, and other cleaning products. There is also an option to purchase additional cleaning supplies from prison shops. In

connection with improving hygiene, blankets and lightweight duvets are shaken out once a month, and the sleeping quarters are sanitized at least once daily using the available products. If a person so wishes, they may disinfect their clothing and bedding in the prison steam disinfection facility.

Once a week, prisoners' clothing and bed linen are washed according to a schedule approved by the prison governor and the respective adjoining dormitories. Blankets and lightweight duvets are washed twice a year.

Annually, the General Directorate "Execution of Sentences" concludes a contract for disinfection and deratization of all prison groups, offices, storage, and service premises, as well as kitchen units, with the aim of reducing the population of pests. In accordance to the Execution of Sentences and Detention in Custody Act, inmates are provided with the opportunity for outdoor exercise for no less than one hour per day—specifically 1 hour and 30 minutes during the summer period and 1 hour and 20 minutes during the winter period.

Pursuant to Art. 84, para. 2, item 4 of the Execution of Sentences and Detention in Custody Act, prisoners are entitled to health insurance from the moment of detention, with health insurance contributions covered by the state budget and transferred by the Ministry of Justice.

Inmates can be accommodated in external medical facilities as well. Convicted and detained persons are entitled to visits no fewer than two times per month, according to a schedule approved by the prison governor, in specially designated premises. Under open-type conditions, visits with relatives are conducted without special barriers. During outdoor time, prisoners are provided with opportunities for physical conditioning and sports activities. All prisons are equipped with libraries, where accommodated persons may use the available book collections according to approved schedules. Places of deprivation of liberty comply with European standards for the accommodation and treatment of prisoners, relevant to the conditions under Art. 3 of the European Convention on Human Rights and Fundamental Freedoms. The use of physical force and auxiliary means is regulated in Chapter 9, Section III of the Execution of Sentences and Detention in Custody Act. For each case of use of physical force and/or auxiliary means, a written report is prepared and submitted to the General Directorate "Execution of Sentences".

Regarding the provision of adequate healthcare in places of deprivation of liberty:

Medical services in places of deprivation of liberty are organized and provided by healthcare facilities under the Ministry of Justice (MJ), which are designated as medical institutions under Article 5(1) of the Law on Medical Institutions by Council of Ministers Decree No. 159 of July 17, 2003, effective as of May 1, 2003. These institutions are part of the national healthcare system and operate in accordance with the Rules on the Structure and Activities of Medical Institutions under the MJ and Order No. 2/22.03.2010 on the Conditions and Procedures for Medical Care in Places of Imprisonment.

These are Specialized Hospitals for Active Treatment of Prisoners (SBALLS) at the prisons in Sofia and Lovech, and 13 (thirteen) Medical Centers (MC) attached to the respective prisons and the Regional Service for the Execution of Sentences – Sofia.

SBALLS provide medical care to prisoners throughout the country and, in this sense, are unique in their specific functions related to the regime, security, and safety during the serving of prison sentences.

SBALLS-Sofia has an internal medicine and surgery department. SBALLS-Lovech has a pulmonary diseases department and a psychiatric department. Both hospitals also have women's wards.

They accommodate prisoners with acute and aggravated chronic diseases that cannot be treated on an outpatient basis; patients whose lives are at risk or whose health condition may deteriorate; and persons with an undiagnosed condition requiring clinical observation and laboratory testing.

The activities of the Medical Center are related to the provision of emergency medical and dental care, primary medical care, specialized outpatient medical care, dental services, and preventive, rehabilitative, and hygienic-anti-epidemic activities to maintain and strengthen the physical and mental health of prisoners, as well as medical certification of their health status. The Medical Center has up to 10 beds for short-term treatment.

When conditions for providing the necessary treatment are not available, treatment for infectious diseases is required, and consultative examinations or specialized tests are necessary, prisoners are sent to medical facilities outside the places of deprivation of liberty.

The main objective of medical care for detainees and prisoners is to ensure equal access to specialized medical care for prisoners, both in medical facilities within places of deprivation of liberty and in external medical facilities, while respecting the rights of the patient, without any discrimination and with equal opportunities to those of the general public.

The necessary legislative changes have been made to ensure access to health services for prisoners. An amendment and supplement to the Law on the execution of sentences has been made. Health insurance contributions are paid for all prisoners from the moment of their detention and they acquire the status of insured persons with continuous health insurance rights. The contributions are paid from the national budget and transferred through the Ministry of Justice, in accordance with Article 128(2) of the Law on the execution of sentences. This ensures access to medical care, guaranteed by the health services package of the National Health Insurance Fund (NHIF), in accordance with the National Framework Agreement (NFA).

The Directorate General for the Execution of Sentences has focused its efforts on ensuring equal access to medical care for prisoners and free citizens of the Republic of Bulgaria. The focus is on specialized medical care and the use of hospital and outpatient medical services, both in places of deprivation of liberty and in external medical facilities.

Measures have been taken to improve the efficiency of doctors' work in medical facilities in places of deprivation of liberty by providing integrated information systems - the medical software product "Hippocrates GP" and the dental software product "Hippocrates D", which enable automated communication with the reporting services to the National Health Insurance Fund (NHIF) and the National Health Information System (NHIS). Certificates for qualified electronic signatures have been issued to all doctors working with the two software products.

With the assistance of the National Health Insurance Fund, the established regulatory standards have been revised and additional funds have been allocated for medical and diagnostic activities for prisoners in relation to the issuance of referrals for consultations with specialists and medical and diagnostic tests by doctors who serve prisoners.

The scope of their powers has also been expanded to include the issuance of electronic prescription books, the issuance of referrals to Territorial Expert Medical Commissions, and their registration in the Medical Examination Control Information System.

An "Agreement on Cooperation between the Ministry of Justice and the National Health Insurance Fund" has been concluded, reg. No. RD-16-26/08.05.2025 in the National Health Insurance Fund register and No. 93-00-60/29.05.2025 in the Ministry of Justice register and reg. No. 12-00-949/30.05.2025 in the GDES register. It defines the order and manner of interaction between the Ministry of Health and the National Health Insurance Fund in connection with the performance of their statutory functions and obligations. It regulates the work of departmental doctors working in medical establishments under the Ministry of Health and serving persons deprived of their liberty.

To date, tests of the web-based interface have been successfully conducted. Doctors from medical facilities at the Ministry of Justice will now have access to patient lists, which will ensure equal access for prisoners to medical care and specialists in medical facilities outside places of deprivation of liberty.

With regard to the prevention and control of socially significant diseases in places of deprivation of liberty:

The Ministry of Health and the Ministry of Justice have signed "Agreement on the implementation of joint activities for the prevention of HIV, AIDS, tuberculosis, and viral hepatitis" in connection with the "National Program for the Prevention and Control of HIV and Sexually Transmitted Infections in the Republic of Bulgaria, 2021-2025," the "National Program for the Prevention and Control of Tuberculosis in the Republic of Bulgaria, 2021-2025," and the "National Program for the Prevention and Control of Viral Hepatitis in the Republic of Bulgaria, 2021-2025."

To ensure the sustainability of the planned joint activities and their implementation in all prisons, an HIV and AIDS screening mechanism, a tuberculosis screening mechanism, and a viral hepatitis screening mechanism are in place. Close cooperation is maintained with medical professionals from the Free and Anonymous Counseling and Testing Centers for Acquired Immune Deficiency Syndrome at the Regional Health Inspectorates, representatives of medical institutions treating viral hepatitis, and non-governmental organizations.

A Memorandum of Bilateral Cooperation has been signed between the University Multiprofile Hospital for Active Treatment and the Ministry of Justice, which contributes to the creation of conditions for the successful implementation of policies in the field of healthcare and quality medical services in places of deprivation of liberty, in compliance with the regulatory medical standards, through the application of good practices and the guarantee of the rights and freedoms set out in the European Convention on Human Rights.

The GDES will continue to take and implement measures, seeking effective solutions and opportunities for the effective functioning of the health infrastructure in places of deprivation of liberty, in order to respond professionally to every health need of prisoners in the process of serving their sentences.

В качеството си на представител на Министерство на икономиката и индустрията, в проведената на 12.12.2025 година среща в Министерство на правосъдието с шестима представители на Европейски икономически и социален комитет, с настоящето представям своята оценка на изготвеният проект на Доклад за посещението им в Република България. Оценката ми се базира на отговорът на три основни въпроса: 1.Каква е достоверността на доклада; 2.Какви ползи за българското общество биха имали фактите изложени в доклада; 3.Правни изводи; 4.Какво е положителното в Доклада.

1.По отношение на достоверността на доклада

Видно от изложеното в Доклада, методологията на неговото съставяне се основава на широк кръг от срещи с представители на гражданското общество (НПО, социални партньори, медии, юристи) по правилата на "Chatham House" (анонимност на източниците). Целта му е изрично дефинирана като „вярно отразяване и възпроизвеждане на гледните точки на гражданското общество“.

В Доклада се включва и позицията на властите (правителството), макар и в по-малък обем, като контрапункт на критиките (напр. относно полицейското насилие или съдебната реформа). Това показва стремеж към обективност, но

As a representative of the Ministry of Economy and Industry, at the meeting held on 12.12.2025 at the Ministry of Justice with six representatives of the European Economic and Social Committee, I hereby present my assessment of the prepared draft Report on their visit to the Republic of Bulgaria. My assessment is based on the answers to three main questions: 1. What is the credibility of the report; 2. What benefits for Bulgarian society would the facts set out in the report have; 3. Legal conclusions; 4. What is positive in the Report.

1. Regarding the credibility of the report

As can be seen from the presentation of the Report, the methodology of its compilation is based on a wide range of meetings with representatives of civil society (NGOs, social partners, media, lawyers) under the rules of "Chatham House" (anonymity of sources). Its goal is explicitly defined as "faithfully reflecting and reproducing the views of civil society".

The Report also includes the position of the authorities (government), albeit in a smaller volume, as a counterpoint to criticism (e.g. regarding police violence or judicial reform). This shows a desire for objectivity, but the main focus remains

основният фокус остава върху критичния анализ на гражданския сектор.

Ако трябва да се даде обобщено становище за състоянието на страната според този документ, то би звучало така: България се намира в състояние на тежка системна криза на върховенството на закона и защита на човешките права, характеризираща се с „институционално завладяване“ и пълна липса на доверие между гражданите и държавата.

Ето основните стълбове на това становище, според мен:

- Институционален разпад и липса на правосъдие Ситуацията може да се определи като критична. Съдебната система и прокуратурата не функционират като независими арбитри, а се възприемат като инструменти за политическо влияние. Ключови органи (ВСС, Инспекторатът, Главният прокурор) работят извън мандатите си, което делегитимира властта им.

- Налице е „селективно правосъдие“ – делата срещу висши фигури се използват за политически цели, а не за реална борба с корупцията.

- Съдиите, които се опитват да бъдат независими, са подложени на институционален натиск и медийни кампании за очерняне.

- Свиващо се гражданско пространство и медийна несигурност, а демократичната среда е враждебна. Вместо диалог, държавата и скритите икономически интереси упражняват натиск:

on the critical analysis of the civil sector.

If a generalized opinion were to be given on the state of the country according to this document, it would sound like this: Bulgaria is in a state of severe systemic crisis of the rule of law and protection of human rights, characterized by "institutional capture" and a complete lack of trust between citizens and the state.

Here are the main pillars of this opinion, in my opinion:

- Institutional breakdown and lack of justice The situation can be described as critical. The judiciary and the prosecution do not function as independent arbiters, but are perceived as instruments of political influence. Key bodies (the Supreme Court, the Inspectorate, the Prosecutor General) operate outside their mandates, which delegitimizes their power.

- There is “selective justice” – cases against high-ranking figures are used for political purposes, rather than for a real fight against corruption.

- Judges who try to be independent are subjected to institutional pressure and media smear campaigns.

- Shrinking civil space and media uncertainty, and the democratic environment is hostile. Instead of dialogue, the state and hidden economic interests exert pressure:

- Media freedom is severely limited through SLAPP cases (strategic

- Медийната свобода е силно ограничена чрез SLAPP дела (стратегически дела срещу публично участие) и икономическа зависимост, което води до автоцензура.

- Налице е системен отказ от защита на уязвимите Държавата не успява (или не желае) да защити основните права на малцинствата, което води до маргинализация и насилие:

- Полицейското насилие остава безнаказано, а разследванията на такива случаи са неефективни.

В заключение, на базата на този доклад, становището е, че в България съществува дълбока пропаст между формалното наличие на демократични институции и реалното им функциониране. Гражданското общество описва средата като „завладяна държава“, където корупцията е системна, а механизмите за контрол (като прокуратура и антикорупционни комисии) са неефективни или дори вредни. Това води до масови протести и ерозия на демократичния модел.

Считам, че подобна оценка завишава силно негативните факти по отношение на действителността, защото са налице и положителни тенденции.

2.Относно ползите за българското общество от изложените в Доклада факти

Фактите в този доклад, макар и силно критични, биха имали съществени ползи за българското общество, действайки като

lawsuits against public participation) and economic dependence, leading to self-censorship.

- There is a systematic failure to protect the vulnerable. The state fails (or is unwilling) to protect the fundamental rights of minorities, leading to marginalization and violence:

- Police violence goes unpunished, and investigations into such cases are ineffective.

In conclusion, based on this report, the opinion is that in Bulgaria there is a deep gap between the formal presence of democratic institutions and their real functioning. Civil society describes the environment as a “captured state”, where corruption is systemic, and control mechanisms (such as prosecutors and anti-corruption commissions) are ineffective or even harmful. This leads to mass protests and the erosion of the democratic model.

I believe that such an assessment greatly overstates the negative facts in relation to reality, because there are also positive trends.

2. Regarding the benefits for Bulgarian society of the facts presented in the Report

The facts in this report, although highly critical, would have significant benefits for Bulgarian society, acting as a diagnostic tool and catalyst for

диагностичен инструмент и катализатор за промяна. Тяхната стойност се състои в това, че превръщат усещанията на гражданите в документирано доказателство пред европейските институции.

