

The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds

FRANET national research in Bulgaria

Final Report

Contractor's name: Project One/Center for the Study of Democracy

Authors' name: Maria Doichinova

Disclaimer: This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'Providing technical assistance to national bodies with a human rights remit involved in assessing EU Charter & CRPD compliance of EU funds'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1. Introduction.....	3
2. The implementation of EU funds: challenges and opportunities for fundamental rights	5
3. The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds	12
4. Critical success factors	20
5. Conclusion.....	22

1. Introduction

This report summarises the findings from the three phases of the “Providing technical assistance to national bodies with a human rights remit involved in assessing EU Charter & CRPD compliance of EU funds-national level research” project in Bulgaria. As part of the national situation research, it will supplement a EU-level research to feed into a critical success factors report for the involvement of national bodies with a human rights remit into the EU funds cycle.

During the **first phase** of Bulgaria’s national-level research, conducted in March 2022, the research team carried out a desk analysis that aimed at introducing the national context of EU funds management, identifying the main fundamental rights concerns, and spotting the major stakeholders involved in the planning, managing, monitoring, and evaluation phases.

Using a systematic review of publicly available sources dated between 2014 to 2022 (encompassing the entire programming period of 2014-2020 and the beginning of 2021 – 2027), the research team consulted a massive number of documents under a pre-defined methodology. First, they performed media monitoring so that particularly sensitive issues that had provoked media attention would be captured. All relevant entries were cross-checked with the alternative official or unofficial sources.

As a second step, official sources were consulted. The research team went through the national policy documents in the areas relevant to the funds to which the CPR applies, the public consultation process preceding their adoption, the plans for their implementation, and, where available, their evaluation reports. Operational Programmes’ content, their annual reports and progress evaluations were also consulted. In addition, the Ministry of Finance (*Министерство на финансите*)-run EU funds Audit Agency (*Изпълнителна агенция "Одит на средствата от ЕС"*) annual audit reports and frequently-met violations’ analyses were also consulted.

Civil society reports and opinions formed an essential part of the research as they were the main source of information about fundamental rights-related issues within the EU funding cycle.

Reports by the national human rights institutions - the Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (including in its role of National Preventive Mechanism and co-chairing the monitoring mechanism under Article 33(2) of the CRPD - Council for Oversight (*Съвет за наблюдение*) and by the equality body – the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминацията, КЗД*) (co-chairing the Council for Oversight (*Съвет за наблюдение*) on a rotational basis) were also reviewed.

Based on that, the research focus was set to the two OPs with the highest concentration of fundamental rights issues identified:

- OP "Human Resources Development" (*Оперативна програма „Развитие на човешките ресурси“*) for funding policy areas where fundamental rights issues are most visible (DI, social sphere issues, labour market); and
- OP "Regions in Growth" (*Оперативна програма „Региони в растеж“*) which, despite being perceived to be less related to fundamental rights, came up in projects associated with FR concerns, such as DI, construction of social housing for vulnerable groups, accessibility for people with disabilities of national and regional-level public infrastructure.

As a **second phase**, carried out between 19 April and 17 June 2022, the research team conducted 10 interviews with a pre-defined list of interviewees:

- three members of the civil society, of whom one represented people with disabilities, and one – the Roma community. The third organisation was an association of local authorities selected for being a Government's major partner in OP design and monitoring, as well as an organisation of the major EU funds' beneficiaries.
- Four representatives of fund managing authorities. The two OPs in the focus of the research nominated two interviewees with different profiles – one of each was a medium-level official responsible for planning and development of the programmes and the other was a practical-level officer responsible for project evaluation and monitoring.
- Three representatives of national bodies with human rights and equality remit. Two of these represented the Commission for Protection against Discrimination, CPD (*Комисия за защита от дискриминацията*), the national equality body involved in the monitoring committees of all OPs. The third interviewee was from the Ombudsman's office, the human rights institution that was not involved in the funds' process.

Within the **third phase**, a national diagnostic roundtable was held on 21 June 2022. It brought together participants from the three stakeholder groups: a representative of a managing authority of OP "Human Resources Development", representatives of the national equality body, and representatives of the civil society working in the fields of child-related and housing policies (both part of OP monitoring committees).

The research process was smooth and all contacted stakeholders were generally friendly and responsive. Several challenges of various nature, though, emerged:

- The political crisis in Bulgaria from 2021-2022 had an impact on public data availability in relation to recent developments concerning EU funds, especially on the preparation process for the 2021-2027 cycle. It also presumably affected the attendance rate at the national diagnostic roundtable by coinciding with the latest government crisis when one of the selected OP's fund managers was under intensive political fire.

- Lower engagement of national bodies with human rights remit despite commitments they had given to take part in the research.

2. The implementation of EU funds: challenges and opportunities for fundamental rights

The present research took part in Bulgaria's borderline period of finalising the cycle of 2014-2020 and sealing the Partnership Agreement for the 2021-2027 cycle. This was related to referral to two types of rules throughout the entire research, one of which was in the process of development.

During the 2014-2020 cycle, EU funds operated in Bulgaria under two types of mechanisms. The first one was relevant to AMIF, ISF and the instrument for financial support for external borders and visa¹ and was implemented in line with a national programme and managed by the "International Projects" Directorate of the Ministry of the Interior together with their audit authority - "Internal Audit" Unit of the Ministry of the Interior.

The second group was related to the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund.

As of the 2021-2027 cycle, the CPR applies to all funds in the focus of the present research.

The EU funds that were subject to Regulation (EU) No 1303/2013, operated under centralised mechanism and rules set in the applicable EU legislation for the 2014-2020 period, the Partnership Agreement, the requirements of the programmes, the provisions of the Management of EU Funds under Shared Management Act² (before 01 July 2022

¹ As per [Regulation \(EU\) No 1303/2013](#), it concerns the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund. The Asylum, Migration and Integration Fund ([REGULATION \(EU\) No 514/2014](#)), the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy ([Regulation \(EU\) No 515/2014](#)) were not subject to the Bulgarian Management of Resources from the European Structural and Investment Funds Act.

² Bulgaria, Management of EU Funds under Shared Management Act (Name amended as of 1 July 2022) ([Закон за управление на средствата от европейските фондове при споделено управление](#)), 22 December 2015 (last amended 1 July 2022)

known as Management of Resources from the European Structural and Investment Funds Act) and the secondary acts for its implementation.

