Information by Bulgaria

2023 Report on the application of the EU Charter of Fundamental Rights: Effective remedy as a precondition for the full implementation of fundamental rights

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;

— In civil cases:

Under Article 7, paragraph 2 of the Law for the Judicial System (LJS), citizens and legal persons have the right to judicial protection, which cannot be denied. According to Article 2 of the Code of Civil Procedure (CCP), the courts are obliged to examine and resolve any application submitted to them for the protection and assistance of personal and property rights.

Court proceedings in civil and criminal cases are three-stage proceedings — first instance, appeal and cassation, unless otherwise provided for by law (Article 10, paragraph 1 of the LJS). Pursuant to Article 124, paragraph 1 of the CCP anyone can file a claim to reinstate their right if it has been violated, or to establish the existence or non-existence of a legal relationship or of a right where they stand to benefit from it. A party may lodge an appeal against the decision of the court of first instance (Article 258 of the CCP) and a cassation appeal against the decision of the court of second instance (Articles 280 and 281 of the CCP).

— In administrative cases:

Article 120 of the Constitution of the Republic of Bulgaria (the Constitution) stipulates that the courts shall supervise the legality of acts and actions of administrative bodies, and that citizens and legal persons may appeal against all administrative acts affecting them except those expressly provided for by law. Pursuant to Article 10, paragraph 2 of the LJS, the court proceedings in administrative cases shall be of two instances — first instance and cassation. Apart from judicial review, individual and general administrative acts may also be challenged administratively before the immediately superior administrative authority (Article 81 of the Administrative Procedure Code).

— Legal protection:

Article 122, paragraph 1 of the Constitution provides that citizens and legal persons have the right to legal counsel at all stages of the proceedings. Legal aid and protection of the freedoms, rights and legitimate interests of natural and legal persons is provided by lawyers. Under Article 134, paragraph 1 of the Constitution, the bar shall be free, independent and autonomous.

— In criminal cases:

The powers of the Prosecutor's Office are regulated in Article 127 of the Constitution. The Prosecutor's Office shall ensure compliance with the law by directing investigations and supervising their lawful conduct; it may conduct investigations; it may bring charges against criminal suspects and supporting the charges in common criminal trials; it shall supervise the execution of criminal and other coercive measures; it shall take action for the rescission of all illegitimate acts; and it shall participate in civil and administrative suits whenever required to do so by law.

The administration of criminal justice shall be carried out only by the courts established by the Constitution of the Republic of Bulgaria. Judicial proceedings occupy a central place in the criminal process. Pre-trial proceedings are preparatory for the actual trial.

According to Article 11 of the Criminal Procedure Code (CPC), all citizens participating in criminal proceedings are equal before the law. No restrictions of rights or privileges based on race, nationality, ethnicity, sex, origin, religion, education, beliefs, political affiliation, personal and social status or property shall be permitted. The court, the public prosecutor and the investigating authorities shall apply the laws accurately and equally to all citizens.

Extrajudicial remedies for citizens under the Legal Aid Act:

Legal aid from a lawyer registered in the National Legal Aid Register (NLAR) for:

— Counselling and/or preparation of documents with a view to reaching a settlement before court proceedings are initiated or for bringing a case;

— Procedural representation in a mediation procedure prior to filing a lawsuit;

— Legal advice and counselling at 19 Regional Counselling Centres, which have been established at some of the Bar Councils in the country;

— Legal advice and counselling through the National Legal Aid Helpline established and functioning under the National Legal Aid Bureau;

— Procedural representation before arbitration.

Judicial remedies for citizens under the Legal Aid Act:

Legal aid by a lawyer registered in the National Legal Aid Register for:

— Procedural representation by a lawyer before the court or investigating authorities in a case brought by a person who is mandatorily provided for by another law to be defended by a lawyer, standby counsel or representative;

— Legal representation by a lawyer at the request of a person who has established or who has been established as lacking the means to pay for an authorized lawyer, wishes to be defended by a lawyer and the interests of justice so require;

b. in cases of discrimination;

Extrajudicial remedies for citizens under the Legal Aid Act:

Legal aid by a lawyer registered in the National Legal Aid Register in or in relation to proceedings under the Protection against Discrimination Act:

— Consultation and/or preparation of documents for initiation of proceedings before the Commission for Protection against Discrimination (CPD) for issuing an individual administrative act;

— Representation in proceedings before the CPD;

— Preparation of documents for challenging in court an individual administrative act issued by the CPD.

Judicial remedies for citizens under the Legal Aid Act:

Legal aid by a lawyer registered in the National Legal Aid Register for:

— Procedural representation before the court in a case initiated to challenge an individual administrative act issued by the Commission for Protection against Discrimination.

The regional offices and legal advisers of the Commission for Protection against Discrimination (CPD) provide independent legal aid to citizens, they are consulted and informed about the application of the Anti-Discrimination Act, the powers and rules of procedure of the CPD, the legal possibilities for protection of the violated right to equal treatment, including their procedural powers in the proceedings before the CPD. Citizens on the territory of the country have the opportunity to be informed and consulted locally through the holding of so-called outreach receptions. This form of activity in the constituent municipalities is an essential part of the independent assistance provided to victims of discrimination, especially when they live in remote areas of the region, being people with disabilities or representatives of other vulnerable groups. Thus, the CPD ensures that victims of discrimination can be provided with reliable, competent and timely, unpaid assistance.

c. in the field of consumer legislation;

Extrajudicial remedies for citizens under the Legal Aid Act:

Legal aid from a lawyer registered in the National Legal Aid Register, in or in relation to proceedings under the Consumer Protection Act is provided in the following cases:

— Counselling and/or preparation of documents — signals, objections, complaints, etc. for initiating or conducting proceedings before the Consumer Protection Commission (CPC).

— Representation in a mediation procedure between the consumer and the trader;

— Representation before arbitration.

d. in the field of employment legislation;

Extrajudicial remedies for citizens under the Legal Aid Act:

— Legal aid by a lawyer registered in the National Legal Aid Register for: Counselling and/or preparation of documents with a view to reaching an agreement prior to the commencement of court proceedings or for bringing an employment case;

— Mediation prior to the commencement of a case and mediation of a case in progress.

Judicial remedies for citizens under the Legal Aid Act:

— Legal aid by a lawyer registered in the National Legal Aid Register for:

— Legal representation in court in a labour dispute case of a person who has established by documents from the relevant competent authorities that he/she does not have the means to pay for an authorised lawyer, wishes to use a lawyer and the interests of justice so require;

e. in other fields, including as regards non-judicial remedies.

The following methods of alternative dispute settlement exist in Bulgarian law:

— Mediation

The main normative acts regulating mediation as an out-of-court and alternative method for the settlement of legal and non-legal disputes are the Mediation Act (promulgated in SG, No 110 of 2004) and Ordinance No 2 of 2007 on the conditions and procedure for the approval of organisations that educate mediators, on the requirements for the training of mediators, on the procedure for the registration, deregistration and deletion of mediators from the Unified Register

of Mediators and on the procedural and ethical rules for the conduct of the mediator (promulgated in SG, No 26 of 2007). The Mediation Act regulates the relations connected to mediation as an alternative method for resolving legal and non-legal disputes. Pursuant to Article 2 of the Mediation Act (MA), mediation is a voluntary and confidential procedure for out-of-court dispute settlement in which a third party, a mediator assists the disputing parties to reach an agreement. Civil, commercial, labour, family and administrative disputes relating to consumer rights, and other disputes between natural and/or legal persons, including cross-border disputes, may be subject to mediation. (Article 3). Mediation shall also take place in the cases provided for in the Criminal Procedure Code. Mediation shall not take place if the act or another normative act provides for another procedure for concluding an agreement. Mediation shall be carried out by natural persons. Such persons may associate for the purpose of carrying out the activity. Persons performing judicial functions in the judicial system may not carry out mediation. The principles of mediation (voluntary and equal treatment, confidentiality, neutrality and impartiality), the legal status of the mediator, the mediation procedure, and the requirements for the agreement are regulated in the Mediation Act. By the Act Amending and Supplementing the Mediation Act (AAS of MA), promulgated in SG, No 11 of 2023, which enters into force on 1 July 2024, regulates the mediation procedure in certain pending civil and commercial court cases. Amendments to the Code of Civil Procedure (CCP) and other acts are made by the AAS of MA.

— Arbitration

Bulgarian legislation provides for arbitration as a method of alternative dispute settlement. The sources of the legal regulation of arbitration are the CCP, the International Commercial Arbitration Act (ICAA), the Collective Labour Dispute Resolution Act (CLDRA), the Regulations on the Establishment and Operation of the National Institute for Conciliation and Arbitration (promulgated in SG, No 58/2022) and the Mediation and Arbitration Rules for the Resolution of Collective Labour Disputes by the National Institute for Conciliation and Arbitration of 2022.