Ето конкретните ползи, които извличането на тези факти носи:

- Валидиране на гражданското недоволство и протестите, като Докладът дава външна легитимация на причините за масовите протести в страната. Това помага на обществото да разбере, че проблемите са системни, а не изолирани, и дава морална подкрепа на гражданската мобилизация.

- В законотворчество е посочено, че е налице се механизъм на „фасаден диалог“, при който консултациите с гражданското общество се използват само за легитимиране на предварително взети решения, често чрез квазиправителствени организации.

- Защита за независимите гласове (журналисти и съдии) чрез документирането на „координирани кампании за очерняне“ срещу независими съдии и използването на дела-шамари (SLAPP) срещу журналисти, докладът действа като щит. Той показва, че тези атаки са наблюдавани от Европа. Това може да намали чувството за безнаказаност у онези, които упражняват натиск, и да насърчи повече съдии и журналисти да отстояват независимостта си.

- Разкриване на „институционалното завладяване“ Фактът, че висши органи

change. Their value lies in the fact that they transform citizens' feelings into documented evidence before European institutions.

Here are the specific benefits that extracting these facts brings:

- Validation of civil discontent and protests, as the Report provides external legitimation of the reasons for the mass protests in the country. This helps society understand that the problems are systemic, not isolated, and provides moral support for civil mobilization.

- It is stated in the lawmaking that there is a mechanism of "facade dialogue", in which consultations with civil society are used only to legitimize previously made decisions, often through quasi-governmental organizations.

- Protecting independent voices (journalists and judges) by documenting “coordinated smear campaigns” against independent judges and the use of SLAPPs against journalists, the report acts as a shield. It shows that these attacks are being monitored from Europe. This could reduce the sense of impunity of those who exert pressure and encourage more judges and journalists to stand up for their independence.

- Exposing “institutional capture” The fact that higher bodies such as the SJC and its Inspectorate operate outside their mandates, as well as the situation with the Prosecutor General, is cited as a mechanism for political influence.

като ВСС и Инспекторатът към него работят извън мандатите си, както и ситуацията с главния прокурор, се посочва като механизъм за политическо влияние. Това знание е полезно за обществото, за да разбере защо съдебната система не работи ефективно и защо има „селективно правосъдие“ – проблемите не са само в хората, а в липсата на структурна отчетност и прозрачни процедури.

В обобщение, ползата от този доклад е, че той демаскира някои аспекти на демокрацията. Той предоставя на българското общество и на гражданските организации аргументи, с които да изискват реални, а не само хартиени реформи.

3. Правни изводи, които могат да бъдат направени

На базата на фактите, изложени в доклада от декември 2025 г., може да се направи следното правно заключение:

България се намира в състояние на системен институционален разпад и нарушение на върховенството на закона, което води до неизпълнение на задълженията на държавата по Конституцията, правото на Европейския съюз и международните договори за правата на човека.

Ето конкретните правни изводи по сектори:

1. Липса на легитимност е породена от тежък правен вакуум и ерозия на държавността, поради функционирането

This knowledge is useful for society to understand why the judicial system does not work effectively and why there is “selective justice” – the problems are not only in people, but in the lack of structural accountability and transparent procedures.

In summary, the benefit of this report is that it unmasks some aspects of democracy. It provides Bulgarian society and civil society organizations with arguments to demand real, not just paper, reforms.

3. Legal conclusions that can be drawn

Based on the facts set out in the December 2025 report, the following legal conclusion can be drawn:

Bulgaria is in a state of systemic institutional breakdown and violation of the rule of law, which leads to the failure of the state to fulfill its obligations under the Constitution, European Union law and international human rights treaties.

Here are the specific legal conclusions by sector:

1. Lack of legitimacy is caused by a severe legal vacuum and erosion of statehood, due to the functioning of key bodies outside their statutory mandates.

на ключови органи извън законоустановените им мандати. Висшият съдебен съвет (ВСС), Инспекторатът към ВСС и главният прокурор продължават да упражняват власт след изтичането на мандатите им. Това създава условия за оспорване на легитимността на техните актове и назначения, като институциите са превърнати в инструменти за политическо влияние, вместо да функционират според принципите на правовата държава. 2.Нарушение на правото на справедлив процес (чл. 6 от ЕКПЧ) защото Съдебната система не гарантира безпристрастност и независимост, което е основен принцип на правосъдието. А Прокуратурата действа изборително („селективно правосъдие“), като инициира производства с политически цели и отказва да разследва тежки престъпления и корупция по високите етажи, което представлява отказ от правосъдие. 3. Заплаха за свободата на словото, предизвикана от правната рамка и съдебната практика, които се използват като оръжие срещу гражданското общество и медиите. 4. Неспазване на трудовото и социалното право (МОТ и ЕС) предизвикано от нарушен социален диалог, свързан с ограничаването на правата на държавните служители за колективно договаряне, което е в разрез със стандартите на Международната организация на труда (МОТ). 5. Системната корупция и неефективният контрол при	The Supreme Judicial Council (SJC), the Inspectorate to the SJC and the Prosecutor General continue to exercise power after the expiration of their mandates. This creates conditions for challenging the legitimacy of their acts and appointments, with the institutions being transformed into instruments of political influence instead of functioning according to the principles of the rule of law. 2. Violation of the right to a fair trial (Article 6 of the ECHR) because the Judicial System does not guarantee impartiality and independence, which is a fundamental principle of justice. And the Prosecutor's Office acts selectively ("selective justice"), initiating proceedings with political objectives and refusing to investigate serious crimes and high-level corruption, which constitutes a denial of justice. 3. Threat to freedom of speech caused by the legal framework and case law, which are used as a weapon against civil society and the media. 4. Non-compliance with labor and social law (ILO and EU) caused by impaired social dialogue related to the restriction of civil servants' rights to collective bargaining, which is contrary to the standards of the International Labor Organization (ILO). 5. Systemic corruption and ineffective control in public procurement indicate a violation of EU directives and failure to meet the conditions under the Recovery and Resilience Mechanism. The Report
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обществените поръчки индикират нарушение на директивите на ЕС и неизпълнение на условията по Механизма за възстановяване и устойчивост. В Доклада се подчертава, че България отбелязва влошаване по отношение на Индекс за възприятие на корупцията (CPI), като резултатът ѝ пада от 45 (каквото е бил през 2023 г.) до 43 точки за 2024 г. и до рекордно ниските 40 точки за 2025 г. Но трябва да се отбележи, доста спорният начин за определяне на този индекс, както и факта, че от 33 държави в Европа, 13 са със средни и близки показатели до тези на Република България относно Индекс за възприятие на корупцията (CPI) 2024-2025, а 5 държави, които са имали високи оценки и могат да бъдат наречени „отличници“ за същият период са влошили своите показатели – Германия от 77 на 75, Австрия от 67 на 69, Литва от 65 на 63, Латвия от 60 на 59, Чехия от 59 на 56, Гърция от 50 на 49, Малта от 49 на 46. Изводът, който може да се направи е, за общоевропейска тенденция в тази област и България не бива да бъде стигматизирана.

Обобщено заключение: Докладът очертава картина на държава, в която върховенството на закона е подменено от върховенство на политическата целесъобразност и скрити икономически интереси. Правните механизми за контрол (прокуратура, регулатори, инспекторати) не само не функционират, но се използват за легитимиране на нарушенията. Това поставя България в риск от наказателни процедури от страна на Европейската комисия и продължаващи осъдителни присъди в Страсбург.

emphasizes that Bulgaria is experiencing a deterioration in terms of the Corruption Perceptions Index (CPI), with its score falling from 45 (as it was in 2023) to 43 points in 2024 and to a record low of 40 points in 2025. However, it should be noted that the rather controversial way of determining this index is, as well as the fact that out of 33 countries in Europe, 13 have average and close indicators to those of the Republic of Bulgaria regarding the Corruption Perceptions Index (CPI) 2024-2025, and 5 countries that had high scores and could be called "excellent" for the same period have worsened their indicators - Germany from 77 to 75, Austria from 67 to 69, Lithuania from 65 to 63, Latvia from 60 to 59, Czech Republic from 59 to 56, Greece from 50 to 49, Malta from 49 to 46. The conclusion that can be drawn is that this is a pan-European trend in this area and Bulgaria should not be stigmatized.

Summary conclusion: The report paints a picture of a country where the rule of law has been replaced by the rule of political expediency and hidden economic interests. Legal control mechanisms (prosecutors, regulators, inspectorates) are not only non-functional, but are used to legitimize violations. This puts Bulgaria at risk of criminal proceedings by the European Commission and ongoing convictions in Strasbourg.

4. Положителното в Доклада

Въпреки че докладът е силно критичен и очертава сериозни системни проблеми, в него могат да се открият и конкретни положителни тенденции и „малки победи“, които показват устойчивост на гражданското общество и отделни институционални подобрения. Ето основните положителни аспекти според мен в текста на доклада:

- налице е гражданска мобилизация и пробуждане. Това е може би най-позитивният извод е – че българското гражданско общество е жизнено и реагира на несправедливостите. Участниците отчитат „подновена гражданска мобилизация“, включително сред помладите поколения, демонстрирана чрез мащабни протести;

- успешен натиск на гражданското общество, което е успяло да спре вредни законодателни инициативи. Например, опитът да се криминализира публикуването на лични данни от журналисти (което би попречило на журналистическите разследвания и такива свързани с корупция) е бил оттеглен именно след натиск от страна на гражданския сектор;

- налице са успехи на независимата журналистика, която въпреки тежката среда, намира начини да си върши работата;

- журналистите отбелязват съдебни победи и често печелят делата, заведени по Закона за достъп до обществена информация, принуждавайки

4. Positive aspects of the Report

Although the report is highly critical and outlines serious systemic problems, it also reveals specific positive trends and “small victories” that demonstrate the resilience of civil society and individual institutional improvements. Here are the main positive aspects in my opinion in the text of the report:

- there is civic mobilization and awakening. This is perhaps the most positive conclusion – that Bulgarian civil society is vibrant and reacts to injustices. Participants report “renewed civic mobilization”, including among the younger generations, demonstrated through large-scale protests;

- successful pressure from civil society, which has managed to stop harmful legislative initiatives. For example, the attempt to criminalize the publication of personal data by journalists (which would have hindered journalistic investigations and those related to corruption) was withdrawn precisely after pressure from the civil sector;

- there are successes of independent journalism, which despite the difficult environment, finds ways to do its job;

- journalists are winning court battles and often winning cases brought under the Freedom of Information Act, forcing institutions to be transparent. It is also noted that journalists are winning most of the SLAPP cases brought against them, although the process is exhausting;

институциите да бъдат прозрачни. Също така се отбелязва, че журналистите печелят повечето от делата-шамари (SLAPP), заведени срещу тях, макар процесът да е изтощителен; - независимата разследваща журналистика играе все по-важна роля на „надзорник“ (watchdog), като частично компенсира липсата на разследвания от страна на прокуратурата; - намаляло е физическото насилие, като се отбелязва, че физическите атаки срещу журналисти са по-малко в сравнение с миналото, макар тормозът да е преминал във вербални и съдебни форми; - отбелязва се законодателен напредък, тъй като има приети закони и стратегии, които, ако се прилагат правилно, биха подобрили средата; - след години на кампании е прието законодателство, което санкционира антисиндикалните дейности; - през 2023 г. са приети законодателни изменения, предвиждащи по-тежки наказания за престъпления, основани на сексуална ориентация; - участниците оценяват новата стратегия за борба с корупцията (която е била в процес на разработка по време на визитата) като „доста добър документ“, въпреки че резервите към прилагането му остават; - в областта на правата на човека се отбелязва, че Конституцията гарантира свободата на сдружаване, а процесът на	- independent investigative journalism is playing an increasingly important role as a “watchdog”, partly compensating for the lack of investigations by the prosecutor’s office; - physical violence has decreased, with physical attacks on journalists being reported to be fewer than in the past, although harassment has taken on verbal and judicial forms; - legislative progress is being noted, as laws and strategies have been adopted that, if properly implemented, would improve the environment; - after years of campaigning, legislation has been passed to sanction anti-union activities; - in 2023, legislative amendments were adopted, providing for more severe penalties for crimes based on sexual orientation; - participants assessed the new anti-corruption strategy (which was under development at the time of the visit) as a “fairly good document”, although reservations regarding its implementation remain; - in the area of human rights, it is noted that the Constitution guarantees freedom of association, and the registration process for civil society organizations has improved significantly; - improvements in infrastructure and institutional capacity are noted, highlighting that new facilities have
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регистрация за граждански организации се е подобрил значително;

- отбелязват се подобрения в инфраструктурата и институционалният капацитет, като се подчертава, че са построени нови съоръжения и пренаселеността в затворите намалява, а също така властите докладват за 30% увеличение на броя на инспекторите по труда преди няколко години и твърдят, че полицейските служители преминават обучение по правата на човека.

В заключение може да се отбележи, че положителното в доклада е доказателството, че въпреки „завладените“ институции, в България съществуват острови на съпротива – активни млади хора, смели журналисти и работещи (макар и трудно) съдебни състави, които отсъждат в полза на свободата на словото. Това показва, че демократичният имунитет на обществото не е напълно изчезнал.

Моята лична оценка на Доклада, клони по-скоро към отрицателна и несъгласие с доста от констатациите, както и фактът, че заключенията в него са предимно въз основа на субективни оценки на граждани и неправителствени организации. Освен това, според мен доста от заключенията и констатациите са направени въз основа на констатации от типа „като един такъв случай е свързан с . . .“, т.е. според мен липсва достатъчно фактологичен материал и емпирични данни.

been built and prison overcrowding is decreasing, and the authorities also report a 30% increase in the number of labor inspectors in the past few years and claim that police officers are receiving human rights training.