The management of the EU funds during this cycle was strongly concentrated within the central government, the Council of Ministers (*Министерски съвет*). Its major responsible figures were:

- The Council of Ministers (*Министерски съвет*) that approved the Partnership Agreement and the Programmes before they were sent to the EC; determined which bodies should serve as managing authorities, and adopted the secondary legislation under which funds to operate,³ including the rules of the composition and functioning of all subsequent managing and monitoring bodies.
- the Deputy Prime Minister for EU Funds Management (*заместник министър-председател по управление на европейските средства*) was responsible for the overall organisation, coordination and control of the EU funds management. They represented Bulgaria to the EC, coordinated the process of the design of the institutional framework and legislation related to the management of the EU resources, coordinated and controlled the management of the programmes. They also gave compulsory methodological instructions to the managing authorities in relation to the management of the programmes and coordinated the activities for improving the administrative capacity at central, regional and local levels in the EU funds management.
- The Minister of Finance (*Министър на финансите*) managed the financial transfers and set the rules for making payments, verification and certification of expenditure, reimbursement and writing off of irregular expenditure, as well as for accounting of programmes.

A Central Coordination Unit, CCU (*Централно координационно звено*) coordinates the actions of the managing bodies by assisting them in the implementation of the EU and Bulgarian legislation on the management of the EU funds. It also maintains contact and provides information to the European Commission. In addition, it administratively supports the responsible deputy Prime Minister in the overall organisation, coordination and control of the funds' system. The CCU runs a network of 27 information centres promoting the EU funds process at the local level.⁴

The CCU maintains a Single Information Web Portal.⁵ It also, together with the managing bodies, runs the Information System for Management and Monitoring of ESIF Resources (UMIS),⁶ the portal for online application, monitoring, assessment and control.

³ For more information, please see: <https://www.eufunds.bg/bg/node/260>

⁴ For more information, please see: <https://www.eufunds.bg/bg/oic-page>

⁵ In line with a National Communication Strategy, set up in the Partnership Agreement.

⁶ For more information, please see: <https://eumis2020.government.bg/>

During the 2014-2020 cycle, EU funds that were subject to the Partnership Agreement were distributed to 12 OPs: Good governance; SME Initiative; Innovation and Competitiveness; Science and education for smart growth; Environment; Maritime Affairs and Fisheries Programme; Rural Development Programme; Human Resources Development; Regions in Growth; Transport and transport infrastructure; Community-led local development; Fund of Funds; and Territorial Cooperation Programmes 2014-2020.⁷ These programmes elaborate on all national commitments put down in the Partnership Agreement. These commitments ideally correspond to the national strategic framework in each area.

Each OP has a Council of Ministers-appointed managing body that is responsible for its programming, management and implementation, including preventing, detecting and correcting irregularities. These are usually relevant ministries' deliberate directorates or executive agencies. At the beginning of each funding cycle, in parallel to the preparation of the Partnership Agreement, the managing authorities lead the preparation of each OP. In this process, they are consulted by 'thematic working groups' (*тематична работна група*) – a body bringing together all stakeholders with whom the managing body discusses the drafts. Finalised drafts are also placed for public discussion at the Government's public consultations portal (www.strategy.bg). The Council of Ministers' secondary legislation governing the managing of the EU funds regulates the types of information that should be published, those that are subject to public discussion and whom stakeholders are these documents consulted with. In managing bodies' view, a small share of the decisions is left to their discretion without being consulted with stakeholders.⁸

During the implementation stage, the Partnership Agreement and each OP have their own monitoring committees that observe the advance in their implementation, discuss and approve all amendments, watch for the fulfilment of the ex-ante conditionalities, and approve the operations' selection criteria, etc. The composition of these committees is set by law and further regulated in detail with a Council of Ministers' decree.⁹ In terms of composition, the decree lists the types of stakeholders to take part in them. These generally are:

- The heads of the managing bodies who chair the Committees;

⁷ For more information, please see: <https://www.eufunds.bg/bg/node/462>

⁸ NFM 1.

⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 79 of the Council of Ministers of 10.04.2014 on the establishment of committees for monitoring of the Partnership Agreement of the Republic of Bulgaria and the programmes co-financed by the European Structural and Investment Funds for the programming period 2014-2020 ([Постановление № 79 на МС от 10.04.2014 г. за създаване на комитети за наблюдение на Споразумението за партньорство на Република България и на програмите, съфинансирани от Европейските структурни и инвестиционни фондове, за програмен период 2014 – 2020 г.](#)), 15 April 2014.

- The heads of the managing bodies of all other eight OPs that are subject to the regulation;
- The Chairperson of the Commission for Protection against Discrimination;
- The Chairperson of the National Agriculture Fund (*Държавен фонд „Земеделие“*);
- the Directors of the Economic and Social Policy (*дирекция "Икономическа и социална политика"*) and European Coordination Directorates (*дирекция "Координация по въпросите на Европейския съюз"*) in the administration of the Council of Ministers;
- a representative of the Central Coordination Unit;
- the Directors of the Real Sector Finance (*дирекция "Финанси на реалния сектор"*) and "Economic and Financial Policy" (*дирекция "Икономическа и финансова политика"*) of the Ministry of Finance;
- a representative of the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (*Секретариат на Националния съвет за сътрудничество по етническите и интеграционните въпроси*) – a consultative body within the Council of Ministers advising on ethnic integration;
- one representative of each of the institutions responsible for the policies under which the measures to be financed by the relevant programme;
- the chairperson of the National Statistical Institute;
- a representative of the National Association of Municipalities in the Republic of Bulgaria (*Националното сдружение на общините в Република България*);
- one representative of the regional development councils in the NUTS 2 level regions;
- a representative of each of the nationally-representative employers' and employees' organisations;
- a representative of nationally representative organisations of and for persons with disabilities recognised by the Council of Ministers and under the Disability Integration Act (*Закон за интеграция на хората с увреждания*);
- a representative of the academia;
- one representative of NGOs working in the areas of "gender equality, non-discrimination and equal opportunities"; "social inclusion and integration of marginalised communities"; "environmental issues"; "education, science and culture"; and "other relevant organisations";¹⁰

