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(Final version)

Post-monitoring dialogue with Bulgaria

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A. Draft Resolution

1. Bulgaria joined the Council of Europe in 1992. Until 2000, it was subject to the full monitoring procedure. By means of Resolution 1211 (2000), the Parliamentary Assembly decided to close the full monitoring procedure and open a post-monitoring dialogue on a number of outstanding concerns arising from non-fulfilment of Bulgaria's commitments entered into upon accession and obligations incumbent upon every member State under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to democracy, the rule of law and human rights. Since 2000, the progress in addressing these outstanding concerns has been systematically assessed by the Assembly.
2. The Assembly refers to its most recent resolution on post-monitoring dialogue with Bulgaria, namely Resolution 2296 (2019) in which it recognised the unquestionable progress achieved in terms of the crucial reforms and legislative framework put in place. However, it resolved not to close the post-monitoring dialogue until remaining issues in the areas of judiciary, fight against high-level corruption, media, human rights of minorities, combating hate speech and violence against women are addressed, with a view to ensuring sustainability and irreversibility of reforms.
3. Bulgaria should be commended for having overcome the political crisis and instability illustrated by seven consecutive early parliamentary elections held on 4 April 2021, 11 July 2021, 14 November 2021 (on the day of the presidential election), 2 October 2022, 2 April 2023, 9 June 2024 and 27 October 2024.
4. The Assembly welcomes the establishment of a coalition government in January 2025 and its demonstrated sustained political will and commitment to fully honour the commitments and obligations reflected in Resolution 2296 (2019) as confirmed by its continued co-operation with Council of Europe monitoring mechanisms including the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of the Assembly and the European Commission for Democracy Through Law (Venice Commission).
5. The Assembly recalls that, on 20 December 2023, the parliament adopted constitutional amendments, which addressed some long-standing concerns of the Venice Commission and the Assembly with regard to the system of governance of the judiciary and of the prosecution service.
6. The Assembly takes note of the ruling of the Constitutional Court of 26 July 2024 (No. 13), which declared unconstitutional most of these constitutional amendments and stated that their adoption required a Grand National Assembly and not an ordinary parliament. Consequently, the reform of the Supreme Judicial Council was not pursued, which is to be regretted.

7. The Assembly welcomes the reform of the Criminal Procedure Code of 26 May 2023, which established a mechanism for the accountability and criminal liability of the Prosecutor General and his/her deputies. Following this reform, prosecutors' decisions not to open investigations into certain categories of criminal offences (including corruption related offences) can be subject to judicial review by administrative courts. The Assembly notes with satisfaction that the Constitutional Court confirmed the constitutionality of these legislative amendments (ruling No. 14 of 26 July 2024). It also welcomes the fact that the same court confirmed the constitutionality of the constitutional amendments of 20 December 2023 limiting the excessive powers of the Prosecutor's Office (ruling No. 13 of 26 July 2024). All these developments are in line with Venice Commission's recommendations.
8. While the above legislative and constitutional changes constitute, overall, considerable progress in the accomplishment of Bulgaria's commitments and obligations, it should be regretted that not all issues with regard to the judicial system have yet been addressed. In particular, the five-year probationary period for judges has been retained. Moreover, the broad and vaguely defined role of the Inspectorate of the Judiciary and the lack of safeguards which would prevent interference with the substance of the courts' decision making, are a matter of concern.
9. The Assembly welcomes the measures undertaken by the Bulgarian authorities with a view to combating high-level corruption. It welcomes the adoption, on 6 October 2023, of the Anti-Corruption Act, which introduced a new structure and new powers for the Commission for Counteracting Corruption and the Commission for Illegal Assets Forfeiture, in particular the power to investigate corruption offences committed by persons holding public positions. The lack of this power was one of the main weaknesses of the former Anti-Corruption Commission.
10. The Assembly notes with satisfaction the adoption, on 27 January 2023, of the long-awaited Law on the Protection of Whistleblowers or Persons Publicly Disclosing Information about Violations, which provides for a comprehensive and streamlined legal framework for reporting and whistle-blower protection in compliance with democratic standards. The amendments to the Law on Public Procurement, aimed at ensuring more transparency, mark further progress. Moreover, the Assembly notes the ongoing work on new legislation in the areas of lobbying and foreign bribery.
11. The Assembly takes note of the Group of States against Corruption (GRECO) Second Compliance report on Bulgaria of January 2020, assessing the implementation of the recommendations of the Fourth Evaluation Round on the prevention of corruption in respect of members of parliament, judges and prosecutors, which concluded that out of 19 recommendations, Bulgaria has implemented 16, and that the three remaining recommendations have been partly implemented.
12. The Assembly refers to GRECO's Fifth Evaluation Round report on Bulgaria on preventing corruption and promoting