In conclusion, it can be noted that the positive thing about the report is the evidence that despite the “conquered” institutions, there are islands of resistance in Bulgaria – active young people, courageous journalists and working (albeit difficult) courts that rule in favor of freedom of speech. This shows that the democratic immunity of society has not completely disappeared.

My personal assessment of the Report tends to be rather negative and I disagree with many of the findings, as well as the fact that the conclusions in it are mainly based on subjective assessments of citizens and non-governmental organizations. In addition, in my opinion, many of the conclusions and findings are made on the basis of findings of the type "such as one such case is related to . . .", i.e. in my opinion, there is a lack of sufficient factual material and empirical data.



Translation from Bulgarian

REPUBLIC OF BULGARIA

MINISTRY OF FOREIGN AFFAIRS

CABINET OF THE MINISTER

TO:

Ms PETYA LAZAROVA

Head of the Political Cabinet

Ministry of Justice

RE: Opinion on the draft report on the visit to the Republic of Bulgaria by the European Economic and Social Committee (EESC) regarding compliance with fundamental rights and the rule of law

Dear Ms Lazarova,

Further to a letter received from the Minister of Justice, Ref. No. 04-01-642 of 22 January 2026, and following internal coordination within the Ministry in connection with the draft report on the visit to the Republic of Bulgaria by the European Economic and Social Committee (EESC) regarding compliance with fundamental rights and the rule of law, we provide the following opinion and comments, which may, at your discretion, be used in preparing the Bulgarian side's response to the report:

• Under item 2 — Freedom of association

We note as objective and positive the finding stated at the beginning of the paragraph, namely that freedom of association is guaranteed and that the registration process for civil society organisations has improved. At the end of the first paragraph, there is a statement alleging the

existence of restrictions on the association of organisations related to Moldovan identity, which does not correspond to the objective reality; therefore, we propose the following clarifications:

“Bulgarian authorities reaffirm their strong commitment to the protection of fundamental rights, democratic participation, and the rule of law. The Republic of Bulgaria places high importance on the voices of civil society. In 2018, a major legislative reform took place in order to better guarantee the right of association for all its citizens. This reform replaced the judicial registration procedure with a simplified administrative one, which was further streamlined through the publication of user-friendly guidelines, incl. in June 2025. There are no restrictions based on ethnic origin, as evidenced by the significant number of registered associations comprised of individuals from diverse ethnic, linguistic and cultural backgrounds. The large number of NGOs operating within the vibrant civil sector clearly demonstrates that the registration procedure is conducted without discrimination and is fully transparent. The government continues to engage with civil society through formal consultation mechanisms, public discussions, and structured participation bodies, including the Council for the Development of Civil Society.”

With regard to allegations that the environment for civil society organisations has become increasingly hostile following Bulgaria’s accession to the EU, citing the repeated tabling of proposals for a “foreign agents law”, we propose the following comment:

“The Bulgarian legislation does not impose restrictions on foreign funding of civil society organizations. The Republic of Bulgaria has not adopted any so called “foreign agents” law or legislation. Such an act was tabled by seven Members (out of total 240MPs) of the Parliament and it was rejected by a vast majority of votes during the first reading, which took place on 5 February 2025. Public discussions concerning transparency of foreign funding should be viewed within the broader European debate on transparency standards. The Bulgarian authorities stress that no legislative initiative restricting civil society organizations has been adopted. The authorities have introduced a mandatory online public consultation procedure for draft legislation which is opened to civil society organizations and citizens.”

• **Under item 4 — Right to non-discrimination**

With regard to allegations of cases of discrimination, in addition to the presumed detailed substantiation by the line ministries, we submit the following comments:

„The Bulgarian authorities follow a strong and consistent line on combating hate speech and hate crimes, intolerance and discrimination, including when such is manifested against persons belonging to any ethnic, religious, linguistic or sexual minority group. The Bulgarian legislation prohibits discrimination based on sexual orientation. In 2023 the adopted amendments to the Criminal Code entered into force which classified murder, bodily injury, kidnapping and illegal restraint as aggravated crimes when motivated by hostility towards the victim's actual or presumed sexual orientation.

Prevention and combating violence against women and domestic violence is an important long-term priority. In 2023, the Protection against Domestic Violence Act and the Aid and Financial Compensation for Victims of Crime Act were amended to provide victims of domestic violence with additional rights and enhance coordination in preventing and combating this violence.

The Bulgarian authorities implement targeted policies to support Roma inclusion across education, housing, employment, and healthcare sectors. A key element of the National Strategy for Equality, Inclusion and Participation of Roma (2021–2030) are measures for increasing the number of Roma mediators in the fields of health, education and employment. Their role in achieving the long-term goal of reducing disparities between Roma and the rest of the population is significant.

In the legislation of the Republic of Bulgaria there has never been a policy of school or real segregation. There are no rules that link a child's ethnic origin to admission to any public school or a person's ethnic origin to a specific or bounded geographic areas.“

In addition, we would like to draw attention to the fact that detailed substantiation should be provided by the competent line ministries in the respective areas, which are also addressees of the Minister of Justice's letter.

Respectfully,

VLADIMIR MILANOV

Head of Cabinet

Digitally signed by VLADIMIR EMILOV MILANOV

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I, the undersigned Ani Hristova Atanasova, certify the accuracy of the translation from Bulgarian into English of the attached document. The translation consists of 4 /four/ pages.



РЕПУБЛИКА БЪЛГАРИЯ
МИНИСТЕРСТВО НА ТРУДА И СОЦИАЛНАТА ПОЛИТИКА

СЕРТИФИЦИРАНА СИСТЕМА ЗА УПРАВЛЕНИЕ НА КАЧЕСТВОТО ISO 9001:2015 ISO/IEC 27001:2013
1051 СОФИЯ, УЛ. "ТРИАДИЦА" № 2, ТЕЛ.: (+3592) 8119-443, ФАКС : (+3592) 81 19572, WWW.MLSP.GOVERNMENT.BG

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ДО
Г-Н ГЕОРГИ ГЕОРГИЕВ
МИНИСТЪР НА ПРАВОСЪДИЕТО

На Ваш изх. № 04-01-642/25/22.01.2026 г.

ОТНОСНО: Проект на доклад от посещение в Република България на Европейския икономически и социален комитет (ЕИСК) относно спазването на основните права и върховенството на правото

УВАЖАЕМИ ГОСПОДИН ГЕОРГИЕВ,

Във връзка с полученият проект на доклад от посещението в Република България на ЕИСК (проведено на 11-12 декември 2025 г.) относно спазването на основните права и върховенството на правото, предоставям становището на Министерството на труда и социалната политика по констатациите и възприятията, изложени в доклада, включително и на английски език, както следва:

Under item 1 “Fundamental rights of the social partners”:

In connection with the statement on page 1 that “there is no national coverage of collective labour agreements, and the trade union density is in decline” and that “legislative amendments are often initiated without sufficient consultations”, we provide commentary and additional information as follows:

1. The Labour Code (LC) regulates the procedure for extending the application of a collective labour agreement (CLA) at sectoral and branch level or of its individual clauses in all enterprises in the sector or branch (Art. 51b of the LC). The extension is carried out by order of the Minister of Labour and Social Policy. The initiative for extension belongs to the

parties to the CLA (employees' and employers' organizations at the sectoral or branch level). On the basis of their joint request and following the written consent of all nationally recognized trade unions and employers' organizations, the Minister shall order the extension.

Currently, by Order No. PД-01-238/25.09.2024, the application of the Branch Collective Labour Agreement for employees in the brewing industry has been extended.

2. Based on an analysis of the state and trends in the development of collective bargaining in Bulgaria, a Plan to Promote Collective Bargaining for the period 2026 – 2030 (The Plan) has been developed together with the social partners. The Plan is a strategic document that consolidates the efforts of the government and those of the social partners, and aims to increase the scope of collective bargaining and improve working conditions for employees. This will be implemented and accounted for through the implementation of legislative and non-legislative measures, incl. aimed at increasing the capacity of the social partners. The Plan is to be adopted by a Decision of the government.

3. Regulation of labour and directly related relations, social security relations, as well as matters of living standards is carried out by the state in cooperation with and after consulting employee and employer representative organisations (Art. 3 of the LC). The body for cooperation and consultation at national level is the National Council for Tripartite Cooperation. When adopting normative acts in these areas, consultations with the social partners are mandatory. In addition, the draft regulations on state social security before their submission for adoption by the relevant state authorities are approved by the Supervisory Board of the National Social Security Institute, which includes representatives of the nationally representative organizations of employees and employers. Failure to comply with the consultation procedures is a prerequisite for repealing the normative act as unlawful.

When developing a draft normative act, a preliminary impact assessment is also carried out and public consultations are held with citizens and legal entities in accordance with the Law on Normative Acts. The draft normative acts and the preliminary impact assessment shall be published on the publicly accessible Public Consultation Portal maintained by the Councils of Ministers, as well as on the website of each institution submitting the act. Citizens and legal entities, including social partners, can express opinions and make proposals within the framework of the public consultation procedure. The developer of the draft is obliged to take a position on the submitted proposals and opinions and in case of non-acceptance – to justify the refusal.

Under item 2. Freedom of association and freedom of assembly:

(regarding statement on page 3 of the report: „Participants explained that CSOs faced difficulties accessing EU funds managed by the state due to demands for high financial guarantees, restrictive eligibility criteria and lack of application of the de minimis principle. They were concerned that EU funding and participation mechanisms were not effectively safeguarding EU values, like pluralism, equality and meaningful civil society participation and worried about what financing would be provided for CSOs in the next multiannual financial framework (MFF).“:

Under the operations implemented within Human Resources Development Programme, co-financed by ESF+, usually no financial guarantees, nor any kind of co-financing are required from beneficiaries. The eligibility criteria applied are not restrictive and are designed to ensure broad and fair access for all eligible applicants, including civil society organisations. Moreover, the de minimis principle is widely and consistently applied across the operations under the programme. It should be noted that the type of financial support and the applicable state aid regime are determined at a very early stage, during the preparation and approval of the selection criteria for operations. These criteria are shared with the members of the Monitoring

Committee, which includes representatives of the civil society sector selected through an established procedure to represent CSOs.

Furthermore, in accordance with Article 26(3) of the Law on the Management of EU Funds under Shared Management, the conditions for application and implementation of each procedure are coordinated with the Minister of Finance to ensure compliance with state aid rules, including the de minimis regime, block exemptions, notification requirements, or cases where activities do not constitute state aid. Each set of application documents contains a detailed analysis of the nature of the supported activities (economic or non-economic), the extent to which financing constitutes state aid, and guarantees that activities are awarded through transparent and competitive procedures.

The Managing Authority is obliged to apply the mandatory legal framework following the state aid assessment. These rules apply uniformly, regardless of whether funding originates from national or EU sources. Compliance with the state aid regime is overseen at national level by the Minister of Finance, who also issues binding guidance on its application. In practice, there is already experience with separating activities within calls for proposals and clearly specifying cases where the de minimis rules do not apply, which contributes to greater legal certainty and transparency for CSOs.

With regard to the concerns raised by participants about difficulties faced by CSOs in accessing EU funds managed at national level, it should be underlined that the requirements related to advance payments are not discretionary administrative barriers, but stem from binding legal provisions in both national and EU law. Under Article 61(2) of the Bulgarian Act on the Management of European Funds under Shared Management and Article 8(1) of Ordinance No. H-5/2022 of the Minister of Finance, advance payments must be secured through either a bank guarantee or financial loss insurance. These provisions are imperative in nature, and managing authorities act under conditions of bound competence, without legal possibility to waive or replace the prescribed forms of security.

We would like to note that for public organisations for example the approved budget itself serves as a guarantee for performance and constitutes a form of security. Exempting NGOs from the obligation to provide guarantees would therefore undermine, rather than enhance, the principle of equal treatment. The requirement for reliable forms of security cannot be characterised as a deterrent to participation, but rather as the implementation of explicit legal obligations arising from both national and EU legislation. As such, these measures are not intended to restrict pluralism or civil society participation, but to ensure the lawful, sound and responsible management of EU funds.

And finally, all measures are implemented in full compliance with the fundamental EU principles of equality, non-discrimination, pluralism, and transparency, which are systematically respected throughout the programming and implementation process.

Under item 4 “Right to non-discrimination”:

In connection with the rights of persons with disabilities, the following factual clarifications should be made:

1. The rights of persons with disabilities in Bulgaria are regulated in a number of laws – the Persons with Disabilities Act (PDA), the Personal Assistance Act (PAA), the Bulgarian Sign Language Act (BSLA), etc., and they are based on the UN Convention on the Rights of Persons with Disabilities, which has been ratified by the country by law and on the overall state policy concerning persons with disabilities.

Bulgaria is currently implementing the legislation adopted in 2020 - National Strategy for Persons with Disabilities 2021-2030 (NSPD), which is the country’s sectoral strategic document related, on the one hand, to the implementation of national commitments under the

requirements of the UN Convention on the Rights of Persons with Disabilities, as well as all adopted international and European treaties related to ensuring the rights of persons with disabilities and their full social inclusion in all spheres of public life. The NSPD is implemented through two-year plans that contain specific activities, measures and monitoring indicators that aim to consistently achieve the goals and priorities of the strategy.

Pursuant to the aforementioned legal framework, persons with permanent disabilities have the right to monthly financial support and targeted benefits for the purchase of a personal motor vehicle, adaptation of housing, balneotherapy and/or rehabilitation services and renting of municipal housing under the PDA, targeted assistance for free translation services under the BSLA, personal assistance under the PAA, etc.

Out of the total population of Bulgaria as of 31.12.2024, according to data from the National Statistical Institute (<https://www.nsi.bg/statistical-data/206/651>), of 6,437,360 people, only 714,167 persons with permanent disabilities received monthly financial support under the PDA in 2024.

A steady growth in the number of persons with disabilities receiving support under the PDA, PAA and BSLA can also be noted. For example, for the period 2023-2025, the average monthly number of persons with permanent disabilities receiving monthly financial support under the PDA increased by 10% from 665,742 in 2023 to 732,634 in 2025, the average monthly number of users of personal assistance under the PDA increased by over 46% from 51,855 in 2023 to 75,970 in 2025, and the number of orders for users under the BSLA increased from 169 in 2023 to 472 in 2025.