The rules for composing these committees are widely criticised by the civil society sector for two main reasons. One of them is the representation procedure set in CCU-developed

¹⁰ Bulgaria, Council of Ministers (Министерски съвет), Decree No 79 of the Council of Ministers of 10.04.2014 on the establishment of committees for monitoring of the Partnership Agreement of the Republic of Bulgaria and the programmes co-financed by the European Structural and Investment Funds for the programming period 2014-2020 ([Постановление № 79 на МС от 10.04.2014 г. за създаване на комитети за наблюдение на Споразумението за партньорство на Република България и на програмите, съфинансирани от Европейските структурни и инвестиционни фондове, за програмен период 2014 – 2020 г.](#)), 15 April 2014. Art. 12

rules. When forming the committees, the managing bodies announce a call for selection of organisations within the five listed areas. There are criteria these organisations have to cover – experience, publications, etc. All selected organisations of each group then elect one representative that usually takes part in the committee sessions. Some groups of organisations elect the most active of them. Others, that do not have a good level of agreement, rotate at the member position. Some interviewees share a difficulty in speaking out for the other organisations they represent as they cannot always be sure that these organisations share their opinion.

The second main reason for criticism is the disbalance. Government officials form an absolute majority in the committees and it is in practice impossible to vote on a decision which is not backed by the government. Some NGO respondents share that they find their participation in the committees pointless as their presence only confirms government decisions.¹¹ NGOs consider the EC representatives (present as observers with a right to vote) in these committees their most valuable support as the government usually agrees on what EC suggests.

In practice, the composition of the committees to a significant extent repeats the composition of the thematic working groups, research respondents say.¹² The managing authorities have the leading role there organising and proposing documents for discussion with stakeholders.

In addition, some stakeholders have more direct access to the decision-making process. For example, the Government consults additionally the association of municipalities, the trade unions and the employers' organisations and the nationally-representative organisations of people with disabilities¹³ before proposing different policies, legislation or OP drafts and thus these documents are more tailored to such organisations needs than to the public benefit than they should be, the NGO sector believes.

After the programmes' "measures" are agreed upon in the committees, the managing bodies announce calls for selection procedures where potential beneficiaries compete by submitting project proposals. Funding can also be allocated by „direct award procedures“ (*процедури за директно предоставяне*) where certain national bodies can be invited to submit proposals. When beneficiaries are awarded the contracts, the EU funding falls

¹¹ For example, CSO 1, National Diagnostic Roundtable participants. The Economic and Social Council of the Republic of Bulgaria (*Икономическият и социален съвет на Република България*) to the National Assembly holds same opinion as seen in: Bulgaria, Economic and Social Council of the Republic of Bulgaria (*Икономическият и социален съвет на Република България*) (2021) Opinion on the Partnership Agreement and its programmes for the programming period 2021-2027 ([Становище на тема: Споразумението за партньорство и програмите към него за програмен период 2021-2027 г.](#)), May 2021. p. 5

¹² For example, NFM 1.

¹³ These organisations are selected by the Government and respondents consider them being "government-friendly".

beyond the scope of the managing authority and the finance ministry's certifying¹⁴ and auditing¹⁵ organs take over.

There are also the so called "integrated programmes" (an action funded in collaboration by two OPs with different managing bodies), they follow deliberate rules for their implementation put down in the EU funds act.¹⁶ The two OPs of focus of this research run such a programme. Under it, OP "Human Resources Development" leads programme as it funds the so-called "soft measures"¹⁷ for social support of marginalised communities, and the OP "Regions in Growth" is responsible for the construction work of social infrastructure.

Once Programmes are exhausted, the managing body contracts external evaluators to assess their effectiveness. There is an evaluation plan in every OP, aligned with the European Commission, which says what will be evaluated. As a rule, only separate policy initiatives, such as the DI of children or social economy measures, are included in these plans, no evaluations are made of entire programmes. The subcontractors who perform the evaluations select a sample of actions and assess them against certain criteria, including the horizontal conditions. Such assessments are used as feedback for the next programming cycle. In addition, each managing body publishes an annual programme progress report.

As of the 2021-2027 cycle, the national legislation was aligned to the new CPR rules to include all funds in the scope of this study.¹⁸ The new Partnership Agreement¹⁹ and the legislative changes²⁰ were finalised after the completion of the fieldwork so their content was not discussed during the course of the project. the Programmes were reduced to 10: Competitiveness and Innovation in Enterprises; Research, Innovation and Digitalisation for Smart Transformation; Technical Assistance; Environment; Transport Connectivity; Human Resources Development; Education; Food and/or Basic Material Support; Regional Development; Maritime Affairs, Fisheries and Aquaculture.²¹ Although their drafts are generally available, their finalisation started with the adoption of the Partnership Agreement in July 2022.

¹⁴ For more information, please see: <https://www.minfin.bg/bg/55>

¹⁵ European Union Funds Audit Directorate at the Ministry of Finance ([Дирекция "Одит на средствата от Европейския съюз" в Министерството на финансите](#))

¹⁶ Bulgaria, Management of European Structural and Investment Funds Act ([Закон за управление на средствата от Европейските структурни и инвестиционни фондове](#)), 22 December 2015.

¹⁷ "soft measures" are all non-construction activities, such as education, training of personnel, implementing practices, integration activities, etc.

¹⁸ Bulgaria, Management of EU Funds under Shared Management Act (Name amended as of 1 July 2022) ([Закон за управление на средствата от европейските фондове при споделено управление](#)), 22 December 2015 (last amended 1 July 2022) Art. 1(2)

¹⁹ European Commission (2022) [EU Cohesion Policy: Commission adopts €11 billion Partnership Agreement with Bulgaria for 2021 – 2027](#), 6 July 2022, Press release.

²⁰ Bulgaria, Management of EU Funds under Shared Management Act (Name amended as of 1 July 2022) ([Закон за управление на средствата от европейските фондове при споделено управление](#)), 22 December 2015 (last amended 1 July 2022)

²¹ European Commission (2022) [EU Cohesion Policy: Commission adopts €11 billion Partnership Agreement with Bulgaria for 2021 – 2027](#), 6 July 2022, Press release.

