

**NATIONAL GUIDANCE ON ENSURING FUNDAMENTAL RIGHTS
IN THE USE OF EU FUNDS IN BULGARIA (2028–2034)**



This National Guidance has been prepared with the support of the European Union as part of the EU funded project: Funds for Fundamental Rights (Grant Agreement number: 101143162 – FURI – CERV-2023-CHAR-LITI)

AUTHOR

Aneta Genova Mircheva

EDITORIAL CONTRIBUTION BY

Vladimir Mirchev
Tanya Tsaneva

Network of Independent Experts-NIE

DATE

November 2025

FRONT PAGE COVER IMAGE

Downloaded from the publicly available website of State owned facility.

Table of Contents

Chapter 1 – Purpose and Scope.....	5
1.1 Guidance Summary.....	5
1.2 Purpose of the Guidance.....	6
1.3 Target Audience.....	6
1.4 How to Use This Guidance.....	6
1.5 The 2028–2034 EU Funds Regulations.....	6
Chapter 2 – Legal and Political Framework	7
2.0 Summary	7
2.1 European legal framework.....	7
2.2 Common Provisions Regulation (CPR)	9
2.3 National legal and policy framework.....	11
Chapter 3 – National Structural Risks, Programming Implications, and Safeguards	12
3.0 Summary	12
3.1 Roma Equality Gaps and segregation (ethnic, territorial, educational).....	13
3.2 Institutionalisation and Transinstitutionalisation, Accessibility, Disability-Related Discrimination and Systemic Barriers as Structural Risks; Required Safeguards.	15
3.3 Refugees and Migrants: Systemic Deficiencies: Structural Risks and Required Safeguards	18
3.4 Cross-cutting Discriminatory Patterns and related Safeguards.....	21
3.5 Synthesis: Key Programming Principles.....	23
1. Do no harm to fundamental rights.....	24
2. Prioritise inclusion in mainstream systems.....	24
3. Prevent institutional and administrative discrimination	24
4. Ensure structural accessibility	24
5. Strengthen governance and accountability systems.....	24
6. Support municipalities as key actors	24
7. Ensure meaningful participation	24
8. Promote evidence-based and outcome-oriented interventions	25
9. Integrate human-rights expertise across all stages	25
Conclusion	25
3.6 Applying Safeguards in Programming stages	25
1. Programming stage (planning and design of programmes).....	25

2. Selection of operations.....	26
3. Implementation stage.....	27
4. Monitoring, evaluation and corrective action	27
5. Documentation and transparency.....	28
In conclusion	28
4. Final Remarks and Forward Outlook	28



**Co-funded by
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

Chapter 1 – Purpose and Scope

1.1 Guidance Summary

This Guidance has been developed under the FURI project (“Fundamental Rights Violations in the Use of EU Funds in Bulgaria”) as a direct continuation of the national research report published in 2025.¹ The report was based on extensive analysis of legislation, policies, statistical data, project documentation, monitoring reports, court decisions, field research, and interviews with stakeholders.² It identified recurring structural problems that have resulted in violations of fundamental rights during previous programming periods.

Building on this evidence, the present Guidance offers practical, realistic, and rights-compliant measures to ensure that these problems are not repeated in the 2028–2034 programming period. It is designed for a broad community of users: managing authorities and intermediate bodies, civil-society organisations, equality bodies, local authorities, experts by experience, activists, researchers, and community advocates. For public authorities, the Guidance highlights obligations and tools needed to ensure rights-compliant programming. For civil society and community groups, it provides a clear framework for monitoring, advocacy, and accountability in the use of EU funds.

Across the document, special attention is given to areas where fundamental-rights risks have been most significant in Bulgaria: segregation; institutionalisation and transinstitutionalisation; discrimination against Roma communities; accessibility and disability-related barriers; and systemic deficiencies in the asylum and migration system. These issues are addressed in detail in Chapter 3, together with their implications for programming and decision-making under the 2028–2034 regulatory framework.

The following chapters outline the applicable European and national legal standards, the