integrity in central governments (top executive functions) and law enforcement authorities, in which it formulated 28 recommendations. In November 2024, GRECO concluded that only seven recommendations had been implemented satisfactorily (mainly those concerning the integrity of police), eleven had been partly implemented and ten had not been implemented. The Assembly urges the Bulgarian authorities to fully and rapidly implement GRECO's recommendations included in the fourth and fifth evaluation Rounds.

13. Despite some high-level corruption scandals in the country, a solid track-record of final convictions in high-level corruption cases continues to be lacking in Bulgaria to date. In 2023, Bulgarian political figures were sanctioned in third countries in cases related to high-level corruption after the judicial proceedings against them had been halted in Bulgaria. The Assembly expects that the effectiveness of the newly introduced anti-corruption measures will be demonstrated through a better track-record of final convictions in high-level corruption cases.
14. Over 90 leading judgments of the European Court of Human Rights concerning Bulgaria are pending implementation, with more than half of them pending for at least 10 years. The Assembly calls on the authorities to continue to co-operate with the Committee of Ministers of the Council of Europe with a view to making tangible progress in the execution of the judgments of the European Court of Human Rights, in particular as regards cases concerning the reform of the judiciary (*S.Z. v. Bulgaria*, *Kolevi v. Bulgaria* and *Miroslava Todorova v. Bulgaria*), forced evictions and demolition of houses of Roma (*Yordanova and Others v. Bulgaria*) and refusals to register associations of ethnic Macedonians (*UMO Ilinden and Others v. Bulgaria* and similar cases).

15. The Assembly notes with satisfaction that Bulgaria has considerably improved its framework as regards freedom of expression. A number of positive developments should

Amendment 2

Tabled by Ms Marija PETRUSHEVSKA, Ms Bisera KOSTADINOVSKA-STOJCHEVSKA, Mr Bekim KJOKU, Ms Elvira KOVÁCS, Ms Albana VOKSHI, Ms Jorida TABAKU, Ms Filiz POLAT

In the draft resolution, paragraph 14, second sentence, replace the words "calls on the authorities" with the following words:

"urges the Bulgarian authorities to implement these leading judgments and calls on them"

Amendment 1

Tabled by Ms Denitsa SACHEVA, Mr Ilian IONTCHEV, Mr Krasimir YORDANOV, Mr Kostadin ANGELOV, Ms Atidzhe ALIEVA-VELI, Mr Toshko YORDANOV, Ms Nadejda IORDANOVA, Mr Mihail MITOV

In the draft resolution, paragraph 14, second sentence, replace the words after "as regards cases" with the following words:

"related to the following Articles of the European Convention on Human Rights (ETS No.5): Article 3 – prohibition of torture (S.Z. v. Bulgaria); Articles 2 and 5 – right to life and right to liberty and security (Kolevi v. Bulgaria); Articles 6, 10 and 18 - right to a fair trial, right to freedom of expression and limitation on use of restrictions on rights (Miroslava Todorova v. Bulgaria); Article 8 – right to respect for private and family life (Yordanova and Others v. Bulgaria); and Article 11 – freedom of assembly and association (UMO Ilinden and Others v. Bulgaria and similar cases)."

be noted, including amendments to the Criminal Code providing for better protection of journalists in cases of alleged of defamation with regard to public officials, adopted in July 2023. The alleviation of criminal liability has addressed a long-standing recommendation of the Council of Europe. A major improvement in the jurisprudence of national courts with regard to defamation charges against journalists in application of the case law of the European Court of Human Rights should be acknowledged.