Under Bulgarian law, arbitration is an out-of-court method of dispute settlement in which the parties choose one or more third parties to resolve a dispute between them. Arbitration proceedings are possible in the presence of a legal provision that expressly authorises arbitration proceedings. Pursuant to Article 19, paragraph 1 of the CCP, the parties to a property dispute may agree that it be resolved by an arbitral tribunal, unless the dispute concerns rights in rem or possession of immovable property, maintenance or rights under an employment relationship or is a dispute in which one of the parties is a consumer within the meaning of § 13, item 1 of the Additional Provisions of the Consumer Protection Act. The provision of Article 8 of the ICAA stipulates that the court before which an action is brought in respect of a dispute subject to an arbitration agreement is obliged to terminate the proceedings if the party invokes the agreement within the time limit for responding to the statement of claim. If the court finds that the arbitration agreement is null and void, of no effect or unenforceable, the case shall not be dismissed.

The arbitral award shall be final and shall have the force of a judgment, shall enter into force immediately upon service to the parties, shall be binding on the parties and shall be enforceable. The judgment shall not be subject to appeal, but may be revoked by the Supreme Court of Cassation if the party seeking the revocation proves any of the following grounds: it was incapacitated when the arbitration agreement was entered into; the arbitration agreement was not concluded or is invalid according to the law chosen by the parties, and in the absence of choice — according to this act; it was not properly notified of the appointment of an arbitrator or of the arbitration proceedings or, for reasons beyond its control, was unable to take part in the proceedings; the award

resolves a dispute not provided for in the arbitration agreement or contains a ruling on matters outside the subject matter of the dispute; the formation of the arbitration court or the arbitration procedure is not in accordance with the agreement of the parties unless it contradicts the mandatory provisions of this act, and if there is no agreement — when the provisions of the ICAA are not applied. Arbitral awards rendered on disputes the subject matter of which is not arbitral shall be null and void.

Bulgarian legislation also provides arbitration as an out-of-court method for the settlement of collective labour disputes which have the character of a legal dispute, i.e. a dispute over subjective rights established and protected by the legislation in force. The current legal framework for labour arbitration is contained in Articles 4 to 9 and § 1 of the Supplementary and Special Provisions of the LSCLD, the Regulations on the Establishment and Operation of the National Institute for Conciliation and Arbitration (promulgated in SG, No 58/2022) and the Mediation and Arbitration Rules for the Resolution of Collective Labour Disputes by the National Institute for Conciliation and Arbitration of 2022.

The purpose of arbitration proceedings is necessarily to resolve the dispute between the parties. The National Institute for Conciliation and Arbitration is competent and has the power to 'facilitate the voluntary settlement of labour disputes between workers and employers'. The Institute is a legal entity under the Ministry of Labour and Social Policy, with the rank of an executive agency. The National Institute for Conciliation and Arbitration (NICA) is built on a tripartite principle with the participation of all social partners — the representative organisations of employees, employers and the state. The activities of NIPA in the field of mediation and arbitration in the settlement of collective labour disputes are managed by the Supervisory Board, composed of two representatives each from the employees', employers' and the State's representative organisations. According to the LSCLD, depending on how the arbitration proceedings before the NICA are initiated, labour arbitration may be voluntary and binding.

In these cases, the arbitration proceeding has the character of adjudicating the collective labour dispute and the arbitral body decides the disputes in accordance with the law, basing its decision on the applicable law. This Act gives protection to those rights and has the force of res judicata. By virtue of Article 7, paragraph 1 of the LSCLD the arbitral award shall be rendered in accordance with the applicable law in writing within three days from the day of the last hearing. This award shall be final. It shall have the force of a judicial settlement. It shall not be subject to appeal, review or revocation. The arbitral award and the agreement approved by the arbitral tribunal shall be binding on the parties and immediately enforceable.

— Mediation

Bulgarian law provides for mediation as a method of alternative dispute settlement. The sources of the legal regulation of the institute of arbitration as an institute are the Collective Labour Dispute Resolution Act (LSCLD), the Regulations on the Establishment and Operation of the National Institute for Conciliation and Arbitration (promulgated in SG, No 58 of 2022) and the Mediation and Arbitration Rules for the Resolution of Collective Labour Disputes by the National Institute for Conciliation and Arbitration of 2022. According to Article 2 of the Rules, mediation is a method of voluntary settlement of a collective labour dispute within the meaning of Article 1 of the LSCLD with the assistance of an independent person — a mediator. The mediator does not resolve the dispute, but assists the parties to reach an agreement on the voluntary settlement of the collective labour dispute between them through mutual concessions, respecting their interests. Mediation

shall take place within 14 working days of the start of the negotiations and may be extended by agreement between the parties.

— Other alternative means of dispute settlement**:**

The possibility of resolving disputes through alternative means is also regulated in the Consumer Protection Act (CPA), Chapter Nine 'Consumer Disputes', Section II 'Alternative Dispute Resolution of Consumer Disputes' (Article 181a—181u) and Section III 'Conciliation Commissions for the Resolution of Consumer Disputes' (Articles 182—185), as well as in the Electronic Communications Act (ECA), Chapter Four 'Regulation of Electronic Communications', Section VIII 'Dispute Resolution between Undertakings' (Articles 54—62).

The CPA provides for two means of resolving domestic and cross-border disputes relating to obligations arising from contracts for the sale or provision of services between a trader established in the territory of the European Union and a consumer resident in the territory of the European Union. This may be done through alternative dispute settlement (ADR) bodies regulated in Chapter Nine, Section II 'Alternative dispute settlement for consumer disputes' or through general or sectoral conciliation commissions under Chapter Nine, Section III 'Conciliation commissions for consumer disputes'. The bodies recognised as alternative dispute resolution bodies in the territory of the Republic of Bulgaria shall be entered in a list attached to the Minister of Economy. The Commission for Consumer Protection shall carry out alternative dispute settlement activities through conciliation commissions and shall provide assistance and information on how consumers may refer disputes to conciliation commissions or other ADR bodies.

In conciliation proceedings, the parties do not have an obligation to be presentand the exchange of documents can take place both online and on the spot at the offices of the Consumer Protection Commission and its territorial offices, by post or by fax (offline). The conciliation proposal drawn up for the parties, after their approval, shall have the force of an agreement between them and, in the event of non-compliance by either party, the other party may apply to the court for the settlement of the dispute — the subject of the agreement. The parties may give effect to the agreement reached in the conciliation proceedings by submitting it to the competent court for approval.

The Electronic Communications Act (ECA), Chapter Four 'Regulation of Electronic Communications', Section VIII 'Resolution of Disputes between Enterprises' (Articles 54—62) regulates the possibility for the Commission for the Regulation of Communications to provide assistance or give mandatory instructions in case of a dispute arising in connection with existing obligations under the act between enterprises providing electronic communication networks and/or services, or between such enterprises and enterprises benefiting from imposed access and/or interconnection obligations, in the presence of a written request from any of the parties concerned.

2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:

a. To parties of criminal proceedings;

b. To parties of civil proceedings;

c. To parties of administrative proceedings;

d. To persons accessing non-judicial remedies.

Please provide more information, including examples of good practices that you consider effective.

Pursuant to Article 5, paragraph 2 of the LJS, the judiciary is obliged to ensure openness, accessibility and transparency of its actions under this Act and procedural laws.

— In civil cases:

Pursuant to Article 101, paragraph 1 of the CCP, the court shall monitor ex-officio the due performance of the proceedings. . The court shall instruct the party about the essence of the irregularity of the proceedings it has taken, and how to remedy it, by setting a deadline for the correction. . Once it has accepted the claim, the court shall send a copy of it together with the attachments to the defendant, instructing him to lodge a written reply within one month, what the mandatory content of the reply should include and the consequences of non-reply, or non-exercise of rights, as well as of the option to use legal aid, if need be and if entitled to do so (Article 131, paragraph 1 of the CCP). According to the rule of Article 145 paragraph 1 and 2 of the CCP, the court shall put questions to the parties to clarify the facts, indicating their relevance to the case. The court shall instruct the parties to specify their statements and to eliminate contradictions in them. It shall indicate to the parties which of the facts alleged by them do not provide evidence (Article 146, paragraph 2 of the CCP). The report of the case contains the allocation of the burden of proof between the parties. A mandatory requisite of the judgment is the statement of the circumstances: whether the judgment is subject to appeal, before which court and within what period (Article 236, paragraph 1, item 5 of the CCP). The court shall inform the parties of their legal rights and obligations in relation to legal aid (Article 99 of the CCP).

