

**ANALYSIS
OF THE NEED TO RATIFY THE OPTIONAL
PROTOCOL TO THE UN CONVENTION ON
THE RIGHTS OF PERSONS WITH
DISABILITIES**



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I. INTRODUCTION – background and commitment of the state regarding the ratification

The Convention on the Rights of Persons with Disabilities (CRPD/the Convention) is an international human rights treaty of the United Nations (UN) designed to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote and protect the full enjoyment of human rights by persons with disabilities and to ensure that persons with disabilities enjoy full equality before the law. The Convention serves as a major catalyst for the global movement for the rights of persons with disability, enabling a shift from viewing persons with disabilities as objects of charity, medical treatment and social protection to seeing them as full and equal members of society with equal rights. The Convention is the first UN human rights treaty of the twenty-first century.

Bulgaria ratified the UN Convention on the Rights of Persons with Disabilities with a law adopted by the 41st National Assembly on 26.01.2012, which entered into force on 21.04.2012. International treaties ratified in accordance with the constitutional procedure, promulgated and entered into force for the Republic of Bulgaria, are part of the domestic law of the country.

The main focus of the state policy on the rights of persons with disabilities is to create conditions and opportunities for providing targeted supportive and encouraging measures for persons with disabilities, which especially in the current conditions will have a beneficial impact on improving the quality of life and preventing social exclusion. Bulgaria is strongly committed to the rights of persons with disabilities and their inclusion in society on an equal basis with others. Bulgarian legislation provides legal guarantees for equal opportunities for all by providing protection from all forms of violence, prevention of harassment and discrimination. All national policies related to the implementation of the Convention and other international treaties in this area follow a human rights-based approach and are developed in close consultations with persons with disabilities and their organisations.

As a State Party to the UN Convention on the Rights of Persons with Disabilities, Bulgaria continues, through its policies, to work to achieve one of the main objectives of the Convention, namely to promote the strengthening of an inclusive environment for persons with disabilities in a way that enables them to lead independent lives.

In order to continue the policy aimed at guaranteeing the rights of persons with disabilities, after the expiration of the **Action Plan of the Republic of Bulgaria for the implementation of the UN Convention on the Rights of Persons with Disabilities (2015-2020) and the National Strategy for Persons with Disabilities (2016-2020)**, actions were taken to prepare an **Action Plan for the implementation of the final recommendations addressed to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities following the defence of the First National Report in 201 (2021-2026) (the Plan)**, and a **new National Strategy for Persons with Disabilities (2021-2030)**.

At the beginning of 2021, the Plan was adopted by a decision of the Council of Ministers. The main goal of the Plan is, through consistent policies and appropriate measures, to address the comments and recommendations made to Bulgaria by the UN Committee on the Rights of Persons with Disabilities.

The final recommendations to Bulgaria are related to the respect of the rights of persons with disabilities in various areas – education, employment, health, economic and social support, participation in political and public life, violence, trafficking, stereotypes and discriminatory practices, women and girls with disabilities in an unequal position, legal framework for equality, complaint mechanism, marriage and family relations, the institute of guardianship, etc.

The Plan includes the Committee's recommendations that have been identified as not implemented or currently in the process of implementation. It sets out measures and activities aimed at improving the legislation of the country in terms of guaranteeing the rights of persons with disabilities; activities to overcome stereotypes and discriminatory practices; expanding the

opportunities for persons with disabilities to participate in the labour market; active participation in political and public life; awareness and information activities, promoting the Convention, etc.

One of the main recommendations of the UN Committee on the Rights of Persons with Disabilities is to ratify the Optional Protocol to the CRPD (the OP/Protocol).

The Protocol was adopted in New York on 13 December 2006, during the sixty-first session of the United Nations General Assembly with Resolution A/RES/61/106. The Optional Protocol was opened for signature by all States and regional integration organizations of the Convention on the Rights of Persons with Disabilities at the UN Headquarters in New York on 30 March 2007. By its very nature, it is non-binding, allowing States to assess the possibilities and necessity for its ratification.

According to information from the official UN website ¹ on the Optional Protocol to the UN CRPD, it has been ratified by 110 countries and signed by 21 countries. It has not been signed and ratified by 67 countries, including 1 EU Member State (Poland), as well as the United States, Norway, Switzerland and others. The Protocol has been signed but not ratified by the Netherlands, Romania and Bulgaria.

Bulgaria signed the Protocol on 18 December 2008. At the moment, the ratification of the Protocol by the Bulgarian state is envisaged in the **Action Plan for the implementation of the final recommendations addressed to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities (2021-2026)**, adopted by the Council of Ministers in 2021. According to the outlined implementation stages of the Committee's recommendation, state authorities, nationally representative organizations of and for persons with disabilities, as well as all stakeholders, should prepare the necessary additional legislative changes to regulate the application of the Optional Protocol. Once the first stage of implementing the recommendation has been completed, the Ministry of Foreign Affairs is responsible for undertaking the comprehensive preparation for the ratification process of the Optional Protocol, which should be completed before the submission of the next national report to the Committee on the Rights of Persons with Disabilities in 2026.

II. Mechanism for fulfilling the country's commitment

The ratification of the Protocol will initiate the consideration of individual or group complaints concerning violations of the rights of persons with disabilities by the UN Committee on the Rights of Persons with Disabilities. This entails a number of administrative commitments to review the specific cases, take action to answer the questions raised by the Committee, control, sanctions and amend the measures and regulations, as well as the payment of compensation awarded by the Committee. Ensuring the process of adopting, reviewing, responding to, taking measures and/or amending legislation requires ensuring human and financial resources through which to adequately address all complaints received. This requires the preparation of a precise administrative and legal analysis, planning the necessary preparations and the stages for ratification of the Protocol. The horizontal nature of the disability policy shows that the mandatory participation of all stakeholders is the only way to achieve effectiveness in supporting the process of ratification of the Optional Protocol.

It is important to emphasize that there is an ongoing process of amendments to the current legislation in terms of guaranteeing the rights of persons with disabilities in the country, which improves the existing regulations in this area, while significantly reducing the potential for violations of the rights of persons with disabilities. It should also be taken into account that through the National Council for Persons with Disabilities and the Monitoring Council, additional opportunities have been created for the prior coordination and regulation of the processes aimed at improving the legislation concerning persons with disabilities.

¹(<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-persons-disabilities>)

Through the institution of the **Ombudsman**, established in 2004, persons with disabilities have been given the opportunity to have their complaints and reports about violated rights and freedoms examined, not only violated by state and municipal authorities and their administrations, or by persons entrusted with the provision of public services, but also by private law entities. By virtue of its powers, the **Ombudsman** may refer to the Constitutional Court a request to establish the unconstitutionality of a law that violates the rights and freedoms of citizens, including persons with disabilities, may request the adoption of an interpretative decision or an interpretative decree from the Supreme Court of Cassation and/or the Supreme Administrative Court. Regarding the legislative process, the Ombudsman makes proposals and recommendations to eliminate the causes and conditions that create prerequisites for violations of rights and freedoms, including proposals for changes to the regulatory framework; provides opinions to the Council of Ministers and the National Assembly on draft laws concerning the protection of human rights.

It should be noted that in 2005 was established the **Commission for Protection against Discrimination**, which is a national independent specialized state quasi-judicial body responsible for preventing discrimination, protecting against discrimination and implementing the state policy in the field of equal opportunities and equal treatment of all citizens on the territory of the **Republic of Bulgaria**. It is a “national equality body”, as established in all Member States of the European Union and controls the implementation and compliance with the **Protection against Discrimination Act (PADA)** or other legislation governing equal treatment.

It is significant that the country’s main obligation regarding the ratification of the Protocol stems from the commitment undertaken before the UN Committee on the Rights of Persons with Disabilities to implement the recommendation addressed to Bulgaria after the defence of the First National Report in 2018.

To implement the approved measure for fulfilling the recommendation of the UN Committee on the Rights of Persons with Disabilities, the **Action Plan for the implementation of the final recommendations addressed to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities (2021-2026)**, adopted by the Council of Ministers in 2021, provides for state authorities, nationally representative organizations of and for persons with disabilities, as well as all stakeholders, to prepare the necessary additional legislative amendments to regulate the application of the Optional Protocol.

In view of the deadlines established in the Plan and given the horizontal nature of the policy, all stakeholders should provide information on the basis of which a comprehensive and in-depth analysis can be prepared to allow for an objective assessment of the necessary legislative changes at national and local level, as well as planning the ratification process of the document.

In order to implement the first stage of the measure, the **Ministry of Labour and Social Policy (MLSP)**, in its capacity as the body responsible for the implementation of the Plan, launched a process of collecting information and opinions from all state authorities, regional administrations, the Ombudsman of the Republic of Bulgaria, the Commission for Protection against Discrimination, the nationally representative organizations of and for persons with disabilities, the National Association of Municipalities in the Republic of Bulgaria (NAMRB) and the nationally representative organizations of workers and employees, which in turn are expected to provide analysis within their respective areas of competence, demonstrating the state of the legislation in their relevant field of activity.