This research was also conducted in an intermediary period between the finalisation of the 2014 – 2020 cycle where programs were not closed yet and the preparation of the 2021 – 2027 funding cycle when the negotiation process between the Bulgarian Government and the EC was run by four different Governments. This affected the amount of publicly available information about the process which lagged behind. Therefore, the fieldwork reflected mainly participants' experience on the 2014-2020 cycle as most of them were not yet acquainted in detail neither with its content nor in applying it in practice.

The research team selected two operational programmes to focus on during the fieldwork phases: OP "Human resources development" (ОП „Развитие на човешките ресурси“) and OP "Regions in growth" (ОП „Региони в растеж“). These are the programmes most often associated with fundamental rights concerns during 2014-2020 (and the preceding 2007-2014) cycle. They were the leading EU financial instruments that played a significant role in the deinstitutionalisation process of children (incl. children with disabilities) and adults with disabilities in Bulgaria within the already described "integrated programme". That process was related to a series of fundamental rights concerns raised by the civil society sector and the Ombudsman in Bulgaria.²² In addition, NGO interview respondents outlined concerns that reproduced the practices related to the DI in other areas, such as the construction of social housing dwellings and complexes.²³

An important difference between the two programmes (and respectively their managing bodies) was the level of sensitivity to fundamental rights issues. While the Ministry of Labour and Social Policy, MLSP (*Министерство на труда и социалната политика*) is responsible for drafting and coordinating disability policies as part of its social policy implementation prerogatives, the Minister of Labour and Social Policy (*Министър на труда и социалната политика*), serving also as co-ordination mechanism under Article 33(1) of the CRPD, the Ministry of Regional Development and Public Works, MRDPW (*Министерство на регионалното развитие и благоустройството*) manages infrastructure projects, mostly at the local level, and is generally not perceived as having any cross points with fundamental rights.²⁴ This approach allowed the team to investigate the relation between fundamental rights issues occurrence and the level of rights awareness of managing authorities.

A structural specificity of the Ministry of Regional Development and Public Works is that one of its departments combines the function of drafting the national regional

²² A detailed review of the publications outlining fundamental issues concerns related to the funding process are available in the Desk Research report under the present project.

²³ For example, CSO 1.

²⁴ According to NFM 3 and NFM 4 interviewees, as well as CSO 2, who represented an association of local authorities.

development policy framework and managing the “Regions in Growth” OP. Given the strong relationship between national policy and EU funds, this allowed the project team to investigate if this structural setting affects the respect of fundamental rights to a greater extent than in ministries where these functions are run by different units.

Observing fundamental rights was not a priority of any of the OPs, managing bodies believed.²⁵ Despite existing as horizontal principles, their observance was unanimously rated as formal by all groups of respondents. In OP “Human Resources Development” where fundamental rights seem most visible they were most often discussed when disability and child-related policies were implemented, fund managers admitted. NGOs rather than the equality body were those who raised such discussions, interviews showed.

In the course of the research process, additional areas of concern came up related mostly to the OP Regions in Growth. Although the civil society and the Ombudsman have registered them, the available literature had not linked them to the EU funding process. These were the varying capacity of local authorities to run large-scale projects thus depriving their communities of access to water supply, mobility (poor road infrastructure), and social services; the exclusion of people living in parts of the so-called “ghettos” from access to EU funding (and the respecting improvements that it brings) because of their illegal housing; and occasional segregation effects in educational programmes, however, related to the 2007-2013 cycle.

3. The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds

Fundamental rights conditionalities, as existing in the 2014-2020 cycle, seemed a marginal issue, research respondents agreed. The horizontal principles of gender equality; equality and non-discrimination; and accessibility were formally existing in all programme areas. They were a part of all guidelines and manuals for project beneficiaries.²⁶ In all grant contracts, beneficiaries committed to comply with these principles. It was a general perception, however, that the observance of these clauses was dependent solely on beneficiaries’ dutifulness with no monitoring mechanism or

²⁵ See for example, NFM 1.

²⁶ See for example: National Railway Infrastructure Company (ДП „Национална Компания Железопътна Инфраструктура“) (2016). Procedural manual for the management and implementation of projects under Operational Programme on Transport and Transport Infrastructure Infrastructure" 2014 - 2020 г. ([Процедурен наръчник за управление и изпълнение на проекти по Оперативна програма „Транспорт и транспортна инфраструктура“ 2014 – 2020 г.](#))

subsequent evaluation. Moreover, there were signs that monitoring and verification authorities have occasionally used the principles as a tool for imposing additional financial sanctions on certain beneficiaries.²⁷

All respondents agreed on the visible positive effect of the accessibility principle which, however, they attributed rather to the existing EU legal norm transposed in the national accessibility and universal design regulation.²⁸

As of the new funding cycle, the CRP fundamental rights' enabling conditions have become a prerequisite for granting funding. The national fund management system initiated a process of adapting to the new requirement. As a first step, the Council of Ministers issued a decision to²⁹ set up a list of activities, responsible bodies and timeframe for fulfilling the horizontal enabling conditions (Annex 1 to the decision). Those related to the EU Charter of fundamental rights comprised of three stages:

- Development of Guidelines for the implementation of the EU Charter of Fundamental Rights by programme managers, control and audit bodies and reflecting its requirements in programme systems management and control systems and programme documents. Those were prepared by the Ministry of Foreign Affairs (*Министерство на външните работи*) and officially published after the completion of the fieldwork of the present research.³⁰
- Changes in the regulatory framework on the composition and functioning of the monitoring committees, to allow to report to them on cases of non-compliance with the Charter and Charter-related complaints. As of August 2021, these are not developed yet.
- Reporting to the monitoring committees on cases of non-compliance with the Charter under operations supported by the Funds.

As to the CRPD-related conditionality, the Government envisaged four stages:

- Adoption of regulations for the implementation of the Disability Act and designation of responsible bodies to coordinate and monitor the implementation of the CRPD in line with Article 33(1), (2) and (3) of the Convention. These are the Council for Oversight (*Съвет за наблюдение*), National Council for Persons with

²⁷ NHRB 3.