The parties to civil proceedings are provided with information and assistance in the small claims procedure through a project of the European Consumer Centre of the Commission for Consumer Protection. Please find the relevant brochure at the link below:

https://www.ecc.bg/assets/images/documents/broshura_web.pdf .

— In administrative cases:

Pursuant to Article 142 b, paragraph 1 of the Administrative Procedure Code (APC), the court shall monitor ex officio the proper performance of the procedural actions. It shall instruct the party about the essence of the irregularity of the proceedings it has taken, and how to remedy it, by setting a deadline for the correction.. Where, in order to clarify the legal dispute, it is necessary to collect evidence other than that contained in the case-file, the judge-rapporteur shall indicate to the party concerned the need to collect it (Article 163, paragraph 3 of the APC). The court shall indicate to the parties the allocation of the burden of proof (Article 170, paragraph 3 of the APC). It is obliged to assist the parties in eliminating formal errors and ambiguities in their statements and to indicate to them that they do not adduce evidence in respect of certain circumstances relevant to the case (Article 171, paragraph 5 of the APC). The decision in the administrative case must contain the circumstances — whether the decision is subject to appeal, before which court and within what deadline (Article 172a, paragraph 1, item 8 of the APC).

— In criminal cases:

Pursuant to Article 15 of the CPC, the accused has the right to protection. The accused and other persons participating in criminal proceedings shall be afforded all procedural means necessary for the protection of their rights and legitimate interests. The court, the public prosecutor and the investigating authorities shall explain to the persons their procedural rights and provide them with

the opportunity to exercise them. The victim shall be provided with the procedural means necessary to protect his rights and legitimate interests.

Pursuant to the provisions of the Legal Aid Act, the judge or the investigating authority in criminal proceedings shall inform the accused of his right to legal counsel, whether authorised or acting, as well as of the cases in which such counsel is mandatory and of the consequences of the use and refusal to use such counsel. The information shall be provided orally at the hearing or by providing the accused with a declaration through a form prepared by the National Legal Aid Bureau, informing the accused of the cases of compulsory legal counsel, the consequences of using and refusing to use legal counsel, and in which the accused shall indicate which counsel he wishes to use — authorised or service counsel.

— Persons who have access to extrajudicial remedies:

Pursuant to the Mediation Act, the Minister of Justice, or a designated official of the Ministry, shall establish and maintain a Uniform Registry of Mediators in which basic information about the mediator shall be recorded. The Register shall be public. A list of training organisations shall also be established and maintained. The Act Amending and Supplementing the Mediation Act, promulgated in SG, No 11 of 2023, it is provided that the mediators of the judicial centres are to be entered in a list of the respective judicial centre. The selection of mediators to the judicial mediation centres, the procedure for their entry and removal from the lists of the district courts, their training, mandate and control over their activities, as well as the activities of the coordinators of the centres shall be regulated by a regulation adopted by the Supreme Judicial Council. Chapter 4 of the Mediation Procedure Act regulates the actions of the mediator in the course of the procedure in a consistent manner, one of his first actions being to inform the parties of the nature of the mediation and its consequences before the procedure is conducted and to request their written or oral consent to participate. In cases of mediation in pending court cases provided for in the Code of Civil Procedure, the court shall oblige the parties to a pending court case to participate in a first meeting in a mediation procedure which shall take place in a court mediation centre of the respective court. At the end of the mediation procedure, the mediator shall be obliged to provide the court with information on the outcome of the mediation procedure and the parties' participation in it, in accordance with the principle of confidentiality and under the conditions and in the manner provided for in a regulation.

As regards mediation and arbitration under the CLDRA, it should be noted that information on mediators regarding their professional qualifications and experience in resolving collective labour disputes is published on the website of the NICA (Article 26 of the Regulations on Mediation and Arbitration for the Resolution of Collective Labour Disputes by the National Institute for Conciliation and Arbitration).

The website of the Consumer Protection Commission provides information on Alternative Dispute Resolution (ADR) between consumers and traders, which is an out-of-court conciliation procedure on a voluntary basis. It is carried out through conciliation panels https://kzp.bg/pomiritelna-komisiya , including a link to the European Online Dispute Resolution Platform (ODR) https://ec.europa.eu/consumers/odr/main/index.cfm?event=main.home.chooseLanguage.

3. Does your Member State use digital tools to facilitate access to justice?

a. Yes

b. No

If yes, please provide more information on the tools available and your experience on their relevance. Please provide examples of good practice you consider effective.

Chapter eighteen ‘a’ ‘Certification statements and procedural acts in electronic form’ of the Law for the Judicial System provides that the judicial authorities shall make certification statements, issue acts and carry out any other procedural acts provided for by law in electronic form. The judicial authorities shall use information systems approved by the Plenum of the Supreme Judicial Council in agreement with the Minister of Justice and the Minister of e-Government. The Plenum of the Supreme Judicial Council, in consultation with the Minister of Justice, shall establish and maintain a single e-Justice portal. The Single e-Justice Portal is an information system, which offers the following possibilities:

1. requesting the execution of certification statements in electronic form;

2. the execution of procedural acts in electronic form;

3. service of notices and summons;

4. access to electronic files and public registers maintained by the judicial authorities;

Through the unified e-Justice portal, free and public access shall be provided to the records and statistics on the random selection in the allocation of cases, which are provided for by law or other regulatory act.

Judicial authorities shall maintain websites within the single e-Justice portal. They shall provide, through their Internet pages, unimpeded, free, direct and permanent electronic access to the following information:

1. the name of the judicial authority;

2. the address of the judicial authority;

3. correspondence details, including telephone and e-mail address;

4. a telephone number where persons may obtain information on how to carry out procedural acts in electronic form and assistance on the technical steps they need to take to do so;

5. a unique identifier of the judicial authority;

6. details of bank accounts and how to pay electronically for fees, costs and other obligations to the judicial authorities;

7. other information provided for in a normative act or an act of the Supreme Judicial Council.

Statements and acts submitted to the judicial authorities on paper, as well as all documents and information on paper, shall be entered into the information system of the judicial authorities by taking an electronic image in a form and in a manner allowing their reproduction.

When a procedural act is performed which initiates a separate proceeding, an electronic file shall be created in the information system of the judicial authority. An electronic file is a set of linked electronic records in the information system of the judicial authority which contains all electronic documents and information created or provided by the participants in the proceedings and the judicial authorities in connection with the exercise of procedural rights or certification statements, all electronic documents and evidence and other data processed by the judicial authority in connection with the proceedings.

Court hearings may also be held by videoconference in cases provided for by law.

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation services;

Pursuant to the provision of Article 4 of the CCP, where persons who do not know Bulgarian are involved in the proceedings, the court shall appoint an interpreter with the assistance of whom those persons shall carry out the court proceedings and to whom the court's actions shall be explained. Where a deaf or mute person is involved in the proceedings, a Bulgarian sign language interpreter shall be appointed. Interpretation and translation may also take place by videoconference, the interpreter or translator being present in the courtroom in which the hearing is being held, unless the particular circumstances require their presence with the person heard. Those rules shall also apply in administrative court proceedings.

Pursuant to the provision of Article 21 of the CPC, criminal proceedings shall be conducted in Bulgarian. Persons who do not speak Bulgarian may use their mother tongue or another language. In such cases, an interpreter shall be appointed.

An accused person who does not speak Bulgarian shall have the right to interpretation and translation in criminal proceedings in a language he or she understands. The accused shall be provided with a written translation of the decision to arrest the accused, of the court's remand orders, of the indictment, of the sentence handed down, of the decision of the appellate instance and of the decision of the cassation instance. The court and the pre-trial proceedings authorities may, on their own initiative or at the reasoned written request of the accused or his defence counsel, provide a translation of other documents in the case where they are essential for the exercise of the rights of the defence. The accused shall have the right to object to the accuracy of the translation in any state of the case. Where it finds that the objection is well founded, the appropriate authority shall remove the interpreter and appoint a new interpreter or order a retranslation.

Pursuant to Article 75 of the CPC, the victim shall have the right to obtain a written translation of the decision to discontinue or suspend criminal proceedings if he or she does not speak Bulgarian.

Also in Article 142, paragraph 2 and Article 395h, paragraph 1 of the CPC provides that where the witness or the accused is deaf or mute, the pre-trial proceedings authorities shall provide interpretation in a language which they understand, as well as written translation of the acts referred to in Article 55, paragraph 4. Pursuant to the provision of Article 395h of the CPC, where the accused is deaf or mute, an interpreter in Bulgarian sign language shall be appointed.

In Article 4, paragraph 3 of the CCP provides that where a deaf or mute person is involved in a case, the judicial authorities shall appoint a Bulgarian sign language interpreter for him. Interpretation and explanation may also be carried out by videoconference, the interpreter or the one who explains being present in the courtroom in which the hearing is held, unless the particular circumstances require their presence with the person being heard (Article 4, paragraph 4 of the CCP).