In order to guarantee the right to financial support, an amendment to the PDA was introduced in 2023 that where individuals have submitted an application-declaration for re-certification by the TEMC no later than three months before the expiry of their expert decisions and there is a delay in the medical assessment procedure within the meaning of the Health Act (HA), the period of validity of the individual needs assessment shall be extended until new expert decisions of the TEMC or the National Expert Medical Commission (NEMC) are issued without interruption. Thus the practice of suspending support for the period required for issuing new expert decisions was discontinued. Similarly, through an amendment in a provision of the HA, the practice of suspending support for persons with disabilities for the period of appeal against newly issued expert decisions has also been discontinued.

2. Regarding the information on the ratification of the Optional Protocol to the CRPD, it should be clarified that it has only been signed by the country and its ratification is under discussion by all stakeholders.

In addition, with regard to gender equality policy, we would like to draw attention to the fact that it is horizontal and brings together the actions of the executive authorities at all levels.

The implementation of the state policy on equality between women and men is regulated by the Law on Equality between Women and Men (Promulgated SG, No. 33 of 26 April 2016), which enriches the legal framework that regulates public relations in the field of equality.

The purpose of the law is to promote the achievement of equality between women and men by creating conditions for the establishment of an institutional environment and by defining the bodies and mechanisms responsible for conducting the state policy on equality between women and men.

Regarding the findings related to the activities of the National Council on Equality between Women and Men at the Council of Ministers and the National Institutional Mechanism, we would like to draw attention to the fact that as early as 2004, the foundations of a national coordination structure at the highest level of the executive power were laid with the establishment of the National Council on Equality between Women and Men at the Council of

Ministers (Decree of the Council of Ministers No. 313 of 17.11.2004, promulgated, SG, No. 104 of 26 November 2004).

With the adoption of the Law on Equality between Women and Men in 2026, the importance of the National Council on Equality between Women and Men at the Council of Ministers (NCEWM at the Council of Ministers) as a body for consultation, cooperation and coordination between the central and territorial bodies of the executive power and the structures of civil society was set at an even higher level.

The NCEWM at the Council of Ministers consists of representatives of: ministries, state and executive agencies and other bodies established by law, representative organizations of workers and employees at the national level, representative organizations of employers at the national level, the National Association of Municipalities in the Republic of Bulgaria, non-profit legal entities whose subject of activity is in accordance with the priorities of the state policy on equality of women and men.

It provides opinions on draft strategic documents and normative acts that contain provisions related to equality between women and men before their submission to the Council of Ministers; participates in the development of the National Strategy for Equality between Women and Men and the national action plans thereto; reviews and approves the annual Report on Equality between Women and Men, proposes measures to promote the state policy on equality between women and men, etc.

The Minister of Labour and Social Policy is the Chairman of the NCEWM at the Council of Ministers, and the organizational and technical service of its activities is provided by the Ministry of Labour and Social Policy.

The National Council on Equality between Women and Men at the Council of Ministers holds a minimum of 4 meetings per year and throughout the years of its operation has established itself as a sustainable model of cooperation between institutions, social partners and civil society.

Regarding the claim that there is no institutional coordination, it is important to note that the national institutional mechanism for equality between women and men is regulated in the Law on Equality between Women and Men and functions as a system for interaction and coordination between executive authorities and civil society structures engaged in equality issues.

The activities of the National Institutional Mechanism optimize the distribution of responsibilities between the relevant authorities, resources and the management of the process of conducting a long-term and unified state policy to promote equality between women and men. The Council of Ministers determines the state policy on equality between women and men.

Part of this mechanism for conducting the state policy on equality between women and men are the coordinators on equality between women and men. The central and territorial bodies of the executive power appoint officials to perform the functions of coordinators on equality between women and men (Art. 8 of the Law on Equality between Women and Men). The coordinators conduct at the operational level the state policy on equality between women and men, for which they can receive methodological instructions from the Secretariat of the NCEWM.

They participate in the development and implementation of the national policy on equality of women and men; in the development of sectoral and local policies and programmes in terms of equality of women and men; in the preparation of a gender impact assessment of the normative acts and strategic documents proposed by the executive authorities and in the preparation, implementation and reporting of the National Strategy and the action plans for its implementation in the area of competence of the relevant executive authority. They coordinate

the implementation of measures within the competence of the executive authority and participate in the preparation of reports on equality between women and men and the collection and dissemination of information and good practices, the provision of data on equality between women and men within the competence of the executive power. They participate in training on equality of women and men, as well as in the organization of such training, etc.

The functional obligations of the appointed officials on the equality between women and men shall be determined in their job descriptions or by order of the authority responsible for their appointment in the civil service.

The claim that there is a weakening of the national priorities for gender equality is also unfounded, since in Bulgaria basic documents regulate the implementation of the gender equality policy.

The National Strategy for the Promotion of Equality between Women and Men is a key programming document. It contains objectives, priority areas of action, responsible authorities and performance indicators. Its strategic goal is to contribute to the achievement of de facto equality between women and men in Bulgaria by implementing a unified, consistent and sustainable state policy. To achieve the strategic objective, the policy to promote equality between women and men focuses on the following five priority areas:

- equality of women and men in the labour market and an equal degree of economic independence;
- reducing gender disparities in pay and income;
- promoting equality between women and men in decision-making processes;
- combating violence and protecting and supporting victims;
- overcoming sexism and gender stereotypes in various spheres of public life.

The strategy is implemented through National Action Plans for the Promotion of Equality between Women and Men, which contain specific measures within the competence of different institutions and organizations in the priority areas of the Strategy, responsible institutions, financial resources and performance indicators.

The Council of Ministers adopted a Report on Equality between Women and Men, which includes the results of the implementation of the measures and other initiatives set out in the plans.

In conclusion, we would also like to draw attention to the use of the term “gender identity” in the document. When discussing draft documents containing terms and/or phrases whose interpretation goes beyond the binary understanding of gender as both biologically determined and socially formed and the resulting issues, according to Decisions No. 13/2018 and No. 15/2021 of the Constitutional Court of the Republic of Bulgaria, the term “gender” in the context of the national law should be understood only in its biological sense (men and women).

Last but not least, we believe that the report should also reflect the positive results achieved by Bulgaria in the field of Roma employment, as identified by the European Union Agency for Fundamental Rights (FRA). Figures 17 and 18 of the FRA report “Rights of Roma and travelers in 13 European countries – perspectives from Roma survey, 2025” show that in Bulgaria, for the period 2016-2024, Roma employment has increased to 62% (against a target of 60% for 2030 set in the EU Roma strategic framework for equality, inclusion and participation for 2020-2030), and for Roma women it has increased to 49% (against a target of 45% for 2030 set in the EU Roma strategic framework for equality, inclusion and participation for 2020-2030).

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Румяна Петкова, министър на труда и соц...
съгл. Зап.№ РД-15-416/12.02.26 г.

EESC Report on the visit to Bulgaria

Comments of the Ministry of Interior (MoI)

Use of force by the police

In the second half of 2025, by order of the Minister of Interior, a working group was formed to develop a new Mechanism in the Ministry of Interior for an independent investigation of police violence, in accordance with the recommendations of the European Court of Human Rights (ECHR) and of CPT.

As a result of the discussions with all interested authorities, the working group prepared proposals for amendments to the applicable legislation, in order to clearly regulate the procedure for examining cases of police violence - unlawful use of weapons; unlawful use of auxiliary means (batons, handcuffs, etc.); unlawful use of physical force.

The amendments impose an obligation to immediately notify the Prosecutor's office in writing of incidents related to police violence, as well as to immediately report violence found during a medical examination. They have been published for public discussion until February 19, 2026, and after assessing the proposals received, they will be proposed for adoption.

This new regulation will ensure immediate and objective investigation of reports of police violence, including control by an external body, namely the Prosecutor's office.

Protection of journalists

Any attack on journalists is immediately and fully investigated and reported to the Prosecutor's office.

A specialized course "Protection of the Rights of Journalists in the Performance of Their Professional Activities" has been created at the Academy of the Ministry of Interior, in which an average of 210 employees are trained annually.

The established practice of effective communication with journalists continues, including the provision of clear, timely and specific information on specific issues.

Domestic and gender-based violence

Annual National Programmes for countering domestic violence include various measures focused on prevention and raising awareness. In 2023, a specialized Unit was established within the National Police, the head of which is also the national coordinator for issues related to domestic violence.

There are coordinators at regional and local level as well (in all police stations), which achieves quick and close cooperation with the state institutions and the local authorities.

An information system has been introduced in 2025, as well as an algorithm for risk assessment and identification of victims.

Targeted trainings and daily briefings are held for first-line police officers. The police work closely with NGOs for protection of victims.

In 2024, 23 horizontal trainings were conducted for over 1,000 representatives of state institutions and NGOs.

Together with UNICEF special activities are focused on children at risk, including victims and witnesses of domestic violence. On 1st October 2025 a national program titled “Violence is Powerlessness” has been launched, aiming at preventing adolescents from domestic violence.

Rights of LGBTIQ+ people

MoI actively cooperates with Bulgarian Helsinki Committee (BHC), LGBTI organization "Deystvie" and other NGOs in the field of police training and awareness-raising on anti-discrimination and LGBTI rights.

Thematic trainings on the topic of combating hate crimes (especially based on homo- and trans-phobia), organized for MoI officials by LGBTI organization "Deystvie" in cooperation with other partners, started in 2019. Over 450 police officers from all over the country have been trained. A new training for 60 police officers is planned in March 2026.

The trainings are highly valued, contacts have been established, prejudices towards both the community and the police are overcome, mutual trust is strengthened. There is an open dialogue; specific cases are discussed. Security measures regarding public events, including the annual Sofia Pride, are coordinated with their organizers.

This cooperation has been reported as a very good practice by the European Committee against Racism and Intolerance. However, the reporting of incidents (to police) is still low.

Roma communities

A complex approach is applied with regard to policing in multicultural environment.

Attention is being given to improving coordination and dialogue between the police and the Roma communities. In 2024-25 several events were held under the slogan "No to Differences, Yes to Tolerance and Integration". The renovation of 19 police reception facilities and the opening of one new police reception facility in the relevant areas definitely facilitate the dialogue with Roma organizations.

Border security and migration

Respect of fundamental rights is a key principle, guiding the behaviour and actions of MoI officers in all areas of responsibility, including towards third-country nationals (TCN) apprehended both at the state border and inland.

This principle is enshrined in the national legislation, in the national strategies on IBM and migration management, as well as in the Code of Ethics for the Conduct of Civil Servants in MoI. The aim is to

fully guarantee the respect of fundamental rights in all activities and at every stage of the migration management processes in the country.

TCN are provided with information on their rights in a language they understand at every stage of the process. The officers are trained to identify vulnerable persons and groups and refer them to the proper procedure. TCN can apply for protection at any moment of their stay in Bulgaria. Legal, psychological and social help is provided.

A reliable system is established for receiving signals on violations or misconduct, their immediate and thorough examination and follow-up measures.

Fundamental rights training is conducted during the basic/initial training of police officers and is included thereafter in the annual on-the-job training programmes of all police structures. National and international non-governmental organisations conduct trainings for police officers on fundamental rights on a regular basis. For example, there are such trainings 3 to 4 times per year under the tripartite MoU of National Directorate Border Police with UNHCR and BHC.

Special training is given also to migration officers. Daily communication with accommodated TCN has been facilitated by electronic translators.

There are also additional courses on return of TCN. The national training curriculum is in compliance with Frontex for officers involved in return operations, including officers involved in monitoring, escorting and preparation for return. Bulgaria is also using actively the training opportunities provided by Frontex.

Permanent monitoring of border police actions is implemented by the competent structures of the MoI. The Ombudsman, BHC, UNHCR, Fundamental Rights Officers of Frontex etc.

Thanks to the complex approach toward the illegal migration, including focused trainings, technical equipment, active cooperation with Frontex and the neighboring countries, prevention campaigns, the situation at the Bulgarian external borders is now relatively calm. Since September 2023 there is a sustainable trend of decrease of the pressure of over 70%.

Prevention of and Counteraction to Corruption

In accordance with the MoI Annual Anti-corruption Plans (which are in line with the goals of the National Anti-corruption Strategy) a number of projects are implemented to increase the use of technological solutions to reduce vulnerability of the environment to corruption. These include video surveillance, better connectivity with databases of other administrations, electronic services, etc.

Enhanced control is in place in all areas with a higher risk of corruption, including border control and migration management.

Mechanisms have been established to report incidents, allowing for thorough verification of all incoming data and signals regarding corrupt behaviour or other crimes or unethical conduct of MoI officials.

Internal Security Directorate carries out checks on all signals for corruption and crimes committed by MoI officials. It also carries out integrity checks.

Among the horizontal anti-corruption measures are rotation, measures to ensure transparency and better accessibility of information for citizens, training and others.

MoI Academy and training centres provide anticorruption training for MoI officials and there is on-the-job training on the subjects of prevention of and fight against corruption.

MoI has a system of measures to ensure the integrity. It starts from selection and recruitment and covers the entire professional career of its officials.

Prior checks are carried out on applicants - in the police databases and the national criminal registration system as well as inquiries at the place of residence (by local police authorities). A security clearance is carried out for successful candidates. Upon its expiry (in 3 – 5 years) a new full vetting procedure is launched again. Appointments and promotions are carried out by competition in accordance with clear, standard procedures.

The regulation of service provides a number of restrictions and incompatibilities in order to ensure objectivity, impartiality and compliance with ethical standards in the police work.

The ethical rules are provided in the Law on MoI and the Code of Conduct. There is a legal obligation to observe them. Disciplinary liability in case of non-observance is provided by law. In more serious cases it could result in dismissal of the respective officer.