All organizations were invited to submit their proposals for the necessary regulatory changes, with the relevant deadlines, which in turn would support the preparation of a comprehensive and objective analysis of the Protocol’s ratification process and its practical implementation.

In addition, guiding questions were sent to all, the purpose of which was to obtain clearer information regarding their understanding and attitudes towards the ratification of the document.

III. Review/presentation of the information received from all stakeholders

Information and opinions were received from: The Ombudsman of the Republic of Bulgaria, the Commission for Protection against Discrimination, the Bulgarian National Bank, the Financial Supervision Commission, the National Institute of Justice, the NAMRB, the Supreme Judicial Council, the Supreme Prosecutorial Council, all ministries, regional administrations, as well as a number of non-governmental organizations of and for persons with disabilities.

The information provided by the various institutions gives grounds for identifying a number of gaps in the legislation, which in turn leads to restrictions that could be grounds for defining them as systematic violations, and hence lead to sanctions against the country.

The key issues identified by the Ombudsman, which persons with disabilities face, are of main importance. The Ombudsman's Annual Activity Report for 2025, submitted to the National Assembly on 31.03.2026, contains comprehensive information on the rights of persons with disabilities - Chapter One, Section Four. The report is available on the Ombudsman's website:

https://www.ombudsman.bg/storage/pub/files/20260507152940_ANNAUL%20REPORT%202025%20FINAL.pdf.

In its report, the Ombudsman, as a national public defender, points out all the gaps in the Bulgarian legislation that may be subject to the procedure under the Optional Protocol, in the event that no measures for improvement and/or change are taken to address the identified problems that lead to a violation of the rights of persons with disabilities. The findings and recommendations for 2025 are as follows:

A) In the area of socio-economic protection, the following problems have been identified:

- ✓ Ensuring income continuity through:
 - *Strict control over the implementation of Art. 73 of the Persons with Disabilities Act, in order to prevent the suspension of social payments and pensions due to delays of the medical expertise authorities (Territorial Medical Expert Commission - TMEC/ National Medical Expert Commission - NMEC).*
 - *Reviewing inconsistencies in the Social Security Code and the Health Act, in order to guarantee the continuous payments based on already established rights.*
- ✓ Automation of social payments:
 - *Introducing a mechanism for official granting of the monthly financial support immediately after the issuance of a TMEC decision, without requiring the submission of a new application to the Social Assistance Agency (SAA). This will eliminate the subjective factor and delays.*
- ✓ Review of the Individual Needs Assessment:
 - *Amending the Individual Assessment Methodology so that it reflects the real need for support and the cost of living, not just the percentage of disability. It is recommended to include a "basket of specific needs" (medicines, supplies, rehabilitation) when determining support.*
- ✓ Expanding the scope of targeted assistance:
 - *Updating the secondary acts within the scope of socio-economic rights by introducing a special coefficient for persons with disabilities, which would exclude the allowance for outside assistance from the total household income.*

B) In the area of social services and personal mobility, the following problems have been identified:

- ✓ To the Ministry of labour and social policy (MLSP):
 - *Initiating legislative amendments to the Personal Assistance Act, aimed at greater flexibility and providing conditions for the elimination of shortages of qualified personnel providing personal assistance. Reviewing the coefficients – linking the hours to a more dynamic assessment that allows an increase in the monthly limit for people with the most severe disabilities, exceeding the current maximums for specific needs. Regulating “substitute care” to allow municipalities to hire “mobile assistants” who can provide care when the titular assistant is on sick leave or vacation. Professionalization of personal assistance by introducing mandatory courses for assistants who are not relatives, in order to improve the quality of the service.*
 - *Developing a quality standard for the Assistant Support service that includes mandatory training for working with different types of disabilities.*
- ✓ To the municipalities:
 - *Providing the necessary care for people through the following social services: Assistant Support, Information and Counselling, Advocacy and Mediation, Therapy and Rehabilitation, and Skills Acquisition Training, regulated under the Social Services Act, through an appropriate organizational model of provision, including through home-based social patronage, which is a local activity.*
 - *Expanding the network of specialized “door-to-door” transport services, especially in remote areas.*
- ✓ To the (Ministry of interior) MoI and the MLSP:
 - *Taking the necessary actions to ensure fair conditions and equal access for persons with disabilities or restrictions to obtain a driving license for motor vehicles in compliance with the European legislation in the field of transport policy, and proposals for amendments to the Road Traffic Act to grant persons with disabilities the right to drive a three-wheeled motor vehicle of category L5e.*

C) In the area of healthcare and rehabilitation, the following problems have been identified:

- ✓ To the Ministry of Health:
 - *Accelerating the full digitization of medical records in order to the need to transport paper documents between commissions.*
 - *Taking the necessary actions to ensure access to medicine in accordance with the procedure established in Ordinance No. 2 of 29.07.2016 on the prescription of antibiotic medicines by electronic means, as introduced by the Ministry of Health in 2024, in order to protect the rights of military invalids to receive free or partially paid medicinal products.*
- ✓ To the National health insurance fund (NHIF):
 - *Expanding the list of medical devices that are covered 100%, with a focus on high-tech prostheses and personal mobility aids.*
 - *Reviewing the maximum prices (limits) paid by the NHIF for assistive devices. Annual update in line with market prices is called for in order to stop the practice of “surcharge”, which is often unaffordable for citizens.*
- ✓ To the municipalities:

- *Establishing more municipal day centres for rehabilitation and psychological support – free of charge for persons with more than 70% disability.*

D) In the area of guaranteeing civil and political rights, the following issues have been identified:

- ✓ *To the National Assembly:*
 - *When considering and adopting the state budget for 2026, taking into account the need to update the annual state subsidies for the nationally representative organizations of and for persons with disabilities.*
 - *Urgently adopting the Law on Natural Persons and Support Measures to replace the system of legal incapacitation with support mechanisms in accordance with Art. 12 of the CRPD.*
- ✓ *To the Council of Ministers:*
 - *Resuming the in-person meetings of the National Council for Persons with Disabilities.*
- ✓ *To the Central electoral commission (CEC):*
 - *Developing standards for an “accessible polling station”, which include not only ramps, but also accessible voting machines equipped with software for the blind. Introducing mandatory video interpretation into sign language during public debates.*
- ✓ *To the Ministry of Culture:*
 - *Changing the rules of the National Fund “Culture” by introducing accessibility requirements (sign language interpretation, audio descriptions or ramps).*
- ✓ *To the Ministry of Youth and Sports*
 - *Introducing a rule providing priority funding to clubs developing Paralympic sports.*
- ✓ *To the Ministry of Justice and the Ministry of Interior:*
 - *Providing training to magistrates and police officers on the specifics of communicating with persons with intellectual and mental disabilities.*

E) In the area of ensuring accessibility: architectural, transport and information accessibility, the following problems have been identified:

- ✓ *To the Ministry of Regional Development and Public Works (MRDPW):*
 - *Amending the regulatory framework to require investors to provide for universal design, not just “adapting” the facilities. Providing targeted budget funding for the accessibility of private housing (construction of ramps and lift platforms), as the current MLSP programmes cover only a minimal part of the actual needs.*
 - *Strict control over the accessibility of pedestrian spaces and public transport stops as part of urban mobility.*
 - *Introducing mandatory quotas for the construction of accessible housing.*
- ✓ *To the MLSP:*
 - *Reviewing and changing the conditions established under the National Programme for Accessible Housing and Personal Mobility, “Accessible Environment” module, in order to improve access to funding for persons with disabilities and reduced mobility, including persons with low incomes.*
 - *Updating the amount of assistance for persons with disabilities renting municipal housing.*

- ✓ To the Ministry of Transport and Communications:
 - *Linking the subsidies for transport operators to the actual percentage of accessibility of their bus fleets. Linking transport operators' licenses to accessibility requirements. Preparing a clear schedule for updating the rolling stock in BDZ and improving accessibility for persons with disabilities.*
- ✓ To the Ministry of Culture:
 - *Introducing a mandatory "accessibility standard" for all festivals and events financed with public funds.*
- ✓ To the local authorities:
 - *Developing interactive maps of accessible tourist and cultural routes in cities.*
- ✓ To the Ministry of Innovation and Digital Transformation (MIDT):
 - *In order to comply with the Accessibility Directive, conducting an accessibility audit of all public online platforms and mobile applications.*

F) In the area of employment and entrepreneurship, the following problems have been identified:

- ✓ To the MLSP:
 - *Developing a "sheltered employment" mechanism for persons with intellectual disabilities who need a mentor in the workplace.*
 - *Increasing the budget for workplace adaptations.*
 - *Providing sufficient jobs, in line with the stated need, for persons with disabilities under the current programmes, especially under the National Programme "Employment and Training for Persons with Permanent Disabilities".*
- ✓ To the Employment Agency:
 - *Digitizing intermediary services and creating a specialized filter in the employment portal showing the accessibility of employers' offices.*
- ✓ To the Ministry of Finance:
 - *Introducing additional tax incentives for employers who employ persons with more than 70% disability under permanent employment contracts.*

G) In the area of ensuring a society of equal opportunities, the following problems have been identified:

- *Persons with disabilities or their representatives should be involved and participate at all levels of government where decisions are made or policies concerning their rights are formulated;*
- *The problems with personal assistance should be resolved, and opportunities should be provided for all those in need to obtain the necessary access to assistant support, including persons with disabilities who have certain types and degrees of disability/degree of permanently reduced work capacity, but are not entitled to assistance from another person;*
- *Integrated electronic services for persons with disabilities should be introduced in state institutions;*
- *An adequate reform of the medical expertise should be carried out to ensure an objective assessment of the health status of citizens and prevent delays in the issuance of expert decisions;*
- *The paradigm for determining and granting support to persons with disabilities should be changed, with the individual needs of the person with disability and their functional capabilities as main considerations – "assessment of functioning";*

- *Legislative amendments should be initiated to ensure equal treatment of persons with disabilities when acquiring the right to a disability pension due to a general illness, with work experience acquired before and after the date on which the disability occurred;*
- *The right to choose a pension with a less favourable amount should also be ensured in order to receive a more favourable amount of monthly financial support, as well as the possibility of continuing payment of a disability pension due to general illness when expert decisions are annulled and returned until the entry into force of the decision of the NMEC, or, respectively, of the court ruling on the appealed decision of the medical expertise authorities, until the entry into force of the decision of the NMEC. Legislative amendments should be undertaken to resolve the problems concerning disability pensions, including their timely resumption and payment.*
- *Competent institutions should establish a consistent approach in their work to ensure the right of persons with disabilities to an accessible environment.*
- *Clear and specific consistent measures should be introduced in short timeframes to ensure subsidized employment for persons with disabilities and to introduce real incentives for employers, including for adapted workplaces for persons with disabilities.*

The problems raised at the regional level, the resolution of which would significantly improve the well-being of persons with disabilities, and they expect legal solutions to be sought to help overcome them, complement and confirm the findings of the national Ombudsman. An example is the analyses received from the regional administrations, which are based on the implementation of the current legislation at the local level. The analyses provided by the following regional administrations summarize the data submitted by others.

RA Smolyan:

Despite the large number of legal and administrative mechanisms under the current legislation in the country, there are still many barriers for persons with disabilities, which require the refinement of these mechanisms. Also, despite the huge volume of legislation and the corresponding institutional framework, the policy on the rights of persons with disabilities, related to each area (occupational, professional, medical and social rehabilitation, etc.), is still not effective enough. In their totality, these objective circumstances raise the issue of increasing the effectiveness of the policy on the rights of persons with disabilities both for them and for those working within the medical expertise authorities, the social, employment and education systems.

Taking into account the complex and multifaceted nature of the measures to ensure the full exercise of the rights of persons with disabilities, the state policy should be aimed at developing more mechanisms for implementing an integrated approach with a horizontal impact, combining resources from different sectoral policies. For example:

- *a comprehensive coordination mechanism with clearly defined functions and powers for clarifying the competences of the involved participants (especially at regional and local levels);*
- *conducting systematic training of regional coordinators, municipal employees, representatives of territorial units of the executive branch, service providers, etc. in the effective implementation of the measures on the ground;*
- *building a centralized and adequate information database accessible to all involved institutions, which is a necessary condition for both the implementation and the monitoring and planning of relevant policies at all levels;*
- *increasing the activity of nationally representative organizations of and for persons*

with disabilities - flexibility in the mechanisms for determining the amount of the annual subsidy provided to them from the state budget, ensuring operational autonomy, etc.;

- transition towards inclusive employment, focused on the process of individualization of opportunities, activating and encouraging active participation of persons with disabilities in the labour market, and social integration through real sustainable employment of persons with disabilities (rather than merely temporary employment with unsatisfactory impact);

- expanding employment opportunities in the field of social entrepreneurship and public-private partnerships, as part of the labour market for persons with disabilities;

- refining the conditions and mechanisms for providing financial support for persons with permanent disabilities (e.g.: determining the amount of monthly financial support in relation to the income of persons, in order to increase the support intensity for the most deprived;

- refining the control exercised over the social assistance system with regard to the provision of personal assistance and the spending of public funds allocated for this purpose;

- providing an accessible information environment and expanding the opportunities for modern communication services by expanding the opportunities for project funding.

RA Kyustendil:

It is essential that efforts to improve the regulatory framework in the field of the rights of persons with disabilities, incl. people who have suffered accidents or have a serious health condition without a determined type and degree of disability, to be synchronized with the reform in the social sphere, as a result of a thorough assessment of the gained experience, professional expertise, broad public discussion and cooperation.

Personal assistance, as regulated in Bulgarian legislation, is a mechanism for improving the autonomy of persons with disabilities. It is a specific type of care provided to persons with severe disabilities who need outside assistance, regulated as a mechanism based on financial support guaranteed by the state, individual needs and personal choice.

This regulatory mechanism, as well as the assistants' support provided under the SSA, support only persons with disabilities who have not been assessed to require assistance from others to exercise their fundamental rights, to have opportunities to choose and lead an independent lifestyle, to be actively included and participate in the community and to access various services and activities.

The social legislation lacks the application of this type of support for persons with disabilities who have not been assessed to require assistance from others.

Kyustendil Municipality proposes to continue looking for optimal solutions to implement additional mechanisms covering all persons with an established need for care, as well as to ensure access for persons with disabilities and inability to care for themselves, regardless of age, to a wide range of social services, support at home, in order to prevent isolation and segregation.

In this regard, it should be borne in mind that:

1. The majority of persons with disabilities live in conditions of poverty and in this sense there is a pressing need to overcome the negative consequences of poverty and social exclusion;

2. The usual difficulties faced by persons with disabilities and others are related to multiple or aggravated forms of discrimination on the grounds of race, colour, sex, language, religion, political or other views, national, ethnic, community or social origin, property status, place of birth, age or other status;

3. Disability is an evolving concept and it is the result of the interaction between persons with disabilities and various obstacles in their environment that make it difficult for them to participate fully and effectively in society on an equal basis with others;

4. Persons with disabilities must be given the opportunity to be actively involved in the decision-making process concerning policies and programmes, including those that directly affect them;

5. The family as a natural and fundamental building block of society should be subject to protection by society and the State and persons with disabilities, as well as their family members, should receive the necessary protection and support through which the families of persons with disabilities and persons with serious health conditions can ensure the full and equal exercise of their rights;

6. Equal access to timely and quality healthcare and rehabilitation is important for persons with disabilities to maintain a good quality of life and to be able to participate actively in public life. During the COVID-19 pandemic, persons with disabilities proved to be a particularly vulnerable group in terms of their human rights, as higher risks of complications from the virus led to tighter restrictions, especially in nursing homes, and subsequently to a higher risk of unmet medical needs. The long-standing problems of the healthcare system in Bulgaria became especially apparent during the COVID-19 pandemic. Shortages and uneven distribution of medical staff have a disproportionately significant impact on persons with disabilities;

7. Access to suitable housing and technical assistive devices is crucial to the quality of life, independence and social inclusion of persons with disabilities. Currently, the National Programme for Affordable Housing and Personal Mobility is the active programme for housing assistance. Applying under the programme is a laborious procedure that places a significant burden on persons with disabilities, and among the difficult conditions are the submission of a mandatory letter of support from a territorial unit of the SAA or the submission of application documents both electronically and in paper form. In this context, one of the issues to be further explored is the relationship between the physical and financial accessibility of housing and the extent to which the lack of such housing in the community motivates people to go into institutional care. Against this background, persons with disabilities are more at risk of living in poor housing conditions, defined as housing that is too dark, with a leaking roof or damp walls, or without a bathroom/shower or an indoor toilet. Poor housing conditions and overcrowding can pose significant risks to the health of persons with disabilities and exacerbate social exclusion due to insufficient adaptations and means of mobility. The burden of housing costs is higher for persons with disabilities;

8. Poverty and social exclusion are complex social phenomena that place tangible and intangible obstacles preventing people from living with dignity and participating actively in social life;

9. The inability to afford food due to lack of money is one of the indicators of extreme poverty. Persons with long-standing limitations are more exposed to this risk than those without disabilities;

10. The lack of accessible transport often prevents persons with disabilities from carrying out their daily activities on their own and participating in public life. That is why their access to private transport shows their independence in terms of mobility. The accessibility of private transport is also associated with additional administrative burdens and costs for persons with disabilities who want to drive. They need a specialized permit to drive, obtained from a regional transport medical expert commission (RTMEC);

11. Education, qualification and employment of persons with disabilities are key priority areas, as they are an essential means of integration and ensuring a dignified life. The recognition in various strategic documents of insufficient and inadequate professional skills among persons with disabilities creates the need to trigger appropriate effective measures and actions to mobilize the work potential of persons with disabilities that has not yet been used;

12. Despite the reform of the education system, which aimed to ensure equal access to and level of education of persons with disabilities, the difference in education of persons with and without disabilities persists;

13. National and local education and training initiatives, especially the National Programme for Employment and Training of Persons with Permanent Disabilities, should expand their scope to fill the educational gap among persons with disabilities who completed their education before the introduction of the reform;

14. Insufficient support discourages other family members from long-term employment, as they have to help their relatives with disabilities, or in cases where there are no such family members, persons with disabilities are forced to enter institutional care. Age has been established as a major determining factor of the risk of poverty among both persons with and without disabilities, suggesting that social transfers are generally insufficient to maintain a decent standard of living. Persons with disabilities are among the priority groups of the national policy for poverty reduction, and the reform of the policy on persons with disabilities has linked their social transfers to the poverty line;

15. The higher level of reporting of cases of discrimination among younger persons with disabilities and those with a higher level of education can be seen as an indication of insufficient awareness of discrimination and the precautions against it. It is necessary to strengthen the national equality body and its efforts to promote equality. Although national strategic documents concerning persons with disabilities sometimes identify equality and social solidarity as their principles, specific measures to promote them are scarce;

16. Persons with disabilities live in social isolation, excluded from both their communities and their families. They may rely less on their relatives, friends, and community members for non-financial assistance, suggesting that more efforts are needed to change public perception of their role in society. Awareness-raising campaigns and messages on acceptance can be part of the national policies concerning persons with disabilities.