The Bulgarian Sign Language Act (BSLA), which has been in force since 06 February 2021, creates conditions for the removal of restrictions in the communication of deaf and deaf-blind persons and in the use of and access to information through Bulgarian sign language.

According to the provisions of Article 20, paragraphs 1 and 2 of the BSLA, deaf and blind-deaf persons are entitled to free interpreting services in Bulgarian sign language up to an annual limit of 120 hours, and deaf and deaf-blind students and postgraduate students in the course of their studies for higher education are entitled, in addition to the above limit, to additional use of interpreting services in Bulgarian sign language up to 60 hours per semester. Pursuant to Article 20, paragraph 4 of the BSLA, deaf and deaf-blind persons shall use free of charge interpreting services beyond the limit provided for in paragraphs 1 and 2 in Bulgarian sign language also when hospitalized in hospital care facilities, mental health canters, centers for skin and venereal diseases and complex cancer centers.

The interpretation service shall also be used when the competent authorities carry out investigative, judicial, inquest and other procedural actions under the Criminal Procedure Code, as well as when exercising powers under the Ministry of Interior Act.

b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;

— A significant part of the buildings housing the administration of justice are equipped with a platform for the disabled /lift/ in order to facilitate access for the disadvantaged. There are ramps, both outside and inside the buildings, on which wheelchairs canmove. In some of them, audible beacons are also installed to inform blind people and direct them to the front door of the court. Robot lifts are installed for movement between floors.

— In a few courts, embossed numbers are mounted on the doors of courtrooms and clerks' offices that deal with citizens to orient blind people to the clerk's office or courtroom number.

— The websites of most of the courts have an ‘Accessibility Policy’ section. The information contained therein significantly enables persons with disabilities to inform themselves, according to their need, about the specific service/protection sought from the court.

— At their discretion, a number of courts draw up their own Internal Rules on Administrative Services for Citizens and Businesses and Services for Persons with Disabilities. These ensure that measures are taken within the court to ensure that persons with disabilities are treated equally when receiving administrative services in court and that the court process is conducted smoothly with their participation. These rules regulate the actions and responsibilities in providing administrative services to a person with special needs; the provision and delivery of documents in accessible formats, including electronic formats; the financial justification for the necessary costs incurred by the court in appointing interpreters or language interpreters for the deaf-blind, etc.

— Most courts have Speech Lab 2.0 speech synthesis software designed for people with disabilities. The program automatically translates the text of court documents into natural synthesized speech and speech through an electronic reader, ensuring that this vulnerable group of citizens has an equal opportunity to receive court information. Court records can be recorded in an audio file using the specialized software and made available electronically by court staff to citizens. The majority of court officials have received training in the use of the Speech Lab 2.0 speech synthesiser. The software is available to the citizens in the clerks' offices and in the courtrooms of

the courts, as a result of which the blind, the visually impaired, the hearing impaired and the illiterate and low-literate people can receive information on the activities of the court, the movement of cases, to get acquainted with court acts, in line with the principle of equality of arms and the right to protection of all citizens, regardless of which social group they belong to.

c. Legal aid;

One of the measures to overcome differences between people is to ensure equal access to legal aid, available to all citizens, regardless of nationality, origin, gender, religion, age, physical or mental disability, if he or she meets the conditions of the Legal Aid Act, if he or she does not have the means to pay for an authorised lawyer, wishes to have one and the interests of justice so require, or according to other laws it is compulsory to be represented or defended by a lawyer.

The Legal Aid Act (LAA) regulates legal aid in criminal, civil and administrative proceedings before all courts and in out-of-court proceedings. Legal aid is provided by lawyers and is funded by the state. The aim is to ensure equal access to justice by providing and delivering effective legal aid. Funds for legal aid are provided from the State budget. Legal aid is granted to natural persons on the grounds set out in the LAA and other laws.

The types of legal aid are:

1. consultation and/or preparation of documents with a view to reaching an agreement prior to the initiation of court proceedings or for bringing a case, initiating or conducting proceedings for the issuance of an individual administrative act and/or challenging it administratively;

2. legal representation;

3. representation in out-of-court procedures;

4. representation in detention under Article 72, paragraph 1 of the Ministry of the Interior Act, under Article 16a of the Customs Act and under Article 124b, paragraph 1 of the State Agency for National Security Act**.**

The legal aid referred to in items 1 and 3 shall be **free of charge** and shall be provided to:

1. persons and families who meet the conditions for receiving monthly assistance in accordance with Articles 9 and 10 of the Regulations for the Implementation of the Social Assistance Act;

2. persons and families who are eligible for targeted heating assistance for the previous or current heating season;

3. persons using social or integrated health and social services for residential care, pregnant women and mothers at risk of abandoning their children, using social services for the prevention of abandonment;

4. children placed in foster families or in the families of relatives or relatives under the Child Protection Act;

5. a child at risk within the meaning of the Child Protection Act;

6. persons referred to in Articles 143 and 144 of the Family Code (FC), persons under the age of 21, as well as persons over the age of 21 for maintenance obligations incurred before the age of 21, in accordance with Council Regulation (EC) No 4 of 2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7/1 of 10 January 2009) and the Convention on the

International Recovery of Child Support and Other Forms of Family Maintenance (OJ L 192/51 of 22 July 2011);

7. victims of domestic or sexual violence or of trafficking in human beings who do not have the means and wish to use legal counsel;

8. persons seeking or having been granted international protection or temporary protection under the Asylum and Refugee Act, for whom the provision of legal aid is not otherwise legally required;

9. foreigners who are subject to a compulsory administrative measure and foreigners placed in a special home for temporary accommodation of foreigners under the Foreigners in the Republic of Bulgaria Act, who do not have the means and wish to use legal counsel;

10. persons who have been refused or revoked the status of stateless person in the Republic of Bulgaria or whose proceedings for granting the status of stateless person under the Foreigners in the Republic of Bulgaria Act in the Republic of Bulgaria have been terminated, who do not have means and wish to be defended by a lawyer;

11. persons whose compulsory accommodation is sought, as well as persons placed under compulsory accommodation;

12. persons with disabilities receiving monthly support under the Persons with Disabilities Act whose monthly income is insufficient to authorise a lawyer.

The legal aid system for legal representation covers cases in which a lawyer, standby counsel or representation is mandatorily provided for by law. The legal aid system also covers cases where the accused, defendant or party to a criminal, civil or administrative case does not have the means to pay for a lawyer, wishes to have one and the interests of justice so require. In such cases, the person shall not be liable to reimbursement of the costs of the legal aid provided. In civil and administrative cases, legal aid shall be granted in cases on the basis of evidence submitted by the competent authorities concerned, the court or, as the case may be, the President of the National Legal Aid Bureau, considers that the party does not have the means to pay the lawyer's fees.

In criminal proceedings, the participation of a defence counsel shall be compulsory in cases where the accused is a minor or suffers from physical or mental impairments preventing him from defence.

A special representative — a lawyer — shall also be appointed for the victim when he/she is incapacitated or has limited capacity and his interests are contradictory with those of his guardian or custodian.

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

1. The Social Services Act (SSA) regulates the right to social services of any person who needs support to prevent and/or overcome social exclusion, realisation of rights or improvement of his/her quality of life, regardless of his/her age, health, education, income, social and property status. The right of every child to social services tailored to his or her best interests, age, physical, health and mental condition, level of development and individual needs is also regulated. The act expressly provides that the use of social services is not an obligation but only an option, the exercise of which depends on the free will and desire of the person in need.

According to the SSA, in the provision of social services, no direct or indirect discrimination, violation of the rights, freedoms, dignity and personal integrity of persons shall be allowed, and

the right of the persons using them to freely express their opinion on the manner of provision and effectiveness of the services, on the possibilities for improving their quality and on all matters relevant to their rights and interests in the use of social services shall be guaranteed.

Social services shall be organised and provided in accordance with a number of principles, one of which is respect for the rights of the persons using them and ensuring their active participation in decision-making. The main priority of social services is to ensure the safety and security of users, respecting their dignity and human rights, through individualisation, comprehensiveness, integration and continuity of support.

The development and implementation of social services follow European and national principles of humanity and solidarity by providing accessible and quality social services in the community, integration tailored to individual needs and care for effective social inclusion.

Referrals to social services for persons in crisis, victims of domestic violence and victims of trafficking are made only by the Social Assistance Directorates (SADs). On the territory of the Republic of Bulgaria 20 Crisis Centres for Children with a capacity of 212 users and 8 Crisis Centres for Persons with a capacity of 94 users are opened and functioning.