²⁸ Bulgaria, Ministry of Regional Development and Public Works (*Министерство на регионалното развитие и благоустройството*) Ordinance No. RD-02-20-2 OF 26.01.2021 on determining the requirements for accessibility and universal design of the elements of the accessible environment in the urban territory and of the buildings and facilities ([Наредба № РД-02-20-2 от 26.01.2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията](#)), 12 February 2021.

²⁹ Bulgaria, Council of Ministers (*Министерски съвет*), Council Decision No. 272 of 28 April 2022. (*Решение № 272 от 28 април 2022 година*), available via the CoM informaiton system only.

³⁰ Published at the EU funds portal in end-July 2022. For more information, please see: <https://www.eufunds.bg/bg/node/8220>

Disabilities (*Национален съвет за хората с увреждания*) as an advisory body to the Council of Ministers for cooperation in the development and implementation of disability policies; a State Agency for Persons with Disabilities (*Държавна агенция за хората с увреждания*) and development of an information system for persons with disabilities;

- Adoption of a national disability policy document 2021-2030 and a plan for its implementation.
- Development of Guidelines for the implementation of the CRPD by programme managers, control and audit bodies and reflecting its requirements in programme systems management and control systems and programme documents.³¹
- Changes to the regulations governing the composition and functioning of monitoring committees for reporting on cases of non-compliance of the operations supported by the Funds with the CRPD and of complaints concerning the Convention. As of August 2021, these are not developed yet.

During the research interview stage, some research respondents shared that the Ministry of Foreign Affairs (*Министерство на външните работи*) and the Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) experts have developed two sets of guidelines and checklists for EU Charter on Fundamental Rights and CRPD compliance. These documents were expected to serve as a tool for fund managers in assessing enabling conditions compliance throughout the funding process. At the time of the research, they were still in a preparatory phase and their content was not public by the time the present report was prepared so respondents could not comment on them in detail. These guidelines, in response to the “Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter”³² conditionality, were officially published on 1 September 2022. They entered in force with a Deputy Prime Minister for EU Funds Management’s order.³³ The document (and its three annexes) introduces the Charter in the context of the EU funds and explains how managing bodies should observe the respect it at every stage of the cycle. Annex 1 lists the main stages of the funding cycle, the bodies which should make sure rights are respected and an indicative list of possible rights that are relevant to each stage. Annex 2, named “Checklist to verify a potential violation of the Charter of Fundamental EU Charter of Rights” (*Контролен лист за проверка на потенциално*

³¹ Published at the EU funds portal in end-July 2022. For more information, please see: <https://www.eufunds.bg/bg/node/8220>

³² [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#), PE/47/2021/INIT, 30 June 2022, Annex 3

³³ Bulgaria, Deputy Prime Minister on EU Funds Management and Minister of Finance (*Заместник министър-председател по Еврофондовете и Министър на финансите*) Order No B-105 of 19.07.2022 ([Заповед № В-105 от 19.07.2022 г.](#)), 19 July 2022.

нарушение на Хартата на основните права на ЕС) offers a three-stage verification process, including supporting questions which to assist this process. Annex 3 consists of a list of relevant competent on groups or individual rights.

The fundamental rights concerns described in the official and non-official literature were unsurprisingly similar in terms of numbers. Besides the concerns related to the process of DI of children and children with disabilities in Bulgaria, some dating back from the 2007-2013 cycle,³⁴ there were concerns related to OP “Regions in Growth” that considered the programme-built social housing complexes reproducing the DI-implemented approach of segregating people. The construction of these complexes repeatedly met both the reluctance of people in need to settle in them and the disapproval of local communities to host them. Another concern came up during the interview phase, namely the unequal access of certain municipalities to OP Environment funds that deprived them of access to running water.

The national bodies with a human rights remit considered fundamental rights complaints during the 2014-2020 cycle within their general complaints’ mechanisms. Interviewees from both bodies estimated the number of such complaints as statistically insignificant.

There are two national bodies with a human rights remit in Bulgaria – the national equality body, the Commission for Protection against Discrimination, CPD (*Комисия за защита от дискриминация, КЗД*), and the Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*). Both of them serve as a monitoring mechanism under Article 33(2) of the CRPD - Council for Oversight (*Съвет за наблюдение*) on a rotational basis. The Ombudsman serves also as a National Preventive Mechanism under the United Nations Convention against Torture.

The CPD, Bulgaria’s equality body, is a semi-judicial authority that establishes cases of direct and indirect discrimination against individuals and in certain cases against legal entities.³⁵ It is composed of nine members, Commissioners (the Parliament elects five and the President appoints four of them), supported by an administration. The Commissioners gather in 3- and 5-panel juries to establish cases of discrimination. In addition, the Commission gathers evidence, offers mediation, leads the proceedings and monitors compliance with the compulsory administrative measures it might have imposed. In addition, the Commission runs analytical and preventive activities in accordance with its resources. International organisations and NGOs often criticise the anti-discrimination system in Bulgaria and CPD specifically for the need to strengthen the implementation of the national legislation in this area.³⁶

³⁴ Those were described in detail within the Desk Research report.

³⁵ Bulgaria, Protection against Discrimination Act ([Закон за защита от дискриминация](#)), 30 September 2003.

³⁶ See for example: Bulgarian Helsinki Committee (2018) Human Rights in Bulgaria in 2019 ([Правата на човека в България през 2019 г.](#)), 29 June 2020. p. 87. and Bulgaria,

The Commission is represented in all EU funds' consultative bodies that advise and make decisions on the preparation and implementation of all operational programmes – the thematic working groups and the monitoring committees. There, it has the opportunity to consult the programmes in terms of avoiding discrimination in the funding processes at all levels. In practice, however, the research showed that it is not particularly visible and productive in this role. While some of the managing bodies interviewed were not sure if it was present in the committees (OP "Regions in Growth"), NGO representatives rather believed that it was dormant³⁷ or discouraged to raise its voice (because of being a part of the minority in monitoring committees)³⁸. Fund managers take this passiveness as a sign that they have done their job well and the Commission has had no reason to intervene.³⁹