Ethical rules are part of the training provided by the training institutions of MoI, both in the regular forms and the training conducted to update professional qualification.



Translation from Bulgarian

REPUBLIC OF BULGARIA

State Agency for Refugees

under the Council of Ministers

TO:

Mr. Georgi Georgiev

Minister of Justice

of the Republic of Bulgaria

Subject: Provision of information regarding a draft report by representatives of the European Economic and Social Committee (EESC)

Dear Minister Georgiev,

Further to the draft report forwarded by you regarding the visit to the Republic of Bulgaria on 11–12 December 2025 by representatives of the European Economic and Social Committee (EESC), undertaken to establish facts concerning respect for fundamental rights and adherence to the principles of the rule of law, and in light of the opportunity afforded to us to submit written comments on the findings and perceptions set out therein, I respectfully inform you as follows:

On page 6 of the draft report, section 4 entitled “The Right to Non-Discrimination” contains assertions that sexual orientation and gender identity are not recognised as grounds for the granting of asylum. The participants further state that there is media bias against migrants, who have been exposed to hate-inciting rhetoric, and that civil society organisations working with migrants have been ostracised and subjected to pressure through financial inspections of the organisations, their staff and even members of their families. The participants identify political influence over the asylum system as a principal concern and, in that context, refer to

findings of reduced recognition/grant rates for Syrian applicants. The report also conveys impressions of problems relating to administrative detention, including the detention of unaccompanied children in poor conditions. Finally, the participants conclude that persons who have been refused asylum but cannot be returned are left in an irregular situation, leading to labour exploitation and exclusion from social services.

In relation to the above, I set out the following position:

Over the past nearly ten years—marked by several migration crises—the State Agency for Refugees under the Council of Ministers (the “SAR”) has applied a general approach whereby applications for international protection submitted by Syrian nationals were treated as manifestly well-founded. In order to assess all relevant facts concerning applicants’ countries of origin, the SAR has conducted a detailed analysis of the current security situation in the Syrian Arab Republic, which remains the principal country of origin of persons seeking protection in the Republic of Bulgaria. According to the conclusions of that analysis, the current socio-political situation in Syria has changed significantly as compared to the period from 2012 to mid-2023. At present, there are areas within the country where the level of violence does not reach such indiscriminate intensity as would, ipso facto, justify the granting of international protection (more specifically, humanitarian status) on the grounds of Article 9(1)(3) of the Law on Asylum and Refugees. The SAR’s assessment that indiscriminate violence is absent across most of Syria’s territory is supported by a range of sources, among which a primary place is held by the European Union Agency for Asylum (EUAA) reports on the security situation in Syria and the EUAA Country Guidance for Syria, as well as publications of the US non-governmental organisation The Carter Center.

In addition to the assessment of the situation in the country of origin, the principal evidence in international protection proceedings consists of personal or other documents, where submitted by the applicant, as well as the applicant’s personal narrative (the so-called “refugee story”) regarding the reasons for leaving the country of origin and the reasons for not wishing to return. A significant proportion of Syrian applicants do not possess, or for other reasons do not submit, identity documents. Moreover, their accounts frequently cite economic and/or financial reasons as the principal motives for leaving Syria. There are also cases involving minors who, during interviews, state that they were sent to Bulgaria to obtain protection, which would subsequently enable them to initiate family reunification procedures. In accordance with the EUAA Country Guidance for Syria referenced above, the assessment of

“indiscriminate violence” is carried out by reference to the so-called Elgafaji scale, which reflects an inverse proportionality between (i) the level of indiscriminate violence in a given territory and (ii) the degree to which an applicant must demonstrate that he or she personally has suffered or would be at risk of suffering serious harm as a consequence of such violence.

The Elgafaji scale is defined in the judgment of the Court of Justice of the European Union in Case C-465/07 of 17 February 2009. It is also applied by the Bulgarian administrative courts when adjudicating appeals against decisions of the Chair of the SAR refusing to grant international protection.

In line with the SAR’s conclusion that indiscriminate violence is not present across the predominant part of Syria’s territory, and in view of the limited presence of individualised elements capable of substantiating a need for protection in many cases, the Agency applies a distinctly individualised approach when examining applications lodged by Syrian nationals. This approach, however, is not based on politically predetermined instructions, but on data contained in periodic reports prepared by the International Activities Directorate, International Cooperation Department. These reports are compiled in accordance with the European Union Agency for Asylum Methodology for the production of Country of Origin Information and are prepared on the basis of a careful review of publicly available external sources. They do not constitute the sole evidence used in assessing the admissibility and merits of an individual application, nor the circumstances and reasons invoked by the applicant.

From the information presented in the report, it is not clear whether the participants’ observations regarding the identified “problems with administrative detention, as well as with the detention of unaccompanied children and minors in poor conditions” concern the Special Home for Temporary Accommodation of Foreigners (CДБНЧ) under the Migration Directorate of the Ministry of Interior (MoI), or the Closed-Type Premises (ПЗТ) administered by the State Agency for Refugees under the Council of Ministers (the “SAR”).

With regard to the observations concerning the placement of unaccompanied children and minors and the conditions under which this takes place, I provide the following information:

With respect to unaccompanied children seeking international protection in Bulgaria, the SAR established specialised accommodation facilities for them—Secure Zones within the SAR’s Registration and Reception Centres (RRCs)—in view of their specific needs and

vulnerability, and in order to safeguard their rights and best interests in accordance with the Child Protection Act and the United Nations Convention on the Rights of the Child.

Within RRC Sofia, two Secure Zones have been designated: a Secure Zone in the Transit and Reception Facility (IIM3), “Voenna Rampa” neighbourhood, with a capacity of 100 places, and a Secure Zone in the Transit and Reception Facility (IIM3), “Ovcha Kupel” neighbourhood, with a capacity of 138 places.

In May 2024, a third Secure Zone was opened at RRC Harmanli, with a capacity of 98 places. In all three Secure Zones, children receive round-the-clock care and support from social workers, many of whom speak the children’s languages of origin. The two zones at RRC Sofia are coordinated jointly with the International Organization for Migration (IOM) and are financed under the EU Asylum, Migration and Integration Fund (AMIF). The zone at RRC Harmanli is financed by the Swiss State Secretariat for Migration (SEM) through UNICEF Bulgaria.

To ensure a safe and secure environment for all accommodated persons, including children, in the Secure Zones of the SAR’s RRCs, and to prevent abuse, including risks of trafficking and exploitation, an access-control procedure has been developed and is applied. Round-the-clock security is provided by SAR staff hired under AMIF, and video surveillance is in place.

Where an unaccompanied child leaves a SAR territorial unit without authorisation, immediate steps are taken to notify the competent Regional Directorate of the MoI, and the child’s representative appointed pursuant to Article 25 of the Law on Asylum and Refugees (the “LAR”) is also informed.

Social workers, as well as other SAR staff in the RRCs, monitor children’s exits from the Secure Zones. Upon admission of unaccompanied children seeking international protection in Bulgaria and their placement in the Secure Zones, their rights, the procedure for obtaining protection status, and the possibility of reuniting the child with family members or other persons responsible for the child under law or custom are explained in a language the child understands.

By the amendments to the LAR of 16 October 2015 and the transposition of the Reception Conditions Directive, provision was made for the possibility of temporarily accommodating applicants for international protection in a closed-type centre administered by the SAR.

Where the conditions expressly provided by law are met, such accommodation may be

ordered for the purpose of: establishing or verifying the applicant's identity or nationality; establishing the facts and circumstances on which the application for international protection is based, where this cannot be achieved by other means and there is a risk that the foreign national may abscond; on grounds of protecting national security or public order; determining the State responsible for examining the application for international protection and transferring the foreign national to the responsible State, where there is a serious risk of absconding.

Article 45e(1) of the LAR provides that unaccompanied children and minors seeking international protection may be accommodated in closed-type centres only as a measure of last resort, with a view to preserving family unity or ensuring their protection and safety, for the shortest possible period, and with all efforts made to accommodate them in places suitable for them. Placement in such a centre, or in a designated closed-type area, restricts the foreign national's right to freedom of movement and is undertaken solely where it is necessary and proportionate, with the requisite legal safeguards ensured. When ordering such placement, an assessment is carried out as to whether the foreign national belongs to a vulnerable group. With respect to children and minors, such placement is taken only in exceptional cases, primarily where required for the protection of national security or public order.

In 2024, a total of 75 applicants for international protection were accommodated in the SAR's Closed-Type Premises (II3T) on the grounds set out in Article 45b of the LAR. In 2025, the number of persons accommodated in the SAR's II3T was 54.

The SAR makes every effort and takes all necessary measures to ensure a good quality of life and conditions meeting generally accepted reception standards for persons seeking protection accommodated in the SAR's II3T.

Finally, with regard to the conclusions of the EESC group reflected in the submitted draft report, and in particular the assertions that sexual orientation and gender identity are not recognised as grounds for granting asylum/protection, I inform you as follows:

The SAR does not maintain statistics regarding the specific grounds indicated by foreign nationals for the granting of protection. Accordingly, the interview constitutes the principal and objective means of collecting information on the grounds on which the applicant seeks protection. Where, during the interview, a foreign national states that he or she belongs to a

particular social group on the basis of sexual orientation, those circumstances will be taken into account when deciding the application for protection.

Pursuant to item 5 of § 1 of the Additional Provisions of the LAR, the concepts of “race, religion, nationality, membership of a particular social group and political opinion or belief” are concepts within the meaning of the 1951 Convention relating to the Status of Refugees and Article 10(1) of Directive 2011/95/EU (the Qualification Directive). Under Article 10(1)(d) of the Directive, a group is considered to constitute a particular social group where, depending on the conditions prevailing in the country of origin, its members share a common characteristic—namely a particular sexual orientation. Under the Qualification Directive, gender-related aspects, including gender identity, are duly taken into account for the purposes of determining membership of a particular social group or identifying a characteristic of such a group. Where the applicant’s sexual orientation is unrelated to the reasons invoked for seeking protection, the circumstances of its subsequent disclosure are irrelevant to the administrative proceedings under the LAR and, as such, will not be taken into account by the interviewing authority when preparing the decision on the merits.

Respectfully,

Digitally signed by NIKOLA PETKOV KAZAKOV

I, the undersigned Ani Hristova Atanasova, certify the accuracy of the translation from Bulgarian into English of the attached document. The translation consists of 6 /six/ pages.



Translation from Bulgarian

1. Ministry of Regional Development and Public Works

Rights of Persons with Disabilities

The provision of an accessible built (architectural) environment for persons with disabilities is regulated by the Persons with Disabilities Act (Articles 53 and 54), the Spatial Development Act (Article 75(3); Article 112(4); Article 169(1); Article 184), and the Black Sea Coast Development Act (Articles 7a and 7b), and is fully compliant with the requirements of the United Nations Convention on the Rights of Persons with Disabilities. Detailed information on the relevant regulatory framework is provided in an annex to this letter.

Rights of Roma Communities

One of the core policies pursued by the Ministry of Regional Development and Public Works (MRDPW) is aimed at ensuring decent living conditions for citizens of the Republic of Bulgaria. Particular emphasis is placed on improving housing conditions and social infrastructure for vulnerable groups of the population, irrespective of individuals' ethnic origin.

The Regions in Development Programme 2021–2027 (RDP) provides financial resources to ensure modern and affordable housing, including support for the implementation of innovative approaches to financing municipal housing policies and for promoting architectural design and the construction of housing based on principles of environmental sustainability. A primary focus of housing support under the RDP is on vulnerable population groups and other disadvantaged groups, including Roma. With a view to reducing existing socio-economic and ethnic inequalities in the respective territories, it is of critical importance to ensure the desegregation character of housing interventions. In this regard, the desegregation nature of the model must be ensured through support for housing whose physical location enables the spatial integration of marginalized groups into society and does not contribute to their segregation, isolation, or exclusion, with the creation of segregated areas being inadmissible. The physical

location of the housing must ensure access to technical (utility services such as water, electricity, gas, and others), social, and educational infrastructure (schools, kindergartens, social services, and healthcare facilities).

Pursuant to the provisions of the Spatial Development Act, the prevention of unlawful construction and the removal of its consequences with regard to constructions of the fourth, fifth, and sixth categories—including residential buildings with a height of up to 10 meters—fall entirely within the duties and powers of the mayor of the respective municipality. The provision of alternative housing in cases of unavoidable removal of unlawful constructions likewise falls within the competence of the respective municipalities. The National Construction Control Directorate (NCCD) within the MRDPW refrains from removing unlawful constructions that constitute the sole residence of their occupants, in compliance with the principle of proportionality under Article 6 of the Administrative Procedure Code (APC), further elaborated in Article 272(1)(1) of the APC. Since 2012, the NCCD has not issued orders for the removal of Roma dwellings.

In addition, the MRDPW has undertaken actions to develop a National Housing Strategy. This strategy will serve as a framework document for the development of the housing sector and will contain a set of objectives of the state housing policy, the means for achieving them, and the responsibilities of all stakeholders, including citizens, the state, municipalities, and the private and non-governmental sectors.

I, the undersigned Ani Hristova Atanasova, certify the accuracy of the translation from Bulgarian into English of the attached document. The translation consists of 6 /six/ pages.



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Translation from Bulgarian

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

PROSECUTOR GENERAL

PG Ref. No. 1052/2020

Supreme Cassation Prosecutor's Office (SCPO) Ref. No. 13835/2025

Sofia, 13 February 2026

*Stamp MINISTRY OF JUSTICE
Registration index and date: 04-01-642 / 13 February 2026
No. 25*

TO:

MR GEORGI GEORGIEV

MINISTER OF JUSTICE

Re: Your Ref. No. 04-01-642/25/22 January 2026

DEAR MR GEORGIEV,

Further to your letter under the above reference number, I provide the following information:

1. With regard to the statement on p. 1 of the report that "... corruption and weak rule of law remain systemic challenges..." and on p. 4 that "... the failure of the Prosecutor's Office to investigate corruption", we consider it necessary to note that the statistical data reflect the objective state of efforts to counter cases of corruption, including high-level corruption. The Prosecutor's Office does not have discretion to refuse to act upon a referral and/or material

received and processes promptly and consistently each report/material concerning such offences. The dynamics in the number of newly initiated pre-trial proceedings for corruption offences (2023 – 1,063; 2024 – 886; for the nine-month period of 2025 – 502) are a direct consequence of the effectiveness of the competent authorities responsible for the detection of offences - namely, the Ministry of Interior, the Commission for Countering Corruption, the State Agency for National Security (SANS), and other supervisory/control bodies.