When a person in crisis, a victim of domestic violence or a victim of trafficking expresses a wish to use a social service, the SAD immediately refers the person to appropriate social services funded from the state budget. If the person is accompanied by a child and he/she is the child's parent or guardian, the service shall be provided to the child as well.

When the victim of domestic violence or victim of trafficking who has applied to the SAD for a social service is a pregnant woman or the mother of a child under the age of three, she shall be immediately referred to an appropriate social service funded from the State budget, together with the child. If the mother is accompanied by another child aged three or over, the social service shall also be provided to that child.

In case of need for urgent support of a person in crisis, a victim of domestic violence or a victim of trafficking, social services shall be provided **without the need of referral,** and the service provider shall immediately notify the SAD within the territorial scope of which it provides the service to carry out the referral.

The Directorate shall take action to carry out the referral regardless of the person's current address. The SAD carrying out the referral shall inform the Director of the Directorate of the person's current address in writing. The Directorates shall coordinate their actions, and the SAD in whose territory the person in crisis is located shall carry out an on-site visit in order to establish the possibilities for support and the use of social services while providing additional information about the person.

Stateless persons and persons seeking international protection, who cannot, for objective reasons, provide proof of their current address, as well as homeless persons and persons who, due to health and/or mental health problems, cannot provide proof of their current address shall be referred by the SAD of their place of residence.

The Child Protection Act (CPA) regulates the rights, principles and measures for child protection, the authorities of the State and municipalities and their interaction in carrying out child protection activities, as well as the participation of legal and natural persons in such activities.

The legislation guarantees the right of the child to protection against involvement in activities detrimental to his or her physical, mental, moral and educational development. Every child has the right to protection against methods of education, physical, psychological or other forms of violence and influence contrary to his or her dignity and contrary to his or her best interests.

The State shall protect and guarantee the fundamental rights of the child in all spheres of public life for all groups of children, in accordance with age, social status, physical, health and mental condition, ensuring to all an appropriate economic, social and cultural environment, education, freedom of opinion and security.

A fundamental principle of the act is that there shall be no restrictions on rights or privileges based on race, nationality, ethnicity, sex, origin, property, religion, education and belief or the existence of a disability. Child protection shall be based on respect for and reverence for the person of the child, rearing in a family environment, ensuring the best interests of the child, promptness of child protection action, promotion of responsible parenthood, family support, preventive measures for the safety and protection of the child, special protection of a child at risk.

The child protection process is also implemented through a range of measures, some of which consist of referral to appropriate social services. The provision of social services for children aims to create the conditions for their full development through the care and support of children in the community and of children at risk.

In the Crisis Centres for children victims of violence, children are protected in a secure environment. The activities of the services are aimed at providing individual support, meeting their daily needs, legal counselling and socio-psychological assistance.

2. In 2022, the Ministry of Justice drafted an Act Amending and Supplementing the Protection from Domestic Violence Act (AAS of PDVA). It provides for the prompt and effective protection of victims of domestic violence and the exercise of preventive and deterrent action on the perpetrator of violence. It is important to note that the measures under the Act do not exclude the civil, administrative and criminal liability of the perpetrator.

The main proposed changes are as follows:

✓ broadening the scope of the act and formulating the main purpose of the act with a view to assessing the legality of the acts issued;

✓ ensuring the State's obligation to pursue a coherent state policy on domestic violence by coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat domestic violence;

✓ extending the range of legal subjects to whom protection is granted under the Protection against Domestic Violence Act

✓ facilitating access to justice;

✓ increasing the protection measures against domestic violence that can be imposed by the competent authorities and regulating their duration;

✓ establishing a National Council for the Prevention and Protection against Domestic Violence;

✓ regulating a coordination mechanism between all competent authorities, municipalities and the judiciary, which would establish clear rules of action and coordination to ensure reliable, timely and adequate protection for victims of violence;

✓ the establishment of a national information system for the prevention and protection against domestic violence and a national register of cases of domestic violence;

✓ expanding the range of persons who may initiate court proceedings for protection orders;

✓ streamline court proceedings, including by extending local jurisdiction in domestic violence cases.

✓ extensive provision is made for free legal aid in proceedings under the PDVA

✓ regulation of prevention and protection programmes and of specialised services providing protection, assistance and support to persons affected by or at risk of domestic violence. The specialised services provided for under the PDVA are a national helpline for victims of domestic violence or at risk, a counselling centre and a sheltered housing.

✓ safeguards in cases of abuse are strengthened.

The draft Law was adopted by the National Assembly in July 2023 and promulgated on 1 August 2023, as some provisions enter into force as from 1 January 2024.

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

When an employee of the National Helpline for Children 116 111, in the process of collecting information from the caller, determines that a child may be at risk or being placed at risk, he/she shall immediately alert the relevant Social Assistance Directorate to carry out an investigation and assessment of the signal, sending all available information from the conversation. If an immediate danger to the life and health of a child is identified, the officer shall immediately contact the emergency response services, redirecting calls to the 'National 112 System'. In the case of reports of domestic and gender-based violence, officers shall also refer to other appropriate resources to assist victims of violence, including the National Legal Aid Bureau, the National Hotline for Victims of Violence, the Legal Clinic social service, etc.

When a report of violence against a child is received, urgent action and measures are taken for the child and a Violence Coordination Mechanism (VCM) is convened as regulated in Article 36d of the CPA. Through the implementation of the VCM, a rapid response and cooperation between the responsible institutions is achieved in cases of a child at risk or a child victim of violence.

According to the CPA, in order to ensure protection of a child at risk or a victim of violence or exploitation, the Social Assistance Directorate establishes a multidisciplinary team whose members work together until the case is closed. This team develops an action plan to protect the child or prevent violence. The team leader is the social worker designated by the Director of the Social Assistance Directorate. The team must include a representative of the district office of the Ministry of Interior (district inspector, inspector of the children's pedagogical room or operational worker), the district prosecutor's office and a representative of the municipality. At the discretion of the team leader, a representative of the regional health inspectorate, the child's personal physician or a representative of the hospital from which the case was reported, a representative of the regional education department and of the school, kindergarten or other educational institution and a representative of the provider of the state-funded social service used by the child shall be invited to participate. The mayor of the municipality shall assist in coordinating the activities of the multidisciplinary team.

Pursuant to Article 36e of the CPA the protection of a child at risk or a victim of violence or exploitation is undertaken after following an examination of the case by the multidisciplinary team and in accordance with its proposed action plan, which contains health, social and educational services for the prevention of violence or for the recovery of the child.

When the violence has been perpetrated by a parent, or by a person entrusted with the care of the child , the child victim may be provided with protection by placement outside the family in a social service for child victims of violence or trafficking, and the Directorate of Social Assistance may apply to the court or the public prosecutor for measures to be taken against the perpetrator under the Protection Against Domestic Violence Act

f. Other measures.

The Commission for Protection against Discrimination (CPD) shall, by decision, bear the transport costs of the participants in the proceedings for protection against discrimination in order to overcome financial barriers to access the attendance in person to the public hearings before the CPD and, if necessary, an interpreter shall be provided at the expense of the CPD budget.

5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.

1. The Bar Act and the Legal Aid Act establish a mechanism for providing legal aid to persons who are victims of violations or victims of crime, including on the basis of their ethnicity and in cases such persons do not have the necessary financial means for such assistance.

In the implementation of the priority 'Rule of Law and Non-Discrimination' of the National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of Roma (2021—2030) (the National Strategy) emphasis is placed on the effective implementation of the existing legal framework to combat anti-Roma attitudes and discrimination. Some of the main objectives of the priority are:

— Increasing guarantees for effective protection of the rights of Bulgarian citizens in vulnerable social situations belonging to different ethnic groups;

— Improving legal protection services for persons belonging to ethnic minorities, as well as for persons living in households with severe poverty.

In order to achieve the abovementioned, the National Action Plan for the period 2022—2023 of the National Strategy sets out and implements measures for: increasing the institutional culture and expert capacity of public institutions, increasing confidence in their human rights and justice activities, raising awareness of Roma community representatives about their rights and mechanisms for their protection, overcoming obstacles and barriers for access to justice.

2. Considering that the Commission for Protection against Discrimination is an administrative body and resembles a quasi-judicial body, the guiding principle in the implementation of the protection of human rights, especially those of vulnerable groups, is the good partnership between national institutions, the non-governmental sector and representatives of vulnerable groups, which aims to overcome inequality and discrimination in all spheres of public life.

The regional representatives of the CPD provide independent legal aid to citizens, advise and inform them on the application of the anti-discrimination act, on the powers and rules of procedure of the CPD, on the legal remedies for violation of the right to equal treatment, including on their procedural powers in the proceedings before the CPD . Citizens on the territory of the country have the opportunity to be informed and consulted locally through the holding of so-called outreach receptions. This form of activity in the constituent municipalities is an essential part of the independent assistance provided to victims of discrimination, especially when they live in remote

areas of the region, when they are people with disabilities or representatives of other vulnerable groups.