RA Ruse:

According to most administrative structures, there is a sufficient number of legal and regulatory mechanisms in the region, while according to representatives of the non-governmental sector, they are not enough. Despite the existence of laws aimed at guaranteeing the rights of persons with disabilities – the Persons with Disabilities Act, the Social Services Act, the Social Assistance Act, the Personal Assistance Act, the Health Act, the Road Traffic Act, the Protection against Discrimination Act, the Employment Promotion Act and secondary regulations, their implementation is very challenging.

There is no consensus among stakeholders regarding the definition of “disability”. Different institutions collect different data both at national and local level. Each institution uses its own administrative data collected according to different criteria, such as entitlement to social assistance or recognised reduced work capacity. Thus, information from different sources is not integrated into a common database, nor is it comprehensively analysed.

Municipal administrations report difficulties in the implementation of the Assistant Support social service due to the requirement that users be persons/children with TMEC Expert Decision determining the need for assistance by another person, or elderly persons unable to care for themselves. The analysis of the needs for social services showed a large number of persons with a TMEC Expert Decision determining a disability without assistance by another person, who need support and services at home.

Another important problem is the search for funding for the continuation of the activities under the Care at Home project after December 2024. There is a real danger that municipalities will find themselves unable to finance this type of social service and that users will be left without the care and support they need, which would pose a risk to their health and lives.

There is a need to increase the number of persons with permanent disabilities in employment under the National Programme for Employment and Training of Persons with Permanent Disabilities.

The challenge is the lack of sufficient state funding for the activities that administrations undertake to provide an accessible environment.

There are many obstacles that prevent persons with disabilities from fully exercising their fundamental rights, and these obstacles limit their equal participation in society. Consistent and targeted policies, actions and measures are needed in this regard.

The biggest challenge in the area of disability rights policy is ensuring work and employment opportunities, as well as providing adequate support to workers and employers, given the specificity of this part of the workforce. There is still not enough adaptability and mobility in Bulgaria in terms of the working environment, as well as application of flexible, innovative and alternative methods of workplace support for persons with disabilities, in accordance with their individual characteristics and existing functional limitations.

The challenges in education are related to the shortage of specialists qualified to work with children and students, in accordance with different types of special educational needs, especially in remote and small settlements, as well as the provision of timely and continuous qualification and training to pedagogical specialists to work with children and students with special educational needs. Part of the problem is related to the lack of opportunities to ensure an accessible architectural environment for children and students with special educational needs in kindergartens, schools and service units, insufficient teamwork and cooperation with parents and institutions to provide a supportive environment in kindergartens and schools.

Another challenge in providing care for persons with disabilities is ensuring equal access to healthcare services. Many of the barriers to accessing healthcare lie outside the healthcare system and are associated with the relatively higher prevalence of social isolation, stigma, and poverty, as well as communication difficulties arising from inaccessible built environments and inadequate public transport connections, which fail to accommodate the specific needs of persons with disabilities.

Healthcare for persons with disabilities often requires an interdisciplinary approach, which calls for effective coordination among healthcare professionals and between healthcare providers, social services and other support services for persons with disabilities.

Therefore, continued efforts are needed to ensure timely access to rehabilitation as a comprehensive process encompassing medical, vocational and social rehabilitation. In this regard, it is necessary to establish a sufficient number of rehabilitation facilities across the country offering comprehensive rehabilitation programmes, including medical and functional assessments, kinesiotherapy, physiotherapy, speech and language therapy, occupational therapy, psychotherapy and other relevant services.

At the same time, coordination between medical, social and vocational rehabilitation services should be further strengthened, with a view to achieving the maximum possible integration, reintegration and social inclusion of persons with disabilities in society, including through access to employment.

In addition to social and healthcare barriers and constraints, persons with disabilities also face architectural barriers that limit their access to public services and hinder the exercise of their rights. Physical barriers, especially in remote and rural areas, public transport and services, information and communication services, primarily for persons with sensory disabilities and intellectual disabilities, are not fully adapted and accessible.

Persons with disabilities continue to face challenges in accessing the mobility-related assistive devices, aids and medical devices they need. Creating conditions for the participation

of persons with different types of disabilities in sports and youth activities, accessibility for recreation, tourism and participation in cultural life is also a difficult task. A challenge for Bulgaria is the provision of accessible information and communication services and the transposition of directives to ensure accessible electronic and communication services in practice. The role of the media in raising the level of awareness about the rights of persons with disabilities and changing attitudes is extremely important.

The requirement of Art. 18 of the Persons with Disabilities Act (PDA) to designate coordinators on the rights of persons with disabilities has not been met by most of the territorial authorities of the executive power, as there is a lack of clarity about the scope of actions of these officials. In this regard, it is good to consider providing training on the specific tasks assigned to the coordinators on the rights of persons with disabilities.

Art. 19 of the PDA stipulates that regional governors shall establish regional councils to assist and support regional governors in the implementation, analysis, development of strategies, plans, measures and other activities related to the implementation of the policy in the field of the rights of persons with disabilities at the regional level. Regional governors have no obligation to develop strategic and planning documents at the regional level, but implement national ones. The financial and personnel resources of the regional administrations do not allow for the implementation of specific measures, and the control mechanisms are limited. In this regard, it would be appropriate to clarify this text, taking into account the real competences and resources of the regional administrations.

In connection with the implementation of the direct regulatory obligations of the regional governors, it is necessary to specify the mechanisms through which Art. 62 of the PDA should be applied, concerning the control of the implemented accessible architectural environment on the territory of the region with regard to the elements of the accessible environment in the urbanized areas, buildings and facilities owned by the state.

Art. 24 of the Bulgarian Sign Language Act stipulates that state institutions and local self-government authorities are obliged to provide Bulgarian Sign Language interpretation when providing administrative services and organizing events with the participation of persons with hearing impairment. There are no additional guidelines for the practical application of the provision, especially with regard to secondary budget units. In this regard, most administrations are not prepared to provide sign language interpretation.

Municipal administrations propose to make the following amendments to the regulatory framework:

- Identifying mechanisms/alternatives for providing services in a home environment and extending the duration of the Care at Home project;
- Legislative amendments to the Social Services Act in order to expand the scope of users of the Assistant Support social service by removing the requirement for outside assistance.

In the field of social services for children with special needs, work is being carried out under the Social Services Act and the Regulation on the Quality of Social Services, which ensure the protection of the rights of children with developmental difficulties and provide support to their families.

The main legal instrument guaranteeing the rights of persons with disabilities in Bulgaria is the Persons with Disabilities Act and the secondary legislation for its implementation. These instruments regulate public relations in numerous spheres of public and social life, in which persons with disabilities participate, in order to guarantee their human rights and dignity in accordance with four of the principles of the UN Convention on the Rights of Persons with Disabilities (CRPD): personal choice and independence, equality and non-discrimination, social inclusion and participation in public life and accessibility.

Regarding the protection against discrimination, the legislation and procedures do not explicitly recognize the denial of reasonable accommodation as a discriminatory act. This omission means that they do not fully protect the right of persons with disabilities to equal treatment in different areas. Further efforts are needed to ensure a barrier-free environment, including in rural areas, in transport and in the provision of information in electronic form. The social system requires further reforms in order to be able to respond effectively to major social problems, to ensure equal access to social services, healthcare and long-term care for persons with disabilities, and to promote their inclusion in the labour market. It is of great importance that all legislative and policy measures are based on systematic, high-quality and timely data, consistent with international statistical standards. A common disadvantage of the national framework is that it rarely uses or refers to statistical data.

RA Sofia-Region:

In the European Union, approximately 87 million people live with a disability. According to Eurostat data for 2022, persons with disabilities accounted for 14.6% of the population in Bulgaria, while Latvia had the highest proportion, at 38.5%.

In their daily lives, persons with disabilities face a range of challenges and often do not enjoy equal opportunities and conditions compared with other members of society. Although they have the right to participate fully in society, they frequently encounter various forms of discrimination and barriers, including poverty and social exclusion, limited access to education, inadequate infrastructure that does not meet their needs, discrimination on the grounds of disability, and limited access to healthcare, recreation, sports and other activities.