The CPD representatives interviewed did not seem very well-acquainted with the EU funds process and committed to working towards effectively preventing discrimination within the funding process. Their engagement was repeatedly focused on searching for opportunities for the Commission to be added as a funds' beneficiary for discrimination prevention and equality promotion activities. They also seemed to face internal obstacles in effectively intervening in the funds' cycle. First, the nine Commissioners are distributed as lead members of thematic working groups/monitoring committees of all programmes in accordance with their personal profiles. This is a side function to their main activities in the Commission which they find additionally burdening (also by not being paid for it).⁴⁰ When unable to perform their functions in the committees due to conflicting events, the Commissioners authorise administration members to attend on their behalf. This substitute is, however, related to the reluctance of substitute members to be active without having confirmation by Commissioners. So, if they find intervening necessary, they raise the issue before the nine-member panel to authorise it.⁴¹ As a result, Commissioners seem to have higher influence in monitoring committees also due to their public image coming from their status and from their background.⁴²

Council of Ministers (*Министерски съвет*), Action plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the rights of people with disabilities (2021-2026) ([План за действие за изпълнение на заключителните препоръки към Република България, отправени от Комитета на ООН за правата на хората с увреждания 2021-2026](#)), 12 February 2021

³⁷ CSO 2.

³⁸ CSO 1.

³⁹ NFM 1.

⁴⁰ NHRB 1.

⁴¹ NHRB 2.

⁴² One of the interviewees was previously a high-level government official in the social sphere and he previously had professional contacts with other committee members. They used these contacts with face-to-face meetings in convincing co-members to vote their suggestions.

The Ombudsman, from another side, is an independent national human rights body operating under rules set in deliberate law.⁴³ The Ombudsperson (and their deputy) is elected by the Parliament for a 5-year term. Their powers are to safeguard the rights and freedoms of citizens by handling a complaint mechanism for rights violations, by mediating between administrations and affected people, as well as by recommending how to remedy infringements. In 2021, 20,825 have filed complaints and other 30,575 have signed petitions to the Ombudsman.⁴⁴

The Ombudsman is presently not and has never been involved in the EU funding cycle. In their work within their general complaints' mechanism, they have considered violations that had something to do with EU-funded projects (violations related to products or services established with EU funds), however, they are not generally aware if a complaint they consider is related to the EU funds or not as complainants rarely share information about what is the source of funding of what they complain against. This, in their view, is an additional barrier for their involvement in the process besides their overall detachment from the process.

During the present research, the CCU contacted the Ombudsman to initiate talks about how can the body get involved in the funding cycle in the future. The results of such talks are yet to be announced.

In general, the involvement of one of the national bodies with a human rights remit in all monitoring committees/working groups and the isolation of the other body from any of the stages of the funding process was a political decision taken at the beginning of any of the previous cycles. None of the research participants, however, was able to speculate about the grounds behind this decision.

In this setting, a number of barriers, challenges and opportunities for the involvement of national bodies with a human rights remit in the funding cycle emerged within the present research.

At first place, the respondents' general perception was that national bodies with a human rights remit were not actively involved in the funding process. While the Ombudsman has never been envisaged to take part in any stage of the funding cycle, the CPD, although involved in all consultative bodies, did not seem visible and effective in this role.

The Council of Ministers' rules for the operation of the monitoring committees and thematic working groups were cited as the major barrier to Ombudsman's involvement in

⁴³ Bulgaria, Ombudsman Act ([Закон за Омбудсмана](#)), 23 May 2003.

⁴⁴ Bulgaria, Ombudsman of the Republic of Bulgaria (Омбудсман на Република България) (2022). Annual Activity Report of the Ombudsman of the Republic of Bulgaria in 2021 ([Годишен доклад за дейността на омбудсмана на Република България през 2021 г.](#)), March 2022.

the process. The Ombudsman seems to be a well-known complaint mechanism with an image of an independent body handling fundamental rights issues. This public image is due to the proactive publicity of the present and former ombudsperson on sensitive rights-related issues such as disability rights, access to basic services, etc. for which they had repeatedly appeared in media and in political life. The body could make use of this public image in favour of popularising fundamental rights-related conditionalities and the mechanisms for their respect during the upcoming funding cycle. Its expertise could have been beneficial in preparing the guidelines and checklists for fund managers to watch over enabling conditions compliance within the new cycle of 2021-2027. Having the expertise and experience with fundamental rights complaints, the body could also engage with the training of managing bodies and beneficiaries, as well as in the evaluation of programme results.

As to the CPD, desk research showed that the anti-discrimination mechanism had repeatedly been criticised both by NGOs⁴⁵ and internationally⁴⁶ urging for strengthening it. Besides the work overload of Commissioners and the insufficient financing, the CPD suffers from cumbersome internal procedures and a shortage of professional commitment to effectively play their role in monitoring the funding cycle

Non-governmental respondents generally agreed that the executive branch operated the EU funds process in a self-assertive way. In their view, there is a lack of political will to change how consultative bodies (EU funds-related but also the general mechanism of public policy consultation), i.e. monitoring committees and thematic working groups, presently function. Despite by law most decisions should be taken after public consultations or collectively in committees or working groups, NGOs and human rights bodies indicate that authorities often perceive the public consultations formally and the consultative bodies are composed in a way that government officials predominate in terms of numbers. In the words of a civil society respondent, NGOs presently play the role of a government decisions' confirmation mechanism.⁴⁷ National and local authorities unsurprisingly shared the understanding that committees worked well as they were.⁴⁸

In addition, again at the central government level, the awareness of the importance of fundamental rights is not as high as NGOs and human rights bodies believe it should be and the two groups do not believe fundamental rights are a priority at the national level. The same seems particularly true at a local level where the municipalities are major EU

⁴⁵ See for example: Bulgarian Helsinki Committee (2018) Human Rights in Bulgaria in 2019 ([Правата на човека в България през 2019 г.](#)), 29 June 2020. p. 87.

⁴⁶ Bulgaria, Council of Ministers (*Министерски съвет*), Action plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN Committee on the rights of people with disabilities (2021-2026) ([План за действие за изпълнение на заключителните препоръки към Република България, отправени от Комитета на ООН за правата на хората с увреждания 2021-2026](#)), 12 February 2021.

⁴⁷ CSO 1.