Countering corruption remains a current challenge, which is largely due to an unstable legal and institutional environment resulting from the socio-political dynamics over approximately the last five years: the composition of key state (regulatory, administrative, supervisory and other) bodies is not formed/renewed in a timely manner; accordingly, frequent structural and staffing changes are carried out (within the Ministry of Interior, the State Financial Inspection Agency, etc.); the Specialised Public Prosecutor's Office has been abolished; and, before the new composition of the Commission for Countering Corruption was elected and the relevant joint instructions envisaged under the Countering Corruption Act - intended to regulate the organization of inter-institutional coordination - were adopted, the Act was repealed and the body entrusted with the detection and investigation of high-level corruption was abolished.

2. With regard to the statement on p. 5 of the report that “hate crimes have been underreported and under-investigated”, we note the statistical data for 2023, 2024 and the nine-month period of 2025 concerning registered prosecutorial files - 19, 38 and 39, respectively - and newly initiated pre-trial proceedings for such offences - 12, 35 and 29, respectively - which reflect the Prosecutor's Office's response upon being seized of such matters.

3. With regard to the finding on p. 5 of the report concerning the response to domestic violence, and in particular the allegations of a lack of institutional coordination, we note that within the Prosecutor's Office of the Republic of Bulgaria there has been in force since 2018 (updated in 2025) an Instruction on the organization of the work of the Prosecutor's Office in respect of prosecutorial files and pre-trial proceedings initiated in connection with domestic violence and non-compliance with protection orders against domestic violence, approved by an order of the Acting Prosecutor General. It provides for a number of organizational measures establishing obligations for the administrative heads of district and regional prosecution offices, as follows: personally, or through a designated deputy or prosecutor, to coordinate cooperation with the bodies of the Ministry of Interior and other competent state

bodies, local self-government and local administration authorities, and legal entities carrying out activities in prevention of and protection against domestic violence, upon receipt of reports of domestic violence and of non-compliance with protection orders; and periodically to organize coordination meetings with the heads of the relevant territorial units of the Ministry of Interior to review time limits and the implementation of instructions in prosecutorial files and pre-trial proceedings of such subject matter.

4. With regard to the statements on p. 8 of the report expressing “particular concern about the continuation of the Prosecutor General’s mandate after the expiry of his term”, that “... his office ... exerts disproportionate influence over the criminal justice system”, and that “the mechanisms for independent investigation of prosecutors have proven ineffective in the past, instead allowing investigations of independent and non-corrupt judges”, it should be borne in mind that the Acting Prosecutor General holds office pursuant to and in compliance with Decision No. 21 of 16 June 2023 and Decision No. 24 of 24 September 2025 of the Prosecutors’ College of the Supreme Judicial Council, and that the assessment as to whether statutory grounds exist for initiating a pre-trial proceeding lies entirely within the powers of the competent prosecutors, and not with the Prosecutor General and his office. We further note that, as of the date hereof, no investigations are being conducted against judges.

Attachments: as stated.

Respectfully,
VANYA STOYANOVA
FOR THE PROSECUTOR GENERAL
(signature/seal)
(pursuant to Order No. RD-05-331 of 04 February 2026)

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

PROSECUTOR GENERAL

ORDER

No. RD-02-04

Sofia, 01 April 2022

For the purpose of establishing arrangements for the priority carrying out of a verification (inquiry) and the conduct of pre-trial proceedings initiated in connection with domestic violence, as well as in cases of non-compliance with a protection order against domestic violence, and with a view to ensuring compliance with the current legal framework, pursuant to Article 138, items 1 and 6 of the Judiciary System Act, I hereby

ORDER AS FOLLOWS:

I. I AMEND AND SUPPLEMENT the **Instruction on the organization of the work of the Prosecutor's Office of the Republic of Bulgaria in respect of prosecutorial files and pre-trial proceedings initiated upon reports/notifications of domestic violence, threat to kill, and breach of a protection order against domestic violence**, approved by Order No. RD-02-09 of 30 April 2018, as follows:

1. The title of the Instruction is amended to read as follows:

“Instruction on the organization of the work of the Prosecutor's Office of the Republic of Bulgaria in respect of prosecutorial files and pre-trial proceedings initiated in connection with domestic violence, as well as in cases of non-compliance with protection orders against domestic violence”.

2. In item 1, the following amendments and supplements are made.

2.1. Letter “a” is amended to read as follows:

“a/ the establishment of a unified mechanism for timely response in cases of domestic violence, as well as in cases of non-compliance with a protection order against domestic violence;”

2.2. Letter “c” is amended and supplemented to read as follows:

“c/ organizational and methodological support of prosecutorial practice.”

2.3. A new item 1.1 is created, reading as follows:

“1.1. For the purposes of this Instruction, domestic violence constitutes physical, sexual or psychological violence, placing a person in economic dependence (economic violence), coercive restriction of private life, personal liberty and personal rights, committed against ascendants, descendants; a spouse or former spouse; a person with whom the perpetrator has a child; a person with whom the perpetrator is or has been in de facto marital cohabitation, or a person with whom they live or have lived in the same household, including where committed by a person related in the collateral line up to and including the fourth degree; a person related by affinity up to and including the third degree; a guardian, curator or foster parent; ascendants or descendants of the person with whom the perpetrator is in de facto marital cohabitation; a person with whom the parent is or has been in de facto marital cohabitation.”

3. In item 2, the following amendments and supplements are made:

3.1. Item 2 is amended to read as follows:

“2. Where the report/complaint, notification, information, etc. concerning domestic violence, as well as non-compliance with a protection order against domestic violence, is submitted upon the personal appearance of the injured person before the competent prosecutor’s office:”

3.2. In item 2.3, the expression “District Police Unit (RUP)” is replaced with “the relevant territorial unit of the Ministry of Interior”.

4. In item 3, the expression “the competent district prosecutor’s office” is replaced with “the competent prosecutor’s office”.

5. In item 4, the expression “the respective district prosecutor’s office” is replaced with “the respective prosecutor’s office”.

6. In item 5, the first sentence is amended to read as follows:

“5. The actions under item 2.1, sentence 1, shall be carried out without delay also where the competent prosecutor’s office has initially received a file from the Ministry of Interior containing a completed verification upon a report/notification of domestic violence, as well as non-compliance with a protection order against domestic violence.”

7. In item 6, a new item 6.1 is created to read as follows:

“6.1. In all cases of established domestic violence committed in the presence of, or against, a child or a juvenile, a person placed under interdiction, or a person with disabilities, the prosecutor shall immediately notify the competent territorial Directorate “Social Assistance”.”

8. In item 8, the following amendments and supplements are made:

8.1. In item 8, the expression “orders a preliminary verification” is replaced with “orders a verification”.

8.2. Item 8.1 is amended and supplemented to read as follows:

“8.1. Who, when, where, against whom, under what circumstances, in what manner (with which specific words and/or acts), for what reason, and how many times has committed physical, psychological, sexual, emotional or other violence, including non-compliance with a protection order; whether protective measures have been taken and, if so—since when, which ones, and with what result; whether there are eyewitnesses or documents (respectively other materials) supporting the allegations;”

8.3. In item 8.2, after the words “intoxicating substances” the following is added: “(e.g. narcotic, sedative, sleeping substances);”

8.4. Item 8.4 is amended to read as follows:

“8.4. Whether other reports alleging domestic violence, including non-compliance with a protection order, have been lodged with the bodies of the Ministry of Interior, the Prosecutor’s Office or other competent authorities, and what measures have been undertaken.”

9. Item 10 is amended to read as follows:

“10. Pre-trial proceedings concerning domestic violence, as well as non-compliance with a protection order against domestic violence, shall be conducted as a matter of priority in

accordance with the methodology and tactics for the investigation of the relevant types of offences subject to public prosecution.”

10. Item 11 is amended to read as follows:

“11. Where the grounds under Article 194(1), items 1a and 4 of the Code of Criminal Procedure are present, the investigation shall be assigned to an investigator (следовател).”

11. In item 12, the following amendments and supplements are made:

11.1. In item 12.1, the expression “the respective District Police Department” is replaced with “the relevant territorial unit of the Ministry of Interior”.

11.2. Item 12.2 is amended and supplemented to read as follows:

“12.2. The prosecutor shall exercise ongoing supervision over the exact implementation of instructions and the timely resolution of the matter, including the fulfilment by the investigating authorities of their obligations under Article 6(1) of the Act on Assistance and Financial Compensation to Victims of Crime (AAFCVCA).”¹

12. The subheading “Cooperation with other institutions” and item 13 are amended to read as follows:

“Organizational measures

13. Reporting on countering domestic violence shall be carried out statistically by indicators and periodicity in accordance with the Instruction on the organization of information activities within the Prosecutor’s Office of the Republic of Bulgaria.”

13. In item 14, the following amendments and supplements are made:

13.1. In item 14, after the word “district” the words “and regional” are added.

13.2. Item 14.2 is amended to read as follows:

“14.2. personally or through a designated deputy or prosecutor, coordinate cooperation with the bodies of the Ministry of Interior and other competent state authorities upon reports/notifications of domestic violence, including non-compliance with a protection order;”

13.3. Item 14.3 is amended to read as follows:

“14.3. periodically organise a coordination meeting between the administrative head of the district/regional prosecutor’s office, or the prosecutor designated under item 14.2, and the

heads of the relevant territorial units of the Ministry of Interior to review time limits and the implementation of instructions in prosecutorial files and pre-trial proceedings of such subject matter;”

13.4. Item 14.5 is amended to read as follows:

“14.5. carry out an analysis of the work on cases of domestic violence, including non-compliance with protection orders, in addition to the consolidated information on investigations under Article 140(5) of the Judiciary System Act for the first half-year and in the annual reports (number of verifications and pre-trial proceedings, timeliness and regularity of their conduct, any difficulties encountered, etc.);”

14. In item 15, the expression “district prosecutor’s offices” is replaced with “competent prosecutor’s offices”.

15. I amend and supplement Appendix No. 1 “Form – Victim of Domestic Violence”, an integral part of the Instruction.

II. I assign control over the implementation of this Order to the Deputy Prosecutors General at the Supreme Cassation Prosecutor’s Office.

III. This Order, together with the consolidated version of the Instruction on the organization of the work of the Prosecutor’s Office of the Republic of Bulgaria in respect of prosecutorial files and pre-trial proceedings initiated in connection with domestic violence, as well as in cases of non-compliance with a protection order against domestic violence, shall be published on the official departmental information website of the Prosecutor’s Office of the Republic of Bulgaria.

PROSECUTOR GENERAL: (signature)

IVAN GESHEV

¹ Pursuant to Article 6(2) of the Act on Assistance and Financial Compensation to Victims of Crime .

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

PROSECUTOR GENERAL

Consolidated Version

INSTRUCTION

on the organisation of the work of the Prosecutor's Office of the Republic of Bulgaria in respect of prosecutorial files and pre-trial proceedings initiated in connection with domestic violence, as well as in cases of non-compliance with a protection order against domestic violence (amended pursuant to Order No. RD-02-04 of 01 April 2022)

(Approved by Order No. RD-02-09 of 30 April 2018, amended and supplemented by Order No. RD-02-04 of 01 April 2022 of the Prosecutor General)

Purpose of the Instruction

1. (amended and supplemented pursuant to Order No. RD-02-04 of 01 April 2022) The present Instruction aims to:

- a/ establish a unified mechanism for timely response in cases of domestic violence, as well as in cases of non-compliance with a protection order against domestic violence;
- b/ ensure effective protection of victims;
- c/ provide organisational and methodological support for prosecutorial practice.

1.1. For the purposes of this Instruction, domestic violence constitutes physical, sexual or psychological violence, placing a person in economic dependence (economic violence), coercive restriction of private life, personal liberty and personal rights, committed against an ascendant or a descendant; a spouse or former spouse; a person with whom the perpetrator has a child; a person with whom the perpetrator is or has been in de facto marital cohabitation, or a person with whom they live or have lived in the same household, including where committed by a person related in the collateral line up to and including the fourth degree; a person related by affinity up to and including the third degree; a guardian, curator or foster parent; an ascendant or a descendant of the person with whom the perpetrator is in de facto marital cohabitation; a person with whom the parent is or has been in de facto marital cohabitation.

Actions upon receipt by the Prosecutor's Office of a notification/report

2. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where the report/complaint, notification, referral/information, etc. concerning domestic violence, as well as non-compliance with a protection order against domestic violence, is submitted upon the personal appearance of the victim before the competent prosecutor's office:

2.1. the report is immediately registered in the Prosecutor's Office's records/case-management system and a check is carried out in the Unified Information System (UIS) for the existence of prosecutorial files and pre-trial proceedings concerning the victim and the person against whom the complaint is made (the perpetrator), and, with regard to children—also for the existence of judgments rendered (final judgments delivered). The result of the check is attached to the report, and the prosecutorial file is submitted to the duty prosecutor;

2.2. the duty prosecutor takes written explanations from the victim, providing them with an opportunity to complete a standard form (Appendix No. 1), which also contains information on rights and available options depending on the specific case¹;

2.3. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where the prosecutorial file establishes data indicating an immediate danger to the life or health of the victim, the duty prosecutor immediately notifies the relevant territorial unit of the Ministry of Interior for the adoption of measures pursuant to the Ministry of Interior Act (Article 4(2) of the Protection Against Domestic Violence Act) and transmits the materials (including by e-mail, fax or other appropriate means).

3. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where the notification/report or the prosecutorial file has been received by post by the competent prosecutor's office and the verification is assigned to the bodies of the Ministry of Interior, the prosecutor notifies the sender thereof in writing.

4. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where the notification/report has been received otherwise than in person by a prosecutor's office other than the competent one, after the actions under item 2.1, sentence 1 are carried out, the prosecutor assesses the urgency of the matter and, where necessary, immediately transmits the materials to the competent prosecutor's office (including by e-mail, fax or other appropriate means).

5. (amended pursuant to Order No. RD-02-04 of 01 April 2022) The actions under item 2.1, sentence 1 shall also be carried out without delay where the competent prosecutor's office has initially received a file from the Ministry of Interior containing a completed verification upon a report of domestic violence, as well as non-compliance with a protection order against domestic violence. The prosecutorial file shall be submitted to the supervising prosecutor within the shortest possible time.

6. (supplemented pursuant to Order No. RD-02-04 of 01 April 2022) Where the prosecutor assigns a verification or conducts it personally, the prosecutor shall mandatorily assess the need to notify the relevant territorial Directorate "Social Assistance".

6.1. In all cases of established domestic violence committed in the presence of, or against, a child or a juvenile, a person placed under interdiction, or a person with disabilities, the prosecutor shall immediately notify the relevant territorial Directorate "Social Assistance".

7. The supervising prosecutor, having regard to the materials in the prosecutorial file, shall, as a matter of urgency, undertake:

a/ conducting a personal verification under Article 145(2) of the Judiciary System Act;

b/ assigning a verification to the bodies of the Ministry of Interior;

c/ initiating pre-trial proceedings.

Circumstances to be established

8. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where the prosecutor conducts a personal verification, assigns a verification to the bodies of the Ministry of Interior, or initiates pre-trial proceedings, the prosecutor shall establish, or instruct the establishment of, including the following circumstances:

8.1. (amended and supplemented pursuant to Order No. RD-02-04 of 01 April 2022) Who, when, where, against whom, under what circumstances, in what manner (with which specific words and/or acts), for what reason, and how many times has committed physical, psychological, sexual, emotional or other violence, including non-compliance with a protection order; whether protective measures have been taken and, if so—since when, which ones, and with what result; whether there are eyewitnesses or documents (respectively other materials) supporting the allegations;

8.2. (supplemented pursuant to Order No. RD-02-04 of 01 April 2022) Whether the perpetrator suffers from a mental illness (which one and for how long); whether they are registered with a psychiatric establishment; whether they acted under the influence of alcohol and/or intoxicating substances (e.g. narcotic, sedative, sleeping substances);

8.3. Whether the perpetrator, or the legal entity they represent or manage, possesses firearms/non-firearms weapons within the meaning of Article 4 of the Act on Weapons, Ammunition, Explosives and Pyrotechnic Products, and whether the competent permits for such possession have been issued by the bodies of the Ministry of Interior;

8.4. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Whether other reports alleging domestic violence, including non-compliance with a protection order, have been lodged with the bodies of the Ministry of Interior, the Prosecutor's Office or other competent authorities, and what measures have been undertaken.

8.5. Whether a child was present at the scene.

9. Where the prosecutor issues a refusal to initiate pre-trial proceedings on the grounds that the act by which the domestic violence was committed:

a/ constitutes an offence of a private nature (prosecuted upon a private complaint) (Articles 161, 175(1), 218v of the Criminal Code)—the order shall explicitly instruct the victim that, in order to commence criminal prosecution, they may file a private complaint with the district court at the place where the act was committed;

b/ does not constitute a criminal offence—the victim shall be instructed as to their rights under the Protection Against Domestic Violence Act.

Where pre-trial proceedings have been initiated/are pending

10. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Pre-trial proceedings concerning domestic violence, as well as non-compliance with a protection order against domestic violence, shall be conducted as a matter of priority in accordance with the methodology and tactics for the investigation of the relevant types of offences subject to public prosecution.

11. Where the grounds under Article 194(1), items 1a and 4 of the Code of Criminal Procedure are present, the investigation shall be assigned to an investigator (следовател).

12. When approving a decree/order for charging a person as an accused, the prosecutor shall carry out an in-depth assessment of the need to impose a measure of restraint (a measure to secure the accused's appearance) and its type, as well as measures for protection of the victim (Article 67 of the Code of Criminal Procedure), including by taking into account the check under item 2.1.

12.1. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Where, in the course of the pre-trial proceedings, the measure of restraint “detention in custody” is changed to a lighter one, the prosecutor shall immediately notify the victim and the relevant territorial unit of the Ministry of Interior at the victim's place of residence.

12.2. (supplemented pursuant to Order No. RD-02-04 of 01 April 2022) The prosecutor shall exercise ongoing supervision over the exact implementation of instructions and the timely resolution of the case, including the fulfilment by the investigating authorities of their obligations under Article 6(1) of the Act on Assistance and Financial Compensation to Victims of Crime (ЗПФКПП)².

Organisational measures

13. (amended pursuant to Order No. RD-02-04 of 01 April 2022) Reporting on countering domestic violence shall be carried out statistically by indicators and periodicity in accordance with the Instruction on the organisation of information activities within the Prosecutor's Office of the Republic of Bulgaria.

14. The administrative heads of the district and regional prosecutor's offices shall establish arrangements for the exact implementation of this Instruction, by:

14.1 exercising control for the timely administration of files and cases of this category;

14.2. (amended pursuant to Order No. RD-02-04 of 01 April 2022) personally or through a designated deputy or prosecutor, coordinating cooperation with the bodies of the Ministry of Interior and other competent state authorities upon reports of domestic violence, including non-compliance with a protection order;

14.3. (amended pursuant to Order No. RD-02-04 of 01 April 2022) periodically organising a coordination meeting between the administrative head of the district/regional prosecutor's office or the prosecutor designated under item 14.2 and the heads of the relevant territorial units of the Ministry of Interior to review time limits and the implementation of instructions in prosecutorial files and pre-trial proceedings of such subject matter;

14.4. organising, by appropriate means (in a place accessible to citizens in the prosecutor's office and on its website), the publication of information intended for victims, namely:

on their possibility to access medical and free legal aid;

on their rights in the course of the pre-trial proceedings;

on the competent authorities to which they may turn in order to obtain protection for themselves and their relatives, including contact details for the relevant territorial Directorate "Social Assistance";

14.5. (amended pursuant to Order No. RD-02-04 of 01 April 2022) carrying out an analysis of the work on cases of domestic violence, including non-compliance with protection orders, in addition to the consolidated information on investigations under Article 140(5) of the Judiciary System Act for the first half-year and in the annual reports (number of verifications and pre-trial proceedings, timeliness and regularity of their conduct, any difficulties encountered, etc.).

15. (amended pursuant to Order No. RD-02-04 of 01 April 2022) The administrative heads of higher prosecutor's offices shall include in their plans for inspection/audit activities checks of the work of the competent prosecutor's offices on this category of cases and prosecutorial files.

16. The administrative heads of all higher prosecutor's offices and the heads of departments at the Supreme Cassation Prosecutor's Office (SCPO) shall establish arrangements for the implementation of item 4.

17. Department 03 "Judicial" at the SCPO collects and consolidates the case-law of the Supreme Court of Cassation on the categories of cases covered by this Instruction and periodically publishes it on the Departmental Information Website (VIS) of the Prosecutor's Office of the Republic of Bulgaria.

18. Department 05 "Analytical" at the SCPO maintains on the VIS and on the external information website of the Prosecutor's Office of the Republic of Bulgaria up-to-date information under item 14.4 for the purposes of victims.

¹ This does not exclude the obligation under Articles 6 and 6a of the Act on Assistance and Financial Compensation to Victims of Crime, and the obligations and procedure introduced by Letter No. 2951/21.10.2016 and Order No. RD-04-436/15.12.2016 of the Prosecutor General for informing victims about a broad range of circumstances related to the exercise of their rights, including outside the criminal proceedings.

² Pursuant to Article 6(2) of the Act on Assistance and Financial Compensation to Victims of Crime.

PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

PROSECUTOR GENERAL

Appendix No. 1

Form – Victim of Domestic Violence

*(amended and supplemented pursuant to Order No. RD-02-04 of 01 April 2022 of the
Prosecutor General)*

WRITTEN EXPLANATIONS

pursuant to Article 145(1), item 1 of the Judiciary System Act

From:

(victim – full name)

Address:

Telephone:

I. What has occurred

1. Domestic violence: YES/NO

*(Domestic violence constitutes physical, sexual or psychological violence, placing a person in
economic dependence (economic violence), coercive restriction of private life, personal
liberty and personal rights, committed against an ascendant, a descendant; a spouse or*

former spouse; a person with whom the perpetrator has a child; a person with whom the perpetrator is or has been in de facto marital cohabitation, or a person with whom they live or have lived in the same household, including where committed by a person related in the collateral line up to and including the fourth degree; a person related by affinity up to and including the third degree; a guardian, or a curator, or a foster parent; an ascendant or a descendant of the person with whom the perpetrator is in de facto marital cohabitation; a person with whom the parent is or has been in de facto marital cohabitation.)

2. Non-compliance with a protection order against domestic violence: YES/NO

II. Circumstances of the case

Who is the perpetrator:

.....
.....

(names and other identifying details)

(spouse or former spouse; person with whom the victim is or has been in de facto marital cohabitation; person with whom the victim has a child; ascendant; descendant; person related in the collateral line up to and including the fourth degree; person related by affinity up to and including the third degree; guardian, or curator, or foster parent; ascendant or descendant of the person with whom the victim is in de facto marital cohabitation; person with whom the parent is or has been in de facto marital cohabitation – Article 3 of the Protection Against Domestic Violence Act; person with whom the victim lives or has lived in the same household)

When did it occur:

.....
.....

Where did it occur:

.....

(settlement/town, address – at home, workplace, other; in a motor vehicle, etc.)

Description of what was committed:

.....

(Physical violence: injuries, ill-treatment, infliction of pain, as well as any other acts violating a person's bodily integrity; Psychological violence: acts or omissions aimed at exerting a negative impact on the person's psyche, as well as any kind of influence affecting the person's emotional stability: insults, quarrels, threats; restricting the possibility of employment; restricting the maintenance of relations with friends, close persons and relatives; restrictions on communication and social contacts (mobile phones, internet; restrictions on choice of whom to communicate with); humiliation in front of close acquaintances and relatives, or other persons; threats of expulsion from the jointly occupied dwelling; denial of access to the dwelling, etc.; restrictions on the exercise of parental rights; economic restrictions—limited provision of common funds, restriction of the use of family property, taking away funds, restriction of freedom of movement, monitoring, etc.; Sexual violence: coercion into sexual contact, including acts aimed at satisfying sexual desire without intercourse, etc.; other violence.)

.....

.....

.....

.....

.....

.....

(blank lines for completion)

Was a child affected/present when it occurred:

.....

.....
Was a person placed under interdiction or a person with disabilities affected/present when it occurred:

.....
.....
Was the perpetrator acting under the influence of alcohol and/or other intoxicating substances (e.g. narcotic, sedative, sleeping substances):

.....
.....
Does the perpetrator suffer from a mental illness; are they registered with a psychiatric service:

.....
.....
Was a weapon used by the perpetrator; is there a likelihood that they possess a weapon and may use it:

.....
.....
Protective measures taken:

.....
(which ones, by whom, on what basis, etc.)
.....

III. Persons aware of the case; documents in support of the allegations:

Eyewitnesses and other persons aware of what occurred:

.....
(family members, relatives, neighbours, other persons who directly perceived what occurred)

.....
.....

Was medical assistance provided to the victim:

.....
(when, where, by whom; medical documents prepared, etc.)
.....

IV. Information on previous incidents involving the same victim and/or perpetrator

Previous complaints and reports regarding analogous incidents:

.....
*(time, place; authority to which they were submitted – police, prosecutor’s office, court,
Directorate “Social Assistance”, others; results)*
.....
.....

Protection orders issued under the Protection Against Domestic Violence Act:

.....
(time, place, court which issued it, enforcement/execution)
.....
.....

V. Rights of the victim depending on the specific case

- Where the act constitutes an offence subject to public prosecution;

The victim shall be served with a Form on the Rights of Victims of Crime, pursuant to Article 6a(2) of the Act on Assistance and Financial Compensation to Victims of Crime, for which a

relevant standard protocol shall be signed in two identical copies. One copy of the protocol and the form under paragraph 2 shall be handed to the victim or to the persons under Article 3(2) of the Act on Assistance and Financial Compensation to Victims of Crime.

- **Where the act constitutes an offence of a private nature;**

Protection where the domestic violence committed constitutes an offence of a private nature
Criminal Code

Article 161. (1) For minor bodily injury under Articles 130 and 131(1), items 3–5; for minor and medium bodily injury under Article 132; for the offences under Article 144(1), Article 145, Articles 146–148a; as well as for bodily injury under Articles 132, 133 and 134 inflicted upon an ascendant, a descendant, a spouse, a brother or a sister, criminal prosecution is initiated upon a private complaint by the victim.

(2) For bodily injury under Article 129 inflicted upon an ascendant, a descendant, a spouse, a brother or a sister, as well as for offences under Article 133, Article 135(1), items 3 and 4, Articles 139–141, and Article 144a(1), public prosecution is initiated upon a complaint by the victim to the prosecutor's office and may not be discontinued at the victim's request.

Article 175. (1) For the offences under Article 170(1) and (4), Article 171(1), Article 172(2), and Article 173, criminal prosecution is initiated upon a private complaint by the victim.

(2) For the offences under Article 172(1) and Article 174, public prosecution is initiated upon a complaint by the victim to the prosecutor's office and may not be discontinued at the victim's request.