According to the provision of Article 53, paragraph 1 of the Protection against Discrimination Act, no state fees are charged for the proceedings before the CPD, and according to Article 2 ‘the costs incurred in the course of the proceedings shall be borne by the budget of the Commission’, i.e. the proceedings are free of charge.

Over the years, the CPD has participated in advisory councils under the JUSTROM programme, which is related to access to justice for vulnerable groups. The advisory boards have discussed issues related to the ability of representatives of vulnerable groups, as well as Roma women, to access justice, and protection from domestic violence.

The forums discussed issues of providing free legal aid to people from vulnerable groups and opportunities for ensuring greater transparency and public awareness of their problems through cooperation between state institutions, local authorities and NGOs.

3. The Justice Programme of the Norwegian Financial Mechanism (NMFA provides for the funding of projects through a small grants scheme.

a. The project ‘Improving Access to Justice for Persons Living Below the Poverty Line, with a Special Focus on Women, Children and the Roma Community’, funded by the Norwegian Financial Mechanism (NMFA) 2014—2021, implemented by the National Legal Aid Bureau (NLAB), is directly related to improving legal protection services for persons belonging to ethnic minorities as well as persons living in households below the poverty line. The project is also related to improving Roma women's access to legal aid and justice.

The project aims to facilitate access to legal aid and justice for at least 250 members of vulnerable groups, including victims of domestic and gender-based violence, children, women from minority backgrounds and/or from remote and geographically isolated areas, by introducing mobile legal aid teams in the districts of Stara Zagora, Veliko Tarnovo and Varna. This is a crucial aspect of empowerment and equal opportunities for people from marginalised groups, as well as addressing domestic violence, early marriage and other forms of gender-based violence.

The project recognises and builds on the achievements of the JUSTROM programme in Bulgaria, supporting Roma women by providing primary legal assistance and familiarising them with what constitutes discrimination, complaints mechanisms, the justice system, institutions and organisations in the field of human rights protection and equality.

The NLAB project provides for:

— Increasing the professional capacity of at least 300 lawyers registered in the National Legal Aid Register;

— Mobile teams of lawyers and Roma mediators in each of the pilot districts (Varna, Veliko Tarnovo and Stara Zagora) to provide mobile legal advice in isolated Roma neighbourhoods and remote settlements.

The project has signed 5 contracts with Roma mediators. The main tasks of the Roma mediators include:

— Identification of representatives of the project target groups from Roma neighbourhoods, and small settlements on the territory of the three pilot districts who can use the services of the local pilot centres;

— Conducting individual and group meetings with representatives of the project target groups in order to motivate them to consult and use the services of the pilot centres and mobile teams;

— Organizing on-site provision of consultations by the mobile teams; organizing and conducting (together with other staff from the regional centres) information campaigns and meetings to raise awareness of the project target groups with legal provisions and legal cases concerning legal aid and domestic violence, in order to facilitate their access to justice;

— Support communication between lawyers and persons in need, including translation in cases where the person in need of advice does not understand Bulgarian well enough;

— Advising lawyers on the most appropriate approach when providing legal aid in sensitive cases;

— Cooperation with local non-governmental organisations (NGOs) and local authorities.

Another example of good practice is the fact that among the lawyers working on the project there are some who self-identify as Roma.

In 2022, 2,405 consultations were provided to persons from vulnerable groups.

A Coordination Mechanism for the Protection of Victims of Domestic and Gender-Based Violence (including Roma) has been developed and approved within the project. Representatives of the district courts, regional directorates of the Ministry of Interior, directorates of Social Assistance, NGOs, regional health inspectorates, lawyers, prosecutors, the President of the National Legal Aid Bureau and the project manager participated in its development.

The National Institute of Justice (NIJ) organized trainings aimed at strengthening the capacity of Bulgarian magistrates to provide effective protection against various forms of discrimination and violence (including ethnically motivated violations) in line with national, European and international standards in the field.

The problems, investigation and prosecution of criminalized acts of domestic and gender-based violence and the protection of victims of violence (including the protection of the rights of Roma women and children), as well as towards the provision of justice in the interests of children (as a specific vulnerable group), are addressed in the trainings conducted.

In the framework of the NMFA in the period 2022—2023 the Ministry of Justice has concluded nine grant agreements, five of which fall under Priority Area 4 '*Strengthening the capacity of Bulgarian institutions in the field of domestic violence and violence against women*':

b. Project 'Partnership with a Cause', with the beneficiary 'Dinamika Centre' Association and a grant of EUR 116,332.32. The main objective of the project is to contribute to the development of an integrated approach to improve the situation of victims of domestic violence with a focus on the Roma community in Ruse region.

c. Project 'Implementation of effective integrated approaches in the areas of domestic violence and gender-based violence', with the beneficiary „Positive Personal Skills in Society" (PPSS) and a grant of EUR 129,484.66.

The main objective of the project is to support the development and implementation of effective integrated approaches aimed at improving the status and opportunities of Roma women and girls victims of domestic violence.

d. Project 'Capacity building and awareness on domestic and gender-based violence in the South Central Region', with the beneficiary Union for Bulgaria Association and a grant of EUR 199,707.64.

The overall objective of the project is to increase the capacity of Bulgarian local authorities in the field of domestic and gender-based violence. The project supports the development and implementation of an effective integrated approach aimed at improving the status and opportunities of victims of domestic and gender-based violence.

e. Project 'Information-Investigation- Protection: Fighting violence against women', with the beneficiary Chamber of Investigators in Bulgaria and a grant of EUR 184,695.71.

The main objective of the project is to increase the capacity of the Bulgarian authorities in combating domestic and gender-based violence.

The main objectives of the project are: Creating conditions for sustainable partnership with organisations from the Kingdom of Norway; Raising awareness among citizens, representatives of the NGO sector, including representatives of the Roma group, youth and students, about the risks and methods to prevent and counter gender-based violence.

f. Project 'RE-ACTION through information against domestic and gender-based violence', with the beneficiary non-profit association "Euroclub WOMAN" and a grant of EUR 95,256.40.

The aim of the project is to provide approaches in working with vulnerable groups, children and women from Roma communities, by involving them in these processes and increasing the capacity of professionals to use appropriate approaches to prevent violence in their work with vulnerable groups, to raise public awareness of the problems of Roma women and the discrimination they face, by working with several schools and companies that train and employ mainly representatives of the Roma community, on the territory of the municipality of Tundzha and Yambol region.

All projects are currently in the process of implementation.

6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.

A. Measures to facilitate children's access to justice are regulated in a number of laws.

According to the Legal Aid Act, the Child Protection Act, the CPC the CCP, the Protection against Domestic Violence Act, the Asylum and Refugees Act, **legal aid for children is mandatory when** a child is at risk, when a child is detained under Article 72, paragraph 1 of the Ministry of Interior Act, when the interests of the juvenile or minor victim and his or her parent, guardian or custodian are in conflict or the parent, guardian and custodian do not exercise the rights and do not fulfil the obligations under Article 125, 129, 164 and 168 of the Family Code, of unaccompanied juveniles and minors in proceedings under the Asylum and Refugee Act and in court, as well as in all proceedings under the Child Protection Act.

B. By Order No 9/15 February 2019 of the President of the CPD, a permanent working group has been established to be responsible for cases of discrimination against children. According to the order, the working group is to provide independent assistance, cooperation and methodological support to child victims of discrimination. The Working Group provides advice on how to lodge a complaint with the CPD, as well as on the actual process of proceedings before the Commission.

In parallel, the Working Group provides advice to regional representatives on how to assist parents of children who have approached them for assistance.

The Child Protection Act, section 'Participation in proceedings', sets out in detail the requirements for a child to be heard in administrative or judicial proceedings in which his or her rights or interests are affected. Prior to the hearing, the child must be provided with the necessary information appropriate to his or her age and be prepared for the hearing. A suitable setting for the hearing should be provided, appropriate to the age of the child and in the presence of an expert, parent or guardian if necessary. **The child has the right to legal aid and to appeal in all proceedings affecting his or her rights and interests.**

Children involved in legal procedures belong to vulnerable groups of society. They require child-friendly procedures, i.e. child-friendly justice, putting the best interests of the child at the centre of our efforts and ensuring that they are dully respected.

C. Improving measures for the protection of minors belonging to ethnic minorities and children living in households with deep poverty is one of the objectives of the priority 'Rule of Law and Non-Discrimination' of the National Strategy for Equality, Inclusion and Participation of Roma (2021—2030).

Targeted measures and innovative integrated services are provided for:

— Raising awareness of children and their families on child rights as regulated in international and national standards and existing social, health, education and other public services;

— Raising awareness of children and their families on the prevention of violence among and against children.