To promote equality for persons with disabilities and ensure the protection of their rights, the Republic of Bulgaria has adopted a legislative framework that is regularly supplemented and amended in line with the international instruments to which the country is a party.

The greater guarantee of the rights of persons with disabilities is related to the response of Bulgarian legislation and our society as a whole to the challenges faced by persons with disabilities, as formulated by the EC and the National Strategy for Persons with Disabilities 2021-2030 and the protective measures and mechanisms that will be adopted for persons with disabilities facing these challenges. The Optional Protocol to the CRPD is one such protective mechanism as it provides persons with disabilities with the ability to report violations of the requirements of the Convention as part of the monitoring process concerning its implementation. In order for this opportunity to be available to persons with disabilities, the ratification of the OP is necessary.

Article 30 of the CRPD regulates the participation of persons with disabilities in cultural life, recreation, leisure and sport. It ensures the application of the principle of equality and non-discrimination. In the field of tourism, persons with disabilities do not have equal access to cultural and historical heritage sites, and the principle of equality is not guaranteed. Tourist information signboards do not contain Braille, except for singular sites in some municipalities. The ratification of the OP would require the creation of new procedures and would accelerate the legislation on guaranteeing the rights of persons with disabilities in this area.

Amendments to the regulatory framework in the field of tourism are necessary, particularly the part that regulates the signs and information signboards at cultural and historical heritage sites. Tourist signs, signboards and the provisions of cultural and historical information at such sites must also be in Braille. This can be achieved by supplementing the regulatory framework for urban environment.

It is necessary to amend the Tourism Act in order to raise the awareness of persons with disabilities, particularly Art. 115 concerning hotel operators, by adding a separate paragraph requiring the provision of text in Braille.

The use of Braille should be regulated in most laws guaranteeing the rights of persons

with disabilities, especially since Art. 9, para. 2, letter “D” requires Braille notation.

Regarding the need for changes in the regulatory framework and administrative practice, it is important to note that after the completion of the Care at Home project, some users of the service will be left without support in the home environment. Persons holding a TMEC Expert Decision but have no outside assistance, will be deprived of their right to receive support, which requires amendments to the Social Services Act and a change to the target group of the Assistant Support social service in order not to discriminate against persons with disabilities.

In addition, it is proposed to regulate the exercise of the rights of persons with mobility impairments who are of working age with knowledge and skills and the opportunity to work actively in public administration and/or in the private sector.

To improve the protection of the rights of persons with disabilities, it is important to strengthen the legislation through stricter anti-discrimination and accessibility laws, which in turn would improve the rights of such persons. Further investment in infrastructure is needed to improve accessibility in order to make life easier for persons with disabilities and provide them with greater equality and opportunities. It is pointed out that training for professionals in different sectors from healthcare and education to the public sector and business can raise awareness of the needs and rights of persons with disabilities and provide them with better services and support. Introducing more effective complaint and redress mechanisms can enable persons with disabilities to fight discrimination and protect their rights in cases of violations. This may include providing communication tools for those who have speech and hearing difficulties, as well as the ability to make complaints through online platforms or telephone helplines.

It is important to place emphasis on fostering dialogue and exchanging good practices. Organizing workshops, seminars and conferences could be useful for exchanging good practices between countries and for promoting cooperation in the field of protecting the rights of persons with disabilities.

Public awareness and educational initiatives are of paramount importance for guaranteeing the rights of persons with disabilities to a high degree. They are a key element for the full integration of persons with disabilities into society. This may include training for professionals in different fields, as well as educational materials and events aimed at expanding the understanding and support of the rights of persons with disabilities in society.

RA Blagoevgrad:

Based on the information received from the administrative structures on the territory of the region, the following proposals and recommendations were made:

The statistics on persons with disabilities in Bulgaria are based on the registers of NMEC and TMEC and do not cover persons who do not have a document establishing reduced work capacity (degree of disability where persons below working age are concerned).

This system issues documents that present the reduced work capacity in percentages. Persons with reduced work capacity above 50% are considered to be severely disabled or “persons with permanent disabilities”.

Thus, the social system and statistics do not cover persons who face difficulties and obstacles in their daily lives but have not undergone a status recognition procedure. In this regard, it is necessary to include them as potential beneficiaries in the policy-making process.

A mechanism should be introduced to establish the number of disadvantaged persons, as their number has not been established so far. According to data from organizations of persons with disabilities in Bulgaria, their number exceeds 800,000, which is about 10% of the country’s population, but this does not include persons with reduced work capacity below 50%.

ORDINANCE No. 3 of 5 April 2019 on medical activities outside the scope of compulsory health insurance, for which the Ministry of Health subsidizes medical

institutions, and on the criteria and procedure for subsidizing medical institutions should be improved in order to ensure the provision of more and better opportunities for rehabilitation and increase the opportunities for hospitalization for persons with disabilities.

Amendments are needed to the primary legislation in the field of medicinal products - the Medicinal Products in Human Medicine Act, the Medical Devices Act, Ordinance No. 10 of 2009 on the conditions, procedure, mechanism and criteria for payment by the National Health Insurance Fund of medicinal products, medical devices and foods for special medical purposes and assistive devices, aids, facilities and medical devices for persons with disabilities.

A regulatory framework for medical devices should be established to ensure a high level of safety and health protection and to enable patients to obtain medical devices at affordable prices through monitoring and optimization procedures for determining the amount up to which medical devices are paid with public funds.

The right of patients, including persons with disabilities, to universal, effective, safe and timely access to basic and innovative therapies at reasonable prices should be guaranteed.

The scope of the target groups under Art. 93, para. 2 of the Social Services Act should be amended by adding the following target group: “children with permanent disabilities and adults with permanent disabilities who have not been assessed to require assistance from others”.

RA Pazardzhik:

Changes (supplements, amendments) to the regulatory framework and administrative practice to guarantee the rights of persons with disabilities should be undertaken, if necessary, with a clear purpose, motivation and justification. Good legislative practice is to do this after a thorough analysis of the results, effects and impact of the applied provisions on the social relations they regulate. It is obvious that this implies experience gained from their effective application and evaluation of the effectiveness of their application. “In the development and implementation of the necessary legislation and policies for the implementation of this Convention, as well as in any other decision-making processes concerning problems of persons with disabilities, States Parties shall closely consult with and engage the active participation of persons, including children with disabilities through the organizations that represent them” - imperative provision of Art. 4, item 3 of the Convention on the Rights of Persons with Disabilities, part of the domestic law of the country, with priority over those provisions of domestic law that contradict it. Therefore, any legislative initiative to amend and supplement existing provisions or to create new ones should be closely consulted upon with the active participation of persons with disabilities and their organisations. On the basis of the above, we will limit ourselves to the following specific proposals: Pursuant to Art. 18, para. 1 of the PDA, the central and territorial executive authorities designate officials who are assigned functions of coordinators on the rights of persons with disabilities. The act explicitly states (some of) these functions. At the same time, the provision is that the functions of the officials designated as coordinators on the rights of persons with disabilities are defined in their job descriptions or assigned by an order of the appointing authority and the employer. The legally defined scope of their functions implies that the coordinators should be part of the specialized administrations, and the workload - that this is not just a matter of adding a function to the job description of an existing (expert or managerial) position, but of creating a new position - with the corresponding regulatory provision. Including entrusted with the function of secretariat of the regional councils for the rights of persons with disabilities, in order to activate and provide organisational and technical support for their activities. Pursuant to Art. 19, para. 1 of the PDA, in order to implement the policy on the rights of persons with disabilities, the regional governors establish regional councils with public and expert staff, whose task is to assist and support regional governors in the implementation, analysis, development of strategies, plans,

measures and other activities related to the implementation of the policy on the rights of persons with disabilities at the regional level.

Their collegial profile thus outlined suggest a stronger factual and organizational link with the regional development councils established under the Regional Development Act. This would ensure and guarantee the sustainability of the policy in the field of the rights of persons with disabilities at the regional level, within the broader context and mechanism for regional development planning. Pursuant to Art. 196, para. 1 of the Pre-school and School Education Act, the Regional Governor shall organize the development of a regional strategy for supporting the personal development of children and students on the basis of an analysis support needs in each municipality within the region. The strategy also includes a description of the challenges, strategic objectives and necessary activities in the field of support. The conducted analyses highlight a problem with the provision of resources for supporting the personal development of children and students with disabilities, as a result of which they have educational needs that should be met. On the basis of the above imperative provision of Art. 4, item 3 of the Convention on the Rights of Persons with Disabilities, it is necessary to clearly regulate the participation of children with disabilities through the organizations that represent them in the bodies and support mechanisms — for example, through their inclusion in regional support teams for the personal development of children and students with special educational needs in the regional centres for support of the process of inclusive education, which are established in composition and with functions pursuant to Art. 190 of the Pre-school and School Education Act. On the same grounds, it would be appropriate for their participation in the team under Art. 196, para. 2 of the Pre-school and School Education Act not to be subject to the subjective judgement of the regional governor, but to be expressly regulated.