Article 218v. Criminal prosecution is initiated upon a private complaint by the victim in the following cases:

for the offences under Article 216(4) and (6) and Article 217(1) and (2), where the subject matter of the offence is private property;

for theft, embezzlement, fraud and extortion, where the subject matter of the offence is private property, if the victim is a spouse, an ascendant, a descendant or a relative in the collateral line up to the second degree of the perpetrator, or lives with the perpetrator in the same household, or is the perpetrator's guardian or curator.

- **Where the act does not constitute a criminal offence.**

Protection under the Protection Against Domestic Violence Act where the domestic violence committed does not constitute a criminal offence

Domestic violence is any act of physical, sexual, psychological, emotional or economic violence, as well as an attempt to commit such violence, coercive restriction of private life, personal liberty and personal rights, committed against persons who are related, who are or have been in a family relationship, or in de facto marital cohabitation. Psychological and emotional violence against a child also includes any domestic violence committed in the child's presence.

Liability under the Protection Against Domestic Violence Act does not exclude the civil, administrative-penalty, and criminal liability of the perpetrator.

Protection under this Act may be sought by any person who has suffered domestic violence committed by: a spouse or former spouse; a person with whom they are or have been in de facto marital cohabitation; a person with whom they have a child; an ascendant; a descendant; a person related in the collateral line up to and including the fourth degree; a person related by affinity up to and including the third degree; a guardian, or a curator (попечитель), or a foster parent; an ascendant or a descendant of the person with whom they are in de facto marital cohabitation; a person with whom the parent is or has been in de facto marital cohabitation.

In the event of domestic violence, the victim has the right to apply to the court for protection.

Where there is information indicating a danger to the life or health of the victim, the victim may also submit an application to the bodies of the Ministry of Interior for the adoption of measures pursuant to the Ministry of Interior Act.

At the request of the victim, any physician is obliged to issue a document certifying in writing the injuries or traces of violence established by the physician.

Protective measures against domestic violence include: obliging the perpetrator to refrain from committing domestic violence; removal of the perpetrator from the jointly occupied dwelling for the period determined by the court; prohibiting the perpetrator from approaching the victim, the dwelling, the workplace and the places for social contacts and recreation of the victim under conditions and for a period determined by the court; temporarily determining the child's place of residence with the victim parent or with the parent who has not committed violence, under conditions and for a period determined by the court, provided this is not

contrary to the child's best interests; obliging the perpetrator to attend specialised programmes; referring victims to recovery programmes.

The competent authority to impose a protective measure is the Regional Court at the victim's permanent address or current address. Proceedings for issuing the order may be initiated upon an application by: the victim, if they have reached the age of 14 or have been placed under limited interdiction; a brother, sister or a person related to the victim in the direct line; the victim's guardian or curator (попечитель); the Director of the Directorate "Social Assistance" where the victim is underage, has been placed under interdiction, or is a person with disabilities.

The application shall be in writing and shall contain: the names, address and Unified Civil Number (UCN) of the applicant; the address of the Directorate "Social Assistance"; where the victim cannot or does not wish to disclose their permanent or current address, they may indicate another address; the names and current address of the perpetrator or another address at which they may be summoned, including telephone and fax; data on the family, kinship or de facto relationship between the victim and the perpetrator; the date, place, manner and other facts and circumstances of the domestic violence committed; signature.

A declaration by the applicant concerning the violence committed shall also be attached to the application.

At the applicant's request, the court shall ex officio obtain, in respect of the perpetrator, a criminal record certificate, information on measures imposed under this Act, and a certificate as to whether the person is registered with a psychiatric service.

The application shall be submitted within one month of the act of domestic violence.

No state fee shall be paid upon submission of the application.

Where the issuance of an order is refused or an order is revoked, the state fee and the costs of the proceedings shall be paid by the applicant, except where the application is for the protection of persons who have not reached 18 years of age, as well as persons placed under interdiction, or persons with disabilities.

Date:

Signature:

I, the undersigned Ani Hristova Atanasova, certify the accuracy of the translation from Bulgarian into English of the attached document. The translation consists of 23 /twenty three/ pages.



ОМБУДСМАН НА РЕПУБЛИКА БЪЛГАРИЯ

X

Изм. №

**TO
MR. GEORGI GEORGIEV
MINISTER OF JUSTICE**

Concerning: Draft report on the visit to Republic of Bulgaria by members of the European Economic and Social Committee (EESC)

DEAR MISTER GEORGIEV,

After I have reviewed the presented draft report of the EESC I have established that in the final text is written that “The ombudsman could inspect detention facilities, but had not been very active in this field, according to participants”.

Concerning the above I completely disagree with the participants’ claims.

Under the terms of Art. 28a of the Ombudsman Act, the competences of the ombudsman as a National Preventive Mechanism (NPM) shall concern the places with persons deprived of liberty, or detained or accommodated pursuant to an act or with the consent of a state authority, which cannot be left at their will, for the purpose of protection of such persons from torture or other forms of cruel, inhuman or degrading treatment or punishment.

As NPM the ombudsman carries out inspection in prisons, prison dormitories, pre-trial detention centers, 24-hour detention facilities, Special Homes for Temporary Accommodation of Foreigners under the “Migration” Directorate of the Ministry of Interior, the Refugee centers of the State Agency for Refugees at the Council of Ministers, social homes and psychiatric institutions.

The activity of the ombudsman is public and following every inspection a report is being drafted with recommendations and proposals for improvement of the conditions at the places referred to in Art. 28a, the treatment of the persons therein, and also for the purpose of preventing the torture or other forms of cruel, inhuman or degrading treatment or punishment.

The reports are submitted to the competent authorities, which, within one month, shall notify the ombudsman of the actions taken to meet the recommendations.

Each report is published on the official website of the ombudsman, National Preventive Mechanism section, Inspection Reports sub-section.

During the past calendar year 2025, experts from the NPM directorate carried out a total of 45 inspections at facilities where persons deprived of liberty or detained persons are accommodated within the meaning of the Enforcement of Sentences and Detention Act and the Ministry of Interior Act.

Of the inspections carried out, 31 were planned and 14 were unannounced.

In 2025, NPM experts of the ombudsman carried out inspections in a total of 7 prisons, of which 5 were planned and 2 were unannounced.

The inspected prisons were: Burgas, Sliven, Lovech, Pleven, Sofia, Belene, and Bobov dol.

In 2025, the NPM experts carried out a total of 11 inspections (9 planned and 2 unannounced) in 10 open-type and closed-type prison dormitories, some of which were inspected more than once, namely:

Closed-Type Prison Dormitory “Kremikovtsi” (one unannounced and one planned inspection), Prison Dormitory “Debelt,” Closed-Type Prison Dormitory “Atlant,” Prison Dormitory “Poligona,” Prison Dormitory “Veliko Tarnovo,” Closed-Type Prison Dormitory “Vit,” Open-Type Prison Dormitory “Pleven,” Open-Type Prison Dormitory “Kazichene,” Open-Type Prison Dormitory “Belene,” and Prison Dormitory “Samoranovo”.

The NPM experts have also carried out two inspections (one unannounced and one planned) at the Specialized Hospital for Active Treatment of Persons Deprived of Liberty.

The total number of inspections carried out in pre-detention facilities in 2025 was 9, of which 5 were unannounced and 4 were planned.

Seven pre-detention facilities were inspected, as follows: the detention facility in Sofia, 42 G. M. Dimitrov Blvd. (inspected three times), the detention facilities in Ruse, Varna, Lovech, Pleven, Blagoevgrad, and Samoranovo (under the Regional Directorate “Execution of Sentences” – Kyustendil).

In 2025, a total of 16 district police departments under the Ministry of Interior were inspected (12 planned and 4 unannounced inspections).

The inspected facilities were: 01 and 02 Police Departments – Ruse; 01 and 03 Police Departments – Varna; Police Departments – Lovech, Troyan, Veliko Tarnovo; 01 and 02 Police Departments – Pleven; Police Departments – Haskovo, Svishtov, Nikopol; 01 and 02 Police Departments – Blagoevgrad; Police Department – Gorna Oryahovitsa; and the Border Police detention facility in the village of Kapitan Andreevo.

As is evident from the above, in 2025 the ombudsman as NPM carried out a total of 45 inspections. For comparison, in 2024 the total number of inspections carried out in places of deprivation of liberty and detention was 27, while in 2023 the number was 24.

The main problems of the penitentiary system remained persistent and systemic in 2025 as well. The inspections carried out by the team of the National Preventive Mechanism and Fundamental Rights and Freedoms Directorate once again identified unfavorable material and living conditions in a significant number of places of deprivation of liberty and detention facilities. These include an outdated and severely deteriorated material infrastructure, insufficient living space and cases of overcrowding, limited access to natural daylight, lack of or ineffective ventilation, as well as the presence of dampness, mold, and pests (cockroaches and bedbugs) in accommodation areas. These findings are consistent with the recommendations made by the European Committee for the Prevention of Torture (CPT) during its visit to Bulgaria in 2021.

The situation at the Closed-Type Prison Dormitory “Kremikovtsi” remains particularly alarming, where the conditions of detention fail to meet national and European standards and pose a real risk to the life and health of persons deprived of liberty. The condition of the facility does not allow for effective improvement through renovation works and necessitates a decision on its closure.

For yet another year, the ombudsman as NPM identified serious difficulties in access to medical care in prisons and detention facilities, resulting from an acute and chronic shortage of medical professionals—

physicians, psychiatrists, and dental practitioners. The situation at the Specialized Hospital for Active Treatment of Persons Deprived of Liberty – Sofia remains extremely severe, where, despite reported improvements in material conditions following the recommendations issued by the Ombudsman in his capacity as NPM, the staffing crisis among medical personnel significantly limits the ability to provide timely and adequate medical care.

The problem of an insufficient range of medicinal products and a limited annual budget for medications also remains unresolved, forcing persons deprived of liberty—many of whom are socially vulnerable—to cover the cost of their treatment with their own funds, a practice incompatible with international standards and CPT recommendations.

A significant proportion of the received reports and complaints concern ill-treatment by the administration and non-compliance with legally guaranteed rights, including the right to information, the right to legal counsel, and the right to work.

The low level of participation of persons deprived of liberty in educational and work activities remains a serious obstacle to resocialization and reintegration processes and contributes to the high rate of recidivism. The lack of sufficient incentives, limited resources, and administrative barriers continue to hinder the effective exercise of the right to work and education.

In 2025, NPM inspections also received numerous complaints related to the organization and pricing policy of prison canteens in places of deprivation of liberty. A particularly acute problem was identified with significant delays in the delivery of television sets and other equipment that can be purchased only by submitting a request through the prison canteen. In some cases, delays ranging from three to six months or more were established.

Following inquiries, prison administrations indicated that part of the delays were due to enforcement proceedings and imposed garnishments on the personal funds of some persons deprived of liberty, of which they had been notified. However, the Ombudsman considers this to be a broader systemic organizational problem that is not limited to cases involving frozen accounts. In many cases, delays result from the practice of making deliveries only after accumulating a larger number of requests, leading to prolonged waiting periods, including for persons serving short-term sentences who are unable to receive the requested items within the duration of their sentence.

Following the reform of the Enforcement of Sentences and Detention Act (ESDA) in 2017, Bulgaria achieved significant legislative progress in the protection of the rights of persons deprived of liberty, in particular with regard to inhuman and degrading conditions in places of deprivation of liberty, thereby ensuring protection of the prohibition under Article 3 of the European Convention on Human Rights. Nevertheless, as of 2025 a number of serious and systemic problems continue to persist:

1. Poor material and living conditions, outdated and severely deteriorated building infrastructure, insufficient living space and cases of overcrowding, limited access to natural daylight, lack of or ineffective ventilation and air conditioning during the summer months, presence of dampness and mold in sleeping areas and poor condition of shared bathrooms and sanitary facilities;
2. A systemic problem with the presence of cockroaches, bedbugs, and other pests, fully consistent with the findings and recommendations of the CPT during its visit to Bulgaria in 2021;
3. Outdated and unfit bedding inventory, primarily severely worn mattresses, often infested with bedbugs. Despite the replacement process initiated in 2024, the problem remains widespread;
4. Difficult access to medical care in prisons and detention facilities due to an acute and chronic shortage of medical professionals—physicians, psychiatrists, and dental practitioners—a problem explicitly identified by the CPT as early as 2021. Owing to the lack of staff, medical personnel are predominantly engaged under civil contracts, which significantly hampers access to medical care, including psychiatric care.

The activities of the Ombudsman in his capacity as National Preventive Mechanism in 2025 confirm these findings and once again underscore the need for a comprehensive and consistent approach to penitentiary system reform. Although the regulatory framework has largely been aligned with

European standards, the practical implementation of legislation and the actual improvement of conditions in places of deprivation of liberty remain a serious challenge.

As a notable positive development in state policy concerning places of deprivation of liberty, the construction of the pilot prison in the village of Samoranovo has been completed. At present, persons deprived of liberty have not yet been accommodated at the facility. It is envisaged that this facility will be the first in Bulgaria to introduce the so-called “dynamic security” model, whereby custodial staff maintain active and continuous contact with persons deprived of liberty in order to build trust, enable early identification of behavioral changes, identify risks—including the risk of self-harm and suicide—and ensure more effective management of tension and conflicts.

For this purpose, specialized training of a designated number of staff is planned, along with the application of individual risk and needs assessments for persons deprived of liberty. This approach is expected to contribute to enhanced security, improved conditions, and more successful resocialization.

In the context of the further development of state policy, the establishment of so-called transitional units for persons deprived of liberty with up to six months remaining of their sentence is also envisaged, with the aim of supporting the reintegration process and reducing the risk of recidivism through a gradual return to life in society.

The Ombudsman welcomes these directions of development, while emphasizing that their effectiveness will largely depend on the provision of sufficient human resources and sustainable funding.

Sincerely,

X

ОМБУДСМАН НА

РЕПУБЛИКА БЪЛГАРИЯ

Signed by: VELISLAVA DINEVA DELTCHEVA

VELISLAVA DELTCHEVA
OMBUDSMAN OF THE
REPUBLIC OF BULGARIA



European Economic and Social Committee

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