The "Access to Justice" Project, with the beneficiary Institute for Social Activities and Practices, in partnership with the Health and Social Development Foundation, aims to improve the opportunities for vulnerable children from the Roma community to gain fair and rights-based access to justice through the development and implementation of a specialised social service, "Access to Justice", which is based on an integrated approach. In its development and piloting, the active participation of the Roma community has been encouraged in two neighbourhoods in the city of Sofia (Filipovtsi and Faculteta), involvement of Roma community leaders, civil society organizations, and specialists in the field of juvenile justice.

The project will contribute to increasing the capacity of the Bulgarian authorities in the field of juvenile justice.

In relation to the project, there has been developed materials to increase the capacity of parents of child victims of crime and children in conflict with the law and the local community for improved access to justice.

D. When there is evidence of a crime, the Social Assistance Directorate sends a report to the District Prosecutor's Office to take action against the perpetrator under the Criminal Code.

Where the abuse or exploitation of the child has been committed by a person entrusted with the care, protection, treatment or education of the child on the basis of a court order, employment or other contract, the prosecuting authorities shall, upon submission of the file to the court, immediately inform the SAD at the child's current address and the employer concerned of the immediate separation of that person from the child or children.

In case of a report of violation of the rights of a child, a social assessment shall be carried out by the SAD and appropriate protection measures shall be taken depending on what is found in the course of the assessment. The aim of the measures is to safeguard the best interests of the child and to provide care appropriate to his/her age and needs.

In cases of an immediate risk to the life and safety of children, they shall be removed from the risk environment. Removal from the biological family shall be a measure of last resort and shall be undertaken when the possibilities for protection within the family have been exhausted and in cases of serious risk of harm to the physical, mental, moral, intellectual and social development of the children. The measures outside the family environment are: placement in the family of relatives or close relatives, placement in a foster family and provision of social and integrated health and social services for residential care.

It is important to underline that the placement of a child under Article 26 of the Child Protection Act in the family of relatives or close relatives, foster families and social or integrated health-social service for residential care is carried out by the court. Until the decision of the court, the SAD at the current address of the child shall carry out temporary placement under administrative procedure by order of the Director of SAD. Within one month of the issuance of the order, SAD shall make a request to the district court of the child's current address.

The request shall be heard immediately in open court in the presence of the authorities or persons making the request, the child and the child's parents or guardian/carer. In the proceedings, the court may take evidence on its own initiative and shall give its decision within one month, which shall be notified to the parties and shall be enforced immediately. The decision must specify the duration of the placement. The court may also order measures regarding parental rights and referral of the parents to social services to increase parental capacity on the proposal of the Social Assistance Directorate.

The decision may be appealed to the District Court within seven days. In the event of an appeal or protest, the court shall schedule the hearing within a period not exceeding seven days. The decision of the District Court shall be final.

Pursuant to Article 15 of the CPA, in any administrative or judicial proceedings in which the rights or interests of a child are affected, the child must be heard if he or she has reached the age of 10, unless this would be prejudicial to his or her interests. When the child has not attained the age of 10 years, he or she may be heard depending on his or her stage of development. Reasons shall be given for the decision to grant a hearing.

Before the child is heard, the court or administrative authority shall provide him with the necessary information to help him form his opinion and inform him of the possible consequences of his wishes, of the opinion he holds and of any decision of the judicial or administrative authority. The judicial and administrative authorities shall provide an appropriate setting for the child to be heard, taking into account the child's age. A social worker from the Social Assistance Directorate at the child's current address and, if necessary, another appropriate specialist must be present when the child is heard and consulted.

The court or the administrative authority shall also order the hearing to take place in the presence of a parent, guardian, custodian, other person caring for the child or other relative familiar to the child, except where this is not in the child's best interests.

In any case, the court or the administrative authority shall notify the Social Assistance Directorate at the child's current address, and the provisions of the Code of Civil Procedure shall apply to the notification by the court and the provisions of the Code of Administrative Procedure shall apply to the notification by the administrative authority. The SAD shall send a representative who shall express an opinion and, if it is not possible, he provides a report.

The Social Assistance Directorate may represent the child in the cases provided for by law. The child shall have the right to legal aid and appeal in all proceedings affecting his/her rights or interests.

According to the provisions of the CPA, a person who becomes aware that a child is in need of protection is obliged to immediately notify the competent authorities, including the SAD.

E. The Justice Programme of the Norwegian Financial Mechanism (NMFA) provides funding for projects through a small grants scheme.

In the framework of the NMFA in the period 2022—2023 the Ministry of Justice has concluded nine grant agreements, five of which fall under Priority Area 3 'Improved capacity of Bulgarian Authorities in the area of child friendly justice':

a. Project 'Specialized Services for Children from Roma Communities in Conflict or Contact with the Law', with the beneficiary 'Crime Prevention Fund — IGA' Foundation and a grant of EUR 129,068.80.

The main objective of the project is to introduce and develop an effective integrated approach aimed at improving the status and opportunities of children in contact with the law in three Roma communities in Bulgaria.

b. Project 'Strengthening the role of local institutions in the field of justice for children — Gorna Oryahovitsa Municipality', with the beneficiary Gorna Oryahovitsa Municipality and a grant of EUR 101,385.65.

The overall objective of the project is to support the development and implementation of effective integrated approaches aimed at improving the status and opportunities of children in contact with the law. The project contributes to increasing access to and quality of specialised services, with a special focus on children from the Roma community. The implementation of activities promotes the active participation of the Roma community and cooperation with local institutions and stakeholders.

c. Project 'Children's Path', with the beneficiary Association of Prosecutors in Bulgaria and a grant of EUR 175,383.34.

The main goals of the project are the development and implementation of effective integrated approaches aimed at improving the status of children from the Roma community in contact with the law and victims of domestic violence; Introducing a new service for working with children from the Roma community, victims or witnesses of crime, in conflict with the law, vulnerable children from the Roma community, victims or witnesses of crime or children in conflict with the law; Building a comprehensive system of partnership and cooperation between the representatives of the institutions, upgrading and supplementing the existing Coordination Mechanism and forming teams for multi-sector cooperation; Supporting professionals in their work with child victims or at risk of violence by updating and improving their knowledge, competences, styles and working practices in a way that meets the special needs and best interests of children and in line with national, European and international legislation and standards; Deepening the cooperation between the institutions and the Roma formal and informal organizations, structures and communities in the interest of overcoming the existing problems and the prevention of violence and criminal events related to children.

d. Project 'Access to Justice', with beneficiary Institute of Social Activities and Practices (ISAP) and grant of EUR 183,198.69.

The main objectives of the project are: Increasing the sensitivity and knowledge of the Roma community about the rights of children, victims or witnesses of crime or children in conflict with the law in their access to justice, developing their skills to act as advocates for their children and encouraging their active participation and cooperation with local institutions and stakeholders; Improving the situation and opportunities of vulnerable children from the Roma community to obtain fair and rights-based access to justice by developing and implementing a specialized social service 'Access to Justice' for child victims or witnesses of crime or children in conflict with the law and their families . Contributing to the reduction of social disparities among vulnerable Roma children by increasing their access to quality social support services;

Increasing the competences (knowledge, skills, overcoming discriminatory attitudes) of professionals and representatives of Bulgarian authorities: protection system officials, social services, police, prosecution, court, members of the Local Commission for Combating Juvenile Delinquency to improve Roma children's access to friendly justice.

All projects are currently in process of implementation.

Please give examples of good practices that you consider effective:

At the end of September 2018, the Ministry of Justice completed the implementation of the project '*Strengthening the legal and institutional capacity of the judiciary in the field of juvenile justice*' under the Thematic Fund 'Security' of the Bulgarian-Swiss Cooperation Programme. The project played an important role in the development of the juvenile justice system in the country, supported the reform in the sector and consolidated the efforts of the institutions. Within the framework of the project, the Bulgarian authorities have taken a number of key steps in the area of juvenile justice reform. The legislative amendments adopted by the government were highly appreciated by magistrates and stakeholders. The project has supported specialisation in the sector by focusing public attention on children's justice issues and provided opportunities to increase the capacity of professionals and opportunities to respect the best interests of the child. The piloting of specialised judicial panels to hear cases involving children is a step forward in establishing measures to protect children's rights. The specialised children's hearing rooms set up by the project provide children with the opportunity to be heard in a family-friendly environment by a trained expert, so that they are protected from the stress they would experience in the atmosphere of courthouses or police stations and away from a possible abuser or adult witness they may fear. The results achieved by the project are a key milestone in bringing Bulgaria's child justice system in line with European and international standards.