IV. SWOT Analysis - Analysis of strengths, weaknesses, opportunities and threats.

The information and opinions provided give grounds and an opportunity to make an analysis that will show the strengths and weaknesses of the existing legislation, the opportunities for its development and improvement, as well as the possible threats arising from failure to implement it and/or misunderstanding the need for its comprehensive application. Last but not least, it should be noted that the analysis will make it possible to make an informed decision on the ratification of the Optional Protocol to the UN CRPD, as well as to establish an appropriate mechanism at national level to address violations concerning the guaranteeing of the rights of persons with disabilities.

✓ Strengths:

- At the national level, strategic and operational documents have been developed and are being implemented, the main purpose of which is to fully implement the UN Convention on the Rights of Persons with Disabilities, as well as all international and European documents to which Bulgaria is a party;
- Legislation is in place that to a significant degree guarantees the rights of persons with disabilities;
- The provisions set out in the laws and secondary regulations are being implemented;
- The legislation provides sufficient administrative mechanisms through which persons with disabilities could require that their rights be guaranteed;
- Ratification of the Optional Protocol is accepted as a positive and natural development and further improvement of the country's disability policy with regard to the implementation and enforcement of the UN CRPD at the national level;
- A strength of this policy is the provision of financial resources through the state budget and financing with funds from various European financial instruments, which is a prerequisite for its sustainability;

- Strong emphasis in the development of national policy is placed on combating social isolation and providing social services that support the social inclusion of persons with disabilities and older people who are unable to care for themselves independently.

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✓ **Weaknesses:**

- Insufficient individual focus of the current legislation in the country with regard to ensuring rights and protection of persons with disabilities;

- The laws and secondary regulations in force in the country do not fully cover the individual needs of persons with disabilities, which change as a result of the dynamic environment and the relationships imposed by modern society;

- There is an interruption in the provision of certain rights due to shortcomings in the mechanisms for certification of disabilities;

- There is a lack or limited knowledge and understanding regarding rare diseases that have a lasting impact on a person's ability to lead a full life, leading to gaps in the medical expertise that certifies the existence and degree of disability;

- Fragmentation in the implementation of disability policy in some sectors as a result of insufficient administrative capacity and/or the remoteness of the regions;

- Lack of opportunities for flexible application of legal provisions in specific cases;

- Insufficient societal understanding and engagement;

- Lack of intensive intersectoral dialogue aimed at flexibly implementing the legal provisions in the individual sectoral policies, which would lead to the effective safeguarding of the rights of persons with disabilities or to the possibility of maintaining the existing rights (Transport Medical Expert Commissions (TMEC); Central Transport Medical Expert Commission (CTMEC) – removal of categories);

- Insufficient access for persons with disabilities and their families, especially those living in poverty and in remote, mountainous and hard-to-reach rural areas, to state assistance to cover disability-related costs, including financial assistance and social services;

- Insufficient engagement from local authorities to comply with the requirements of the legislation guaranteeing the rights of persons with disabilities (Art. 63 of the Persons with Disabilities Act by municipal administrations – unadapted urban environment, streets, boulevards, public buildings and public transport).

✓ **Opportunities:**

- Development and improvement of existing legislation aimed at increasing the well-being, opportunities for use of services, and inclusion of persons with disabilities, regardless of the degree of disability (expanding the scope of Art. 93, para. 2 of the SSA);

- Improvement of the mechanisms set out in legislation and/or regulatory act (processes, procedures, etc.) for examining violations concerning the guaranteeing of the rights of persons with disabilities;

- Creation of conditions and mechanisms to increase public sensitivity regarding the safeguarding of the rights of persons with disabilities;

- Acceleration of the processes of identifying and initiating changes to processes, procedures, mechanisms, etc. to ensure the rights of persons with disabilities;

- Overcoming the existing discrepancy between the theoretical legal protection and the actual situation;

- There are opportunities for targeted and coordinated efforts to effectively implement the regulatory framework and administrative practice in Bulgaria in order to effectively guarantee the rights of persons with disabilities;

- The adaptation of the social protection system by improving its scope and adequacy to the specific needs of persons with disabilities arising from their functional limitations;

- Accelerating the process of improving and optimizing the processes of carrying out individual needs assessment and improving the mechanism for providing support, by seeking rational solutions with all stakeholders;
- Changing the approach to assessing the working capacity of persons with disabilities, by focusing on the strengths of the functioning of a person with a disability rather than on their deficits;
- Expanding opportunities for the participation of persons with disabilities in the labour market, especially in small settlements, through assessment of the professional skills of persons with disabilities; assessment of their desires and opportunities to acquire professional skills in view of the requirements of the labour market; participation in a programme/project for acquiring professional skills; assistance through job mentors during the process of training and starting work; referral of persons with disabilities to potential employers in order to fulfil the requirements for applying the quota under Art. 38 of the PDA and mediation in the negotiations between persons with permanent disabilities and employers.

✓ **Threats:**

- Lack of a unified political position;
- Failure to establish a unified mechanism for handling complaints concerning violations of the rights of persons with disabilities due to the existence of legal provisions that hinder this process;
- Delay and/or postponement of the envisaged reforms in the sectoral legislation relevant to ensuring the rights of persons with disabilities;
- Postponement of the ratification process, in view of the existing mechanisms set out in legislation and/or secondary regulations (processes, procedures, etc.) for examining violations concerning the guaranteeing of the rights of persons with disabilities;
- Disregarding the importance of ratification;
- Failure to comply with the established deadline for ratification of the Optional Protocol.

V. **Lessons and recommendations:**

The analysis of the current policy on persons with disabilities shows that in Bulgaria there are administrative and legal mechanisms aimed at ensuring the protection of the rights of persons with disabilities.

The state policy on the rights of persons with disabilities is implemented by state and local authorities through:

✓ **Administrative mechanisms implemented by:**

- **by the state authorities** - the Council of Ministers, the Ministry of Labour and Social Policy, the Social Assistance Agency, the Agency for Persons with Disabilities, etc. Strategic and programming documents are being developed in accordance with international and European acts, which aim to ensure the rights of persons with disabilities. A Monitoring Board has been established to carry out the functions of promoting, protecting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities, which is administered through the administration of the Ombudsman of the Republic of Bulgaria and the Commission for Protection against Discrimination. A National Council for Persons with Disabilities has been established at the Council of Ministers to facilitate cooperation in the development and implementation of the policy on the rights of persons with disabilities, where the nationally representative organizations of and for persons with disabilities also have their own representation. Last but not least, it should be noted that the state provides support to persons with disabilities through monthly financial support according to the degree of disability, as well as targeted benefits according to the type of disability. The state also provides financial resources in the form of a state subsidies to the nationally representative organizations of and for persons with disabilities.

- **by local authorities** in cooperation with nationally representative organizations of and for persons with disabilities, nationally representative organizations of employers and nationally representative organizations of employees create conditions and assist in the implementation of programmes and projects in this field. State and local authorities, within the scope of their powers, adopt and issue regulations, strategies, programmes, standards and other documents related to the rights of persons with disabilities.

Bulgaria also fulfils the EU's commitment **to a Europe without barriers**, setting out activities in eight priority areas, namely: accessibility, participation, equality, employment, education and training, social protection, healthcare and external action.

✓ **Legal mechanisms:**

Bulgaria is developing legislation providing legal guarantees to prevent discrimination on the basis of "disability" and to create equal opportunities for all citizens. Persons with disabilities are entitled to the special care of the state and society, in accordance with the Constitution of the Republic of Bulgaria. The full and equal exercise of the rights of persons with disabilities is a national priority, requiring an active, targeted and consistent policy, as well as the coordination of the actions of the responsible institutions and organizations with the active participation of civil society. This policy is based on a specific strategic framework and a broad regulatory framework that engage a number of stakeholders, including the public and private sectors, etc. As early as 2005, the Integration of Persons with Disabilities Act entered into force. Promulgated, SG, No. 81/17.09.2004, effective 1.01.2005, which was repealed, (SG No. 105/18.12.2018, effective 1.01.2019). Since 2018, Bulgaria has been taking action to reform the social sphere, in particular in the field of disability rights policy, by repealing the Integration of Persons with Disabilities Act and adopting the Persons with Disabilities Act and its Implementing Regulations.

Other legal mechanisms that are relevant to the protection of persons with disabilities, without being exhaustively listed, are:

In the place of the repealed on 13.03.2021 Ordinance No. 4 of 1.07.2009 on the design, implementation and maintenance of constructions in accordance with the requirements for accessible environment for the population, including persons with disabilities, Ordinance No. ПД-02-20-2 of 26.01.2021 on determining the requirements for accessibility and universal design for the elements of the accessible environment in the urbanized areas and for the buildings and facilities, issued by the Minister of Regional Development and Public Works, was adopted. An important strategic document is also the National Strategy for Persons with Disabilities 2021-2030, the implementation of which contributes to the creation of better conditions and opportunities for persons with disabilities to exercise their rights and participate in different spheres of public life on an equal basis with other Bulgarian citizens.

We also include the legal mechanisms of the Health Act; the Health Insurance Act; Ordinance No. 9 of 10 December 2019 on determining the package of health activities guaranteed by the budget of the National Health Insurance Fund, issued by the Minister of Health; Ordinance No. 3 of 2019 on medical activities outside the scope of compulsory health insurance, for which the Ministry of Health subsidizes medical institutions, and on the criteria and procedure for subsidizing medical institutions (promulgated, SG, No. 29 of 2019).

