

BULGARIA/BULGARIE

- 1) *What mechanisms have been put in place at national level to ensure the compatibility of legislation (whether draft legislation, laws in force or administrative practice) with the Convention? How do these work (whether or not they are systematic, the competent authorities and any consultations – whether optional or mandatory)? What are the advantages of the mechanism chosen?*

Following the conclusions of a report “A mechanism for preliminary examination of draft legislative acts and for their compatibility with the Convention, as well as practices of the executive and judicial authorities”, a system of preventive control was proposed by the Government through the adoption of proposal of amendments of the Legal Acts Act. This proposal was sent to the Parliament for adoption. This new procedure envisages **mandatory review of all draft laws for compatibility with the Convention**. According to the proposal the review will be performed at the Ministry of Justice.

The Ombudsman acting also as the NPM contributes further to the assessment of the compatibility of the legislative amendments with the ECHR provisions through his ongoing work on complaints and signals; opinions and recommendations to public bodies; approaching the Constitutional Court; visits to places of detention or deprivation of liberty, social institutions, etc.; preparation of annual reports and periodical bulletins.

With regard to the role of the Parliament it is important to note that the Minister of Justice presents an Annual report on the execution of the ECtHR's judgments, which includes a catalogue of proposals for further measures to be taken. The Strategy for the continuation of the judicial reform also envisages amendments of the legal framework of the judicial system with direct relation to the compliance mechanisms with the Convention.

A significant step was made by the adoption of amendments of the Constitution in 2015 by broadening the competent institutions to draw the attention of the Constitutional Court to legal provisions violating the human rights. Thus, Article 150 of the Constitution was amended to allow to the Supreme Attorney Council to send applications to the Constitutional Court.

- 2) *What obstacles have been encountered in establishing or applying these mechanisms? How have these been overcome?*

With regard to the above amendments of the Legal Acts Act and awaiting their adoption by the Parliament the Ministry of Justice has started the establishment of focal points network of human rights experts of the Bulgarian authorities in compliance with the measures of the Brighton declaration. The appointed responsible persons at all ministries and the Administration of the Council of Ministers were trained (in cooperation with the Norwegian Human Rights Institute under the Norwegian Financial Mechanism) in order to enhance the knowledge of the European human rights standards.

- 3) *Is there any assessment (or planned assessment) of the appropriateness and effectiveness of the mechanisms in question? If so, how does this work? What obstacles have been encountered in setting up or carrying out such an assessment?*

The above mentioned Annual report of the Minister of Justice was adopted by the Parliament last week stating the improvements of the measures taken to prevent human rights violations in Bulgaria.

A number of Projects in the field of judicial capacity-building and cooperation were completed under the Norwegian Financial Mechanism. Those Projects have direct effect on the enhancement of the human rights protection in Bulgaria.