The issue of children's justice is strategic for the Bulgarian government because it puts the rights of the child and the responsibility of the state for their care at the centre. Bulgaria's legislative policy treats the family as the natural environment in which the child is raised and educated. In this respect, the adoption of a new Juvenile Justice Act remains a major challenge for reform in the sector.

As a result of the analyses and strategy documents prepared for the project, amendments were made to the CPC, the CC and the concept of repealing the existing Combating Juvenile Delinquency Act (CJDA) and creating a new Juvenile Justice Act.

Under the project, 12 specialised rooms for juvenile hearing in civil and criminal proceedings ('blue rooms') were built and equipped in different cities of the country. Specialised court panels for hearing cases involving children have been established in 5 pilot courts under the project — the district courts in Varna, Plovdiv and Kozloduy and the district courts in Varna and Plovdiv. From

November 2015 to September 2018, the specialised chambers have dealt with a total of over 5,200 civil cases involving children in relation to divorce by mutual consent and by action and nullity of marriage, modification, restriction or deprivation of parental rights, child support, protection against domestic violence, cases under the Child Protection Act concerning placement outside the family. The number of criminal cases involving child victims, witnesses or perpetrators examined by these specialised chambers exceeds 1,100. To support the work of the Chambers, a Manual for the work of the Specialised Chambers has been developed, together with Internal Rules on the use of the 'blue room' for the hearing of children for the purposes of criminal and civil proceedings by district and county courts.

After the completion of the project, for the period 2019—2020, according to the information submitted by the courts, 772 cases involving children have been heard and 56 children have been heard in the constructed 'blue rooms.

7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.

A form of protection against torture or cruel, inhuman or degrading treatment or punishment is the possibility for users of social services to bring legal claims on these grounds. Informing social service users of their right to bring legal claims on various grounds, to have access to court hearings and to participate in procedures is done by the service provider through a clause in the social service contract.

Pursuant to Article 8, item 4 of the Protection from Domestic Violence Act, the Director of the SAD, in cases where the victim is a minor, has been placed under compulsory accommodation or is disabled may file an application for the initiation of proceedings for the issuance of an order of immediate protection of a minor victim of domestic violence.

Legal aid is a legal option for victims of domestic or sexual violence or human trafficking who are below the poverty line and wish to have legal counsel, in cases under Article 23 of the Legal Aid Act. An Agreement has been concluded between the Agency for Social Assistance (ASA) and the National Legal Aid Bureau (NLAB), which regulates the cooperation in the exchange of information related to the implementation of activities for the provision of legal aid to persons under the terms and conditions of the Legal Aid Act. Children have the right to legal aid and appeal in all proceedings affecting their rights or interests.

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

At the end of 2022, in SG, No. 102 of 2022 an Act Amending and Supplementing the Legal Aid Act was promulgated. With this Act, significant progress was made in the following areas:

- **Expanding the scope and field of application of the existing types of legal aid in out-of-court procedures:**

The changes made in the act enable the use of new legal remedies for citizens who are eligible for legal aid, namely: consultation and/or preparation of documents for proceedings for the issuance of individual administrative acts and their administrative challenge and representation before extrajudicial bodies and in extrajudicial proceedings. Out-of-court procedures are understood as administrative criminal proceedings, proceedings for the issuance of an individual administrative act, proceedings for challenging an individual administrative act under administrative procedure,

arbitration proceedings and mediation proceedings. These are proceedings before administrative bodies of the executive power, whose powers include the issuance of individual administrative acts concerning citizens' social rights, discrimination, refugee rights, consumer rights, etc. These bodies may be the State Agency for Refugees, the Commission for Protection against Discrimination, the Commission for Consumer Protection and other administrative bodies. Out-of-court dispute settlement bodies, in addition to those listed, include arbitration. The advantage for citizens in using these new legal remedies is that they favour access to justice by providing faster and cheaper ways of redress and with fewer formalities. The use of these new legal options will prevent disputes from going to court, reduce the number of court challenges and the number of court cases. The representation of citizens eligible for legal aid by a lawyer from the legal aid system in an out-of-court mediation procedure will ensure that the procedure is more efficient and concludes with a settlement, which in turn will speed up the settlement of disputes and ease the work of the court. The involvement of a lawyer under the LAA, as a party's representative, in arbitration proceedings, in cases where the party wants to use one but cannot afford it because it does not have the means for an authorised lawyer, is also a guarantee of an efficient and fair settlement of the dispute, a faster and cheaper procedure than the court procedure. In proceedings for the establishment of administrative offences and for the imposition of administrative penalties, where the person has difficulty in hiring a lawyer at that stage, prior to the judicial review of the act of the administrative sanctioning authority, legal aid is an additional instrument of defence and a guarantee of a fair settlement of the dispute.

- Widening the range of persons with a specific profile having access to legal aid:

In the Legal Aid Act (LAA) in force until the adoption of the amendments under review, the range of persons eligible for legal aid did not include certain categories of persons with a specific profile, who could access legal aid on an independent legal basis, such as persons with physical and mental impairments, as well as persons granted international protection or beneficiaries of temporary protection. The amendments made to the LAA add the above-mentioned persons to those entitled to legal aid. One of the means of supporting these persons is to ensure access to justice and legal protection through the legal aid system. Persons with disabilities are a particularly sensitive category that falls within the range of vulnerable social groups. The aim of the UN Convention on the Rights of Persons with Disabilities, to which the EU is a party, is to promote, protect and ensure the full and equal enjoyment of all rights by all persons, regardless of any long-term physical, mental, psychological or sensory impairment. In this regard, the inclusion of persons with disabilities in the circle of those entitled to legal aid is justified by the State's obligation under international and national law. Under the provisions of the Persons with Disability Act, the State, through the relevant authorities, must ensure that these persons have effective access to justice and legal protection, including in the area of their social rights, in order to guarantee that discrimination and abuse are prevented, especially given that persons with disabilities are at a higher risk of being subject to such violations. The State is also obliged to ensure that conditions for obtaining legal aid are in place not only for foreigners seeking international protection, but also for those who have already received international protection and those enjoying temporary protection status. The increasing wave of refugees due to political conflicts, wars and financial and economic reasons is an additional prerequisite for the inclusion of these persons in the nomenclature of persons entitled to free legal aid.

— Exemption of citizens who have been granted legal aid from the payment of court fees in civil and administrative proceedings, including the reimbursement of legal aid costs to the NLAB

Amendments and additions have been made to Articles 78 and 83 of the CCP and Article 127a of the CAP. Where the accused, defendant or party to a criminal, civil or administrative case does not have the means to pay for a lawyer, wishes to have one and the interests of justice so require, the person shall not be liable for reimbursement of the costs of the legal aid provided and shall be exempt from court fees and costs.

Legislative changes:

In 2022, significant changes were made to the Mediation Act (MA). The proposed changes provide for the introduction of mandatory court-ordered mediation for proceedings in certain civil and commercial cases under the jurisdiction of the district, circuit and appellate courts as of 1 July 2024, and strictly regulate the mediation procedure in such pending court cases. The main objectives of the adopted amendments are to promote the use of mediation as an alternative dispute settlement method, which will reduce the workload of the judicial system and increase the speed and quality of work in civil and commercial justice. Achieving the set objectives required the provision of specific rules in the Mediation Act, which would not affect the current norms regulating the essence of mediation, the status of mediators and the conduct of the mediation procedure.

Legislative amendments have also been made to the CCP, the LJS and other legal acts.

The Act was promulgated in SG, No 11 of 2023 and entered into force on 1 July 2024.

The main proposed changes in the adopted draft law are as follows:

Compulsory court mediation is introduced in respect of pending litigation and in certain types of cases and in particular occasions. The proposals aim to stimulate the wider application of mediation in Bulgaria and to form a public attitude towards it. It is envisaged that compulsory judicial mediation should be developed as part of the civil process itself and not as a procedural prerequisite for admissibility of court proceedings, in order not to limit access to court and delay the proceedings.

The cases in respect of which obligatory participation of the parties in a first mediation meeting is introduced as a mandatory rule are the following civil and commercial cases:

✓ allocation of the use of jointly owned property under Article 32, paragraph 2 of the Ownership Act;

✓ monetary claims arising from co-ownership under Article 30, paragraph 3 and Article 31, paragraph 2 of the Ownership;

✓ partition under Article 34 of the Ownership — in the proceedings for the partition;

✓ performance of obligations of the owners, users or occupants of separate objects in a building in the condominium regime under Article 6 of the Condominium Ownership Management Act, for reimbursement of costs incurred by an individual owner for repair of common parts of the building under Article 48, paragraph 7 of the Condominium Management Act, as well as for the revocation of an unlawful decision of the general assembly or of an unlawful act of the condominium management board (manager) under Article 40, paragraph 1 and Article 43, paragraph 1 of the Condominium Ownership Management Act, etc.