The terms and conditions for exercising the right of the insured persons to access and freely choose medical care are set out in the Ordinance on the exercise of the right of access to medical care. Measures for the prevention, early detection of disabilities and referral to early intervention and the relevant health services are regulated in Ordinance No. 8 of 2016 on preventive examinations and dispensary care.

The regulatory framework in the healthcare system also regulates the determination of temporary or permanently reduced work capacity through medical expertise- the Health Act and the Ordinance on Medical Expertise.

The provision of support to empower persons with permanent disabilities to carry out activities in a family setting and within the community, while meeting their individual personal, domestic and social needs, is regulated by the Personal Assistance Act. The Act establishes a mechanism for providing personal assistance to persons with disabilities, based on state-guaranteed financial support, individual needs and personal choice.

The Child Protection Act regulates child protection measures, including the provision of special care for children with disabilities.

Similar provisions concerning the rights of persons with disabilities are laid down in other legislative acts covering areas such as education and healthcare.

The Higher Education Act provides for the admission of persons with permanent disabilities and a reduced working capacity of 70% or more, as well as military personnel with disabilities, under preferential conditions and in accordance with the rules of the respective higher education institution. Persons with sensory disabilities, persons with permanent disabilities and a reduced working capacity of 70% or more, and military personnel with disabilities are exempt from tuition fees at public higher education institutions.

Employment is also addressed in the Social and Solidarity Economy Enterprises Act, its implementing regulations and the Methodology for Assessing Social Added Value.

Accessibility of the built environment for persons with disabilities is regulated by the Persons with Disabilities Act and the Spatial Planning Act.

Pursuant to the Roads Act, persons with 50% or more reduced work capacity or type and degree of disability, as well as persons or families raising children with permanent disabilities up to the age of 18 and until completion of secondary education, but no later than the age of 20, are exempt from paying the vignette fee for the toll road network.

The Road Traffic Act sets out the requirements for parking cards for spaces designated for vehicles serving persons with permanent disabilities and for the use of parking facilities, which are issued by the mayor of the respective municipality or an official authorized by him according to a template and is valid throughout the country.

The Road Transport Act establishes a system of effective, proportionate and dissuasive sanctions applicable when identifying violations of the measures introduced at national level for the implementation of European regulations concerning the provision of an accessible environment at bus stations for persons with disabilities and persons with reduced mobility, as well as in cases of failure to fulfil the obligations.

Municipalities, within the scope of their powers, provide measures to support the improvement of the quality of life of persons with disabilities. At the municipal level, a number of national programmes and local initiatives are implemented. Activities are implemented and financed to support vulnerable persons, including persons with disabilities, as well as to ensure access to services. Persons with permanent disabilities benefit from preferential prices when using public transport, in accordance with regulations issued by municipal structures, etc.

Regardless of the existing mechanisms for guaranteeing the rights of persons with disabilities, the following main recommendations can be drawn after taking into account the data received on their implementation:

1. To develop mechanisms for solving the identified problems concerning the personal assistance mechanism, as well as to provide opportunities for all those in need to obtain the necessary access to such support;
2. To develop mechanisms for solving problems with assistant support, as well as to provide opportunities for all those in need to obtain the necessary access to assistant support;
3. Persons with disabilities or their representatives should be involved and participate at all levels of government where decisions are made or policies concerning their rights are formulated;

4. To introduce integrated electronic services in state institutions for persons with disabilities;
5. Measures should be taken to introduce uniform criteria for issuing preferential parking cards;
6. To take action to ensure equal opportunities for all those in need to benefit from the National Programme for Accessible Housing Environment and Personal Mobility;
7. To take action to promptly inform citizens with disabilities about the expiration date of their needs assessments under the PDA;
8. An adequate reform of the medical and work capacity expertise should be carried out with the active participation of persons with disabilities and their representatives;
9. Legislative amendments should be undertaken to resolve the problems concerning disability pensions, including their timely resumption and payment;
10. To ensure accessibility for all persons with disabilities, at all levels, by focusing efforts on remote settlements to ensure this right;
11. To develop more and more inclusive measures, targeting both persons with disabilities and employers, to actively involve persons with disabilities in the labour market;
12. The necessary actions should be taken for legal changes to ensure real access to tourist sites and landmarks for persons with disabilities by providing physical accessibility, as well as opportunities to use Bulgarian sign Language (international sign language), Braille and other means that facilitate access for persons with disabilities.

VI. Effects of ratification of the Optional Protocol:

✓ Effect for the country:

In connection with the information presented so far, it should be taken into account that in the process of preparing for ratification of the Optional Protocol, it is important to take into account the need to build additional capacity in the departments that will be designated to implement the activities that will result from the commitment of Bulgaria as a state party to the Optional Protocol (the Ministry of Labour and Social Policy/ the Ministry of Justice/the Ministry of Foreign Affairs and/or others). This includes officials who will be engaged in the preparation of written responses to received complaints regarding their admissibility and the merits of the claims, in coordination with the other departments.

In the process of preparing for ratification of the Optional Protocol, the establishment of a national procedure for the implementation of the decisions of the Committee on the Rights of Persons with Disabilities should be discussed, including the procedure for payment and the amount of lump-sum compensation for upheld individual complaints. This, in turn, requires that, when planning the budget of the responsible institution(s), estimated financial resources be allocated for the payment of these compensations.

Given the need to provide in advance a working mechanism for the implementation of the decisions of the Committee on the Rights of Persons with Disabilities on individual or group complaints, as well as adequate staff and financial resources, it would be appropriate to discuss again the advisability of ratifying the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities in the immediate future. The unconditional obligation to strictly implement the provisions of international treaties to which Bulgaria is a party requires comprehensive and detailed institutional and financial preparation. The gaps in the legal regulation and administrative practice pose risks for the full and consistent implementation of the decisions of the Committee on individual or group complaints, which would negatively affect the protection of the rights of persons with disabilities in Bulgaria – one of the country's main priorities in the field of human rights. This would also be consistent, in substance, with the measures set out in the **Action Plan for the implementation of the final recommendations addressed to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities (2021-2026).**

In connection with the commitment repeatedly declared by the Bulgarian side at the international level to promote and protect the rights of persons with disabilities, the above considerations should be taken into account in the process of possible ratification of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities, along with the proposals for the necessary regulatory amendments.

Future changes to the regulatory framework and administrative practice should be in line with European practice. The rights of persons with disabilities must be protected, and national legislation and policies must be aligned with the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Existing laws should be reviewed and adapted to ensure it does not discriminate against persons with disabilities and reflects the principles of equality and inclusion. For example, legislation should ensure access to education, healthcare, employment and public services for persons with disabilities on an equal basis with other citizens.

Undoubtedly, the ratification of the OP will lead to additions and amendments to the existing procedures, but will also create prerequisites for a new mechanism/procedures, methods, deadlines for examining violations concerning the exercise of the rights of persons with disabilities. As, **the Action Plan for the implementation of the final recommendations addressed to the Republic of Bulgaria by the UN Committee on the Rights of Persons with Disabilities (2021-2026)**, provides that the measures envisaged for implementing the recommendation on the ratification of the Optional Protocol to the CRPD include the preparation of the necessary additional legislative amendments to regulate the application of the Optional Protocol and the preparation of the ratification process of the Optional Protocol, which should be completed before the submission of the next national report to the Committee on the Rights of Persons with Disabilities, which will also lead to the creation of new rules and procedures regarding the examination of violations concerning the exercise of the rights of persons with disabilities.

The establishment of these new mechanisms and procedures may include the following elements:

1. National complaint mechanism: The State will have to establish or strengthen a national mechanism for receiving and examining complaints from persons with disabilities concerning violations of their rights;
2. Procedure for examining complaints: A clear and transparent procedure for submitting, examining and responding to complaints by the national mechanism must be developed;
3. Monitoring and reporting: The State will need to ensure effective monitoring and reporting of the reviewed complaints and the measures taken to address violations of the rights of persons with disabilities.

These new mechanisms and procedures will be essential for ensuring the effective protection of the rights of persons with disabilities and for ensuring justice and accountability in cases of violations of these rights.

✓ **Effect for persons with disabilities:**

The fact that each State Party to the Optional Protocol recognizes the competence of the Committee on the Rights of Persons with Disabilities to receive and consider notifications from or on behalf of, persons or groups of persons within its jurisdiction claiming to be victims of violations of provisions of the Convention by the State Party in question, and that the Committee will not accept and will not consider notifications concerning a State Party not party to this Protocol, leads to the conclusion that the OP will provide better protection for the rights of persons with disabilities. It is expected that the Optional Protocol (OP) to the UN CRPD will lead to increased protection of the rights of persons with disabilities.

Our national annual reports, reports by various bodies, state that Bulgaria is lagging behind in the process of joining international legal acts that allow citizens to submit complaints to supranational (conventional) bodies in cases where their rights have been violated. It was found that as early as 2022 Bulgaria has not taken steps to accede to the Optional Protocol to the Convention on Persons with Disabilities.