16. Regrettably, persisting problems include high levels of media concentration, and a lack of transparency in media ownership, distribution and media providers and an important number of strategic lawsuits against public participation (SLAPPs) targeting journalists. The Assembly calls on the Bulgarian authorities to introduce legislative measures addressing these concerns.
17. The Assembly remains concerned about the fragile situation of the Roma population which is the largest minority group and constitutes almost 5% of the population in Bulgaria. While a number of programmes, strategies and action plans have been designed and implemented in recent years to improve the situation of Roma, no significant progress has been noted, and reports relating to the employment, housing, material situation, education and health of the Roma population continue to be alarming. The Assembly urges the Bulgarian authorities to pursue their efforts in order to achieve tangible progress in the integration and inclusion of the Roma population.

Amendment 4

Tabled by Ms Marija PETRUSHEVSKA, Ms Bisera KOSTADINOVSKA-STOJCHEVSKA, Mr Bekim KJOKU, Ms Nađa LAKOVIĆ, Ms Elvira KOVÁCS, Ms Biljana PANTIĆ PILJA, Ms Jorida TABAKU, Mr Jan Filip LIBICKI

In the draft resolution, after paragraph 17, insert the following paragraphs:

"The Assembly remains concerned about the fragile situation of the ethnic Macedonian minority in Bulgaria. The Macedonian ethnic minority are not recognised by the authorities as a 'national minority' under the Framework Convention for the Protection of National Minorities (ETS No. 157) (ratified by Bulgaria in 1999), and in addition, the judgments of the European Court of Human Rights concerning the refusal to register associations of ethnic Macedonians (UMO Ilinden and Others v. Bulgaria) have not been implemented. The Assembly urges the Bulgarian authorities to pursue their efforts to achieve tangible progress in the recognition and integration of the ethnic Macedonian minority in Bulgaria and implementation of the judgments of the European Court of Human Rights in relation to this minority."

Amendment 3

Tabled by Ms Marija PETRUSHEVSKA, Ms Bisera KOSTADINOVSKA-STOJCHEVSKA, Mr Bekim KJOKU, Ms Nađa LAKOVIĆ, Ms Elvira KOVÁCS, Mr Branislav BORENOVIĆ, Ms Jorida TABAKU, Mr Christophe LACROIX

In the draft resolution, after paragraph 17, insert the following paragraph:

"The Assembly recalls that recognition by the State as a "national minority" is not a prerequisite for qualification for protection under the Framework Convention."

18. The Assembly notes with satisfaction that a number of measures have been taken to combat hate speech. The latest amendments to the Criminal Code adopted in July 2023 provide for a more extensive definition of hate speech and crime, and for more severe punishment for these offences. National campaigns and training have considerably contributed to increasing public and professional awareness.
19. The Assembly recognises the considerable progress achieved with regard to combating violence against women. It commends Bulgaria in particular for the adoption, in July 2023, of the amendments to the Criminal Code, which cover the protection of victims of domestic violence from an early stage, irrespective of the legal status of their relationship. Furthermore, the amendments to the Law on Protection from Domestic Violence adopted in August 2023 give additional rights to the victims. At the same time, the Assembly urges the Bulgarian authorities to increase budgetary resources for shelters for victims of domestic violence.
20. While the overall progress in the fulfilment of Bulgaria's commitments and obligations is not questioned, some remaining shortcomings still require remedy. The Assembly calls on the Bulgarian authorities to resume the reform of the organisation of the State (which was stopped following the ruling of the Constitutional Court of 26 July 2024 (No. 13)), through the adoption of ordinary legislation and/or new constitutional amendments by the Grand National Assembly. It also invites the authorities to address other outstanding issues in close co-operation with the Committee of Ministers, the Department for the Execution of Judgments of the European Court of Human Rights, the Venice Commission and other Council of Europe bodies.
21. The Assembly recalls that all successive early parliamentary elections in 2021-2024 were observed by its ad hoc committees for the observation of elections. The legal framework was adequate for the conduct of democratic elections and fundamental freedoms were respected. Overall, the consecutive elections were considered to be competitive and well managed by the election administration.
22. The Assembly notes that, in September 2023, the European Commission terminated the Co-operation and Verification Mechanism in respect of Bulgaria, following the satisfactory fulfilment of all the benchmarks and recommendations under this mechanism in the field of the judiciary, fight against corruption and organised crime. It also welcomes the decisions of the relevant European Union institutions on Bulgaria's accession to the Eurozone as of 1 January 2026.
23. Against this background, the Assembly resolves to close the post-monitoring dialogue with Bulgaria and follow the developments in the country with regard to the rule of law, pluralist democracy and human rights in the framework of its periodic reviews.