⁴⁸ CSO 2; NFM 1; NFM 2.

funds beneficiaries and fundamental rights compliance was largely left at their discretion within the 2014-2020 cycle. Despite the present research did not focus on the local-level situation, such signs repeatedly came up during the fieldwork phases.⁴⁹ For example, local authorities do not seem to recognise the importance of fundamental rights complaint procedures being in place during the new cycle and don't find human rights bodies' involvement necessary.⁵⁰

During the implementation phase and in addition to the monitoring, diverse complaints mechanisms (general ones, such as the Court and human rights bodies, as well as specific, of the managing authorities) and a lack of clear communication about who one with fundamental rights concerns should contact left the impression that the complaint procedures were not effective.⁵¹ Local and national authorities stood at the opposite opinion believing that the procedures were functioning well just there were no fundamental rights issues to report. In addition, the low public awareness of what (concretely) constitutes a fundamental right violation as well as of how EU funds work reduce the possibility of the general public widely using such a mechanism.

The lack of coordination between the different national bodies competent in receiving complaints (central coordination unit, audit office, fund managers, local authorities, NHRBs, court, etc.) results in a lack of information about who should one turn to in case of a fundamental rights concern. People then write to all relevant institutions they are aware of. As a result, significant effort is invested in investigating competences and forwarding correspondence. Duplication of effort is also possible despite no evidence for it came up during the research.⁵² This mechanism can be mainstreamed using the experience of the national bodies with human rights remit which can either head such mechanisms and manage them in line with their practices or actively cooperate with fund managers on complaint issues.

Another barrier that interviewees mentioned was that the decisions of the national bodies with human rights remit within their general complaint mechanisms were not mandatory⁵³ and the control of their implementation was not monitored effectively. There should be a mechanism for enforcing their decisions or recommendations, for example, if linked to financial sanctions if related to EU funding. This can become possible by adding resources to the bodies for performing follow-up monitoring.

An essential barrier was related to the managing bodies who seemed to generally perform well in handling complaints up to the point they have to judge if a potential violation that they are alerted about affects fundamental rights. Most of them found it

⁴⁹ For example, interview with CSO 2, National Diagnostic Roundtable.

⁵⁰ CSO 2.

⁵¹ For example, interview CSO 1.

⁵² Given that the Ombudsman receives complaints which relation with EU funds is unknown, such a situation is highly probable.

⁵³ In fact, those of CPD are mandatory by law.

difficult to access if a complaint they receive constitutes a rights violation, even those who manage “rights-sensitive” programmes. This is due to the fact that although familiar with the CRPD and the EU Charter of Fundamental Rights as documents, they find them “abstract”⁵⁴ and are not able to superimpose or recognise them in real-life situations.

The lack of independent quality assessment came out as a reason for the replication of poor practices from certain policy areas in others. Both bodies could be engaged in future quality analysis of what was achieved with the support of EU funds. The reports should analyse how the EU funding changed people’s lives rather than look at quantitative indicators only i. e. DI or social housing. At the same time, respondents believed that people involved in policy (or programme) drafting should not be engaged in their evaluation. The Ombudsman repeatedly came up as a suitable body to perform such evaluations for having both its independence and analytical capacity which were named among the most important features for evaluators.

4. Critical success factors

The fieldwork of the present research identified a number of success factors for the involvement of the national human rights bodies in ensuring fundamental rights compliance within the new EU funding cycle. The factors listed below came from different interlocutors and were not necessarily supported by others. A difference of opinion is noted where one exists.

Different types of respondents generally differed in their assessment of at which phases would the two bodies involve most effectively. The general perception among the NGO respondents was that bodies’ involvement would be most productive during the planning and the evaluation phases of the cycle. At the planning stage, the two bodies would be able to review what is planned and prevent fundamental rights violations on a large scale (such as with the DI case) in advance. The Ombudsman, with the institutional analytical capacity and rich experience with fundamental rights complaints, could either perform programme evaluations or review such evaluations from the rights’ perspective so that issues are not duplicated in consequent funding cycles. The CPD, from another side, insisted on the importance of awareness campaigns and anti-discrimination training among fund managers and beneficiaries as prevention measures. Fund managers and local authorities were rather sceptical of the positive effect such involvement could have on rights compliance as the mechanisms in place in the 2014-2020 cycle seemed a sufficient guarantee.

A success factor that seemed to be working is related to managing bodies’ structures. It is related to the close link between the national policy-making process and the priorities

⁵⁴ NFM 1.

outlined in EU-funded programmes. The approach of having the functions of fund management and policymaking within the same (Ministry) unit seems to be working well as besides the close relationship between the two functions, lessons learnt from the EU funding cycle can more directly result in policy shifts, where necessary. This was the case of the Ministry of Regional Development and Public Works which was alerted by the public disapproval of their social housing projects (and by an audit report) and reversed the policy-making principle from top-down to a local communities-driven one.

Both managing authorities and national bodies with a human rights remit outlined the need for more concrete guidance from the EC on what to watch for when following compliance with the horizontal enabling conditions during the new funding cycle. Despite the already developed handbooks and checklists on the Charter and CPRD compliance, which few of the respondents were acquainted with at the time of the research, the need for practical training on how to apply them in practice repeatedly came up.

Managing bodies should have more detailed and profound knowledge of fundamental rights so that they could be able to identify what aspects of their work might be prone to fundamental rights issues as well as to be able to recognise fundamental rights concerns among the irregularities complaints they receive (if such a mechanism continues to exist in the 2021-2027 cycle). The national bodies with a human rights remit can perform training in that respect, national diagnostic roundtable participants believed. Fund managers identified the need of such trainings within the interview stage as they admitted they considered FR an abstract notion without knowing how they relate to the concrete activities they see in their everyday work.

Monitoring committee composition should be designed so that there is a pluralism of opinions and opportunities of NGOs and human rights bodies to be heard. This could be achieved by implementing a 'golden share' principle where a national body with human rights and/or equality remit can have a veto right.⁵⁵ Other participants believe that bodies' role in the committees, as they presently are, should be strengthened by them being more active in discussions.⁵⁶ Their narrow expertise would allow them to add value to such discussions.

Complaint procedures and mechanisms, regardless of whether they specifically target fundamental rights issues or are more general, should be visible and well-communicated to avoid people filing them to several institutions at a time. There should be a clearly spelled path indicating where should one go with a fundamental rights complaint.

National bodies with a human rights remit should be involved in the EU funding cycle within an internal or a legislative mechanism which should guarantee their effective functioning. This means besides the necessary financial and human resources that would

⁵⁵ CSO 1.

⁵⁶ CSO 3.

be needed to take over such functions, also a set of (internal) rules to allow the efficient use of these resources. Such a mechanism should plan involved persons' roles to avoid the representation obstacle presently observed at the CPD (described in the previous section). Some respondents proposed setting up specialised units within these bodies to work on EU funds issues in terms of monitoring, handling complaints, analysis and evaluation. Such specialised experts would need additional training on how funds operate in Bulgaria.⁵⁷

EU funding should be subject to an independent evaluation.⁵⁸ Several respondents mentioned the Ombudsman as particularly suitable for this function. The national bodies with human rights remit could alternatively go through the programme evaluations from the FR perspective and add recommendations based on their observations, another respondent believed.⁵⁹ In any event, it is important that the evaluator had not taken part in any of the previous funding cycle stages. Experts or organisations who took part in the thematic working groups or monitoring committees should not be eligible for performing an evaluation. Moreover, evaluations should not be quantitative and partial, as some respondents believed they predominantly are⁶⁰, but perform an overall quality analysis of how funds have changed people's lives. This approach will allow for more effective targeting of finances during the following funding cycles. Fund managers believe that evaluation criteria (part of the OPs) are set in the Partnership Agreement and in OPs so they contract experts to perform evaluations under strict criteria that are subject to agreement between the Government and the EC.

National bodies with a human rights remit should also strengthen their work at the local level. This should rather be in the form of awareness campaigns as research results suggest that the awareness of the fundamental rights at the local level is low and local authorities themselves do not recognise the need for human rights bodies' involvement in the EU funds process.

5. Conclusion

Since Bulgaria's EU accession, EU funds have increasingly become an important component of the public investments in the country amounting to about half of the

⁵⁷ For example, NHRB 3.

⁵⁸ CSO 1; CSO 3.

⁵⁹ NFM 1.

⁶⁰ For example, CSO 1.

capital investments at the national level. This share is even higher at the local level where almost all such municipal projects are EU-funded.⁶¹

In the context of the increasing significance of the EU funds to the national economy, the access of national companies and non-government actors, as well as public institutions (both as direct beneficiaries or in competitive procedures) to these resources has become a focus of managing authorities' concerns to a much higher extent when compared to the fundamental rights of end users. As a result of this and in combination with the insufficient level of awareness about fundamental rights in Bulgaria,⁶² national (as well as local) authorities rather look at the rights-related enabling conditions (ex-ante conditionalities during the 2014-2020 cycle) formally.

The process of setting national policy priorities and implementing them in practice with the support of the EU funds is strongly centralised. It is exclusively in the Government's domain and consultations within this process are perceived as mechanisms for confirming the already taken decisions. Therefore, the respect of fundamental rights within this process is strongly dependent on the government's awareness of their importance. The European Commission seems to be the only authority that can influence its decisions. So fundamental rights seem to be a national priority to the point the EC requires them to be.

Government officials should have a broader mindset not being that focused on rules and regulations observing them restrictively but rather being able to see opportunities and pursue synergies so that they do not miss case-by-case emerging fundamental rights issues. In the traditionally centralised structures in Bulgaria, people at mid-level and lower positions prefer sticking to the rules to making decisions according to specific situations. This is probably why most of the public officials interviewed were unable (or refrained themselves) from sharing personal views or recommending new approaches even if they identify needs in that respect.

In that context, the EC should specify more concrete guidance on what can be perceived as a fundamental right violation or concern in the context of the operational programmes' thematic areas and what would be the most efficient mechanism of monitoring EU Charter and CRPD compliance within the programme implementation stage, many respondents from the national authorities believe.

Both national bodies with a human rights remit have a limited role in the EU funding cycle for their own reasons – insufficient capacity to deal effectively with their statutory

⁶¹ Ganev, Petar (2022) The new national investment budget ([Новият бюджет за инвестиции на държавата](#)), Institute for Market Economy, 8 April 2022.

⁶² According to [2019 Eurobarometer data](#), 46% of Bulgarians have ever heard about the EU Charter of Fundamental Rights. Despite being close to the EU average level, combined with the low reporting rates (See for example: FRA, BNSI, CSD (2021) [Key Indicators for Social Inclusion and Fundamental Rights in Bulgaria](#), 30 November 2021) fundamental rights concerns remain invisible to the public authorities.

role, as CPD, or the total exclusion of the funds' process, such as the Ombudsman. The Council of Ministers (worth noting that within the continuous political crisis where several Governments changed during the past year with each of them having own ideas of how should the process work most effectively, this is an ongoing process) has already taken the first steps in reforming the Programmes monitoring mechanisms approaching the national human rights bodies about their potential involvement in the process. Such involvement, however, should also mind their general prerogatives and might require additional reforms and legislative changes in the rules for their operation. In addition, this might also depend on sufficient financial and human resources.

The two bodies rather see their future role as consultative – they can be consulted in relation to fundamental rights compliance in the programme preparation stage to prevent major violations. This means them taking an efficient and productive part in the thematic working groups for programmes' development – a stage that has already been completed within the 2021 - 2027 cycle. Within the implementation stage, they rather see themselves as trainers of fund managers and beneficiaries that would allow the latter's better understanding of what practical implications might fundamental rights have in the thematic context of each programme. Within the evaluation stage, programme evaluations should include quality assessments from the rights perspective. Such requirements are put down in every programme at the stage of its preparation. The national bodies with a human rights remit can either take part in such evaluations or review the already prepared ones from the position of their remits.

Both the CPD and the Ombudsman, in cooperation with the CCU-managed information centres on EU funds, should strengthen their presence at the local level so that they can reach local authorities and EU funds' beneficiaries. While the CPD has 23 district-level branches,⁶³ they are considered too understaffed and underpaid to make difference at a local level.⁶⁴ The Ombudsman does not have branches locally. Therefore, any form of trilateral cooperation would support rights awareness at the local level and might boost the complaints process by setting a clear path of where one would take a complaint.

⁶³ For more information, please see: <https://www.kzd-nondiscrimination.com/layout/index.php/kontakti/2017-01-09-13-36-08>

⁶⁴ NHRB 2.