Ratification of the OP will have a positive effect on the protection of the rights of persons with disabilities. The Optional Protocol is of paramount importance to persons with disabilities, as it provides them with an additional mechanism for protecting their rights before the Committee on the Rights of Persons with Disabilities. The Protocol ensures that the voices of persons with disabilities are heard and that their rights and interests are protected at the highest possible level.

A postponement of the ratification of the protocol means that persons with disabilities will continue to be deprived of an additional opportunity to have their complaints examined and to protect their rights and interests. The significant and positive effects on the protection of the rights of persons with disabilities could be expressed in:

Improved protection of the rights of persons with disabilities: The OP grants individuals the right to submit complaints to the UN Committee on the Rights of Persons with Disabilities when their rights guaranteed by the **CRPD** have been violated. This creates a mechanism for protecting the rights of persons with disabilities at the international level and increases the opportunities for justice in cases involving violations of these rights.

Improved transparency and accountability: The ratification of the OP may impose on the state the obligation to establish effective mechanisms for examining complaints and reporting the measures taken to address violations of the rights of persons with disabilities. This can contribute to greater transparency and accountability of state institutions in relation to the protection of the rights of this vulnerable group.

Encouraging improvements in legislation and practices: The ratification of the OP may prompt the State to make improvements to national legislation and practices for the protection of the rights of persons with disabilities, in order to meet the requirements of the protocol and ensure compliance with international human rights standards.

Wider public awareness: The ratification of the OP may raise public awareness of the rights of persons with disabilities and promote broader understanding and support for their integration and participation in society.

With the ratification of the OP, specific objectives will be set, namely the development of support measures ensuring that persons who have difficulties in carrying out specific needs and legal actions will receive the necessary support to exercise their rights independently, in accordance with their wishes and preferences, without replacing their will, and the provision of guarantees and protective measures to simultaneously achieve respect for the desire and personal choice of each person, protection in situations involving a serious risk of irreversible damage, social isolation and protection of the interests of third parties.

CONCLUSION:

In the dynamic times in which we live, undoubtedly, the facts of life are ahead of the law and the legal regulation of the cases. The improvement of the legal framework is the most natural and necessary course of action for every modern country, for every sphere of our lives, including in the field of persons with disabilities, and from the commitments made towards the UN Committee on the Rights of Persons with Disabilities, we should implement the recommendations to ratify the Optional Protocol to the UN Convention and prepare the necessary legislative amendments to regulate the application of the Optional Protocol.

The UN Convention on the Rights of Persons with Disabilities presents a new approach and attitude in ensuring the equal exercise of basic human rights by persons with disabilities. The Convention does not provide for new human rights, but specifies the measures to be taken by States Parties in order to effectively guarantee the already internationally recognized human rights. Ratification of the Optional Protocol to the UN CRPD would contribute to guaranteeing the rights of persons with disabilities in the country to a greater degree. By acceding to such an international legal document, Bulgaria clearly states its commitments to ensuring the highest standards of protection for persons with disabilities at national level and guarantees for the full and equal exercise of their fundamental human rights. The ratification will allow citizens to file individual complaints concerning violations of the CRPD and would likely lead to the establishment of new mechanisms/procedures for examining violations concerning the exercise of the rights of persons with disabilities. Additional regulatory amendments to the legislation of the Republic of Bulgaria would likely be undertaken to regulate the observance of the rights of persons with disabilities in different areas.

Insufficient synchronization regarding the exercise of rights, which results from the large number of existing regulations regulating individual rights and the institutions that implement the relevant measures, creates the need for legislative amendments to overcome the deficiencies of the current system.

The ratification of the Protocol is expected to create opportunities for enhanced coordination in the implementation of the overall state policy on the rights of persons with disabilities between individual institutions, as well as for the creation of mechanisms for greater control in practice to limit discrimination, and promote social inclusion of persons with disabilities to a greater extent.

In conclusion, it should be emphasized that our country is making efforts and using all possible mechanisms to ensure compliance with the rights of persons with disabilities guaranteed in the UN Convention on the Rights of Persons with Disabilities.

With regard to the proposal to ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities, it is necessary to take into account that this should be the subject of a political decision, while also taking into account the possibilities of protecting the rights of persons with disabilities if they consider that they have been affected by a national or European act before the Court of Justice of the European Union or the European Court of Human Rights.

This Optional Protocol recognizes the competence of the UN Committee on the Rights of Persons with Disabilities, as one of the contractual bodies of the UN, to receive and examine individual or group complaints (so-called “communications”) regarding alleged violations committed by their State Party to the Convention. The actual examination of the complaint received by the Committee goes through two stages – consideration of its admissibility and pronouncement with proposals and recommendations for follow-up action, including payment of financial compensation by the State Party concerned to the Optional Protocol.

The text of the OP creates an opportunity for Bulgaria to guarantee the rights of persons with disabilities and to create a more open society that actively works for the inclusion and equal participation of all its members, including persons with disabilities, and to remove barriers that prevent the full participation of persons with disabilities in various aspects of public life, and to create conditions that support their active and equal role.

The OP commitment encourages countries to improve their national standards and practices in accordance with international norms. This includes both legislative amendments and practical measures to improve access to services and the inclusion of persons with disabilities.

The ratification of the OP may encourage the activity of NGOs and civic movements in Bulgaria that work to protect the rights of persons with disabilities.

The contribution of the Optional Protocol to the Convention on the Rights of Persons

with Disabilities to the guaranteeing of the rights of persons with disabilities in the country cannot in principle be called into question.

Although optional, the protocol essentially provides a mechanism for examining communications from victims of violations of the Convention, addressed to the Committee on the Rights of Persons with Disabilities, under the condition that the Republic of Bulgaria recognizes this competence of the Committee by signing and ratifying the Optional Protocol.

It is essential to point out that the Committee on the Rights of Persons with Disabilities is not a body established by the Optional Protocol. The Committee on the Rights of Persons with Disabilities is the body established pursuant to Article 34 of the Convention on the Rights of Persons with Disabilities, and its texts define its functions.

Pursuant to Articles 36-38 of the Convention, the Committee cooperates and communicates with States Parties to the Convention, the Secretary-General of the United Nations, other specialized agencies of the United Nations, as well as with bodies competent in its field of activity. The form of documentation are reports - from the States Parties to the Convention, as well as from the Committee - on the implementation of the Convention.

The Optional Protocol, in turn, also adds a new, direct and immediate channel of access to and communication with the Committee established for "individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention" (Articles 1 - 1 of the OP). Communications are submitted through notifications. The result of their consideration is reflected in "proposals and recommendations", which, evidently, have one goal - the improved implementation of the Convention.

As a result of all the above, the following facts should be highlighted as essential and important:

First, the Optional Protocol does not imply the seizure of functions of national bodies with similar functions within the national framework. In our case, this is the Monitoring Board under Art. 11, para. 1 of the Persons with Disabilities Act, to which the law assigns "the performance of the functions for promoting, protecting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities". On the contrary, pursuant to Art. 2, letter "d" of the Optional Protocol, the Committee considers a communication inadmissible when "all available national remedies have not been exhausted". Therefore, the implementation of the Optional Protocol will not have as its adverse effect the seizure of functions and discharge of responsibilities by national authorities for the protection of the rights of persons with disabilities.

Second, Article 8 of the Optional Protocol allows a State Party to accede to it while declaring its reservation concerning the application of Article 6 and Article 7, which provide for a confidential inquiry in cases of serious or systemic violations, including an on-the-spot inquiry on the territory of the State concerned, with a subsequent urgent report to the Committee on the findings. This possibility is indicated only for information purposes, for the sake of completeness of information. This is not a reason for refusal to sign and ratify this form of cooperation with the Committee, which would again result only in proposals and recommendations for better implementation of the Convention.

Third, the ratification of the OP does not require the establishment of a new mechanism(s) for examining violations concerning the exercise of the rights of persons with disabilities. As stated above, the mechanism provided for in the OP for individual and group communications to the Committee applies after the application and exhaustion of all available national legal remedies. Even in the event of serious and systemic violations identified after a confidential inquiry, the Committee, under the OP, will limit its intervention to recommendations and proposals addressed to the State, aimed at improving the work of national authorities. This improvement is required and should be carried out in accordance with the general requirements and principles for overall governance and continuous systematic

improvement of quality by virtue of Art. 2, item 8 and Art. 64 of the Administration Act. The Committee's recommendations and proposals will be a valuable source for identifying areas for improvement.

Fourth, the ratification of the OP will have a positive effect. This positive effect will be mainly in the area of implementation of the Convention on the Rights of Persons with Disabilities, in accordance with its objectives and principles - to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities and to promote respect for their inherent human dignity.

Fifth, the ratification of the OP to the UN CRPD is another important step towards guaranteeing the rights of persons with disabilities, as it provides mechanisms for the protection of their rights and promotes the inclusion and equality of persons with disabilities. The main objectives of the OP are to provide an opportunity for further protection by allowing individuals or groups of individuals with disabilities to submit complaints directly to the UN CRPD Committee after having exhausted all national legal remedies, as well as to maintain and strengthen the equal treatment of persons with disabilities and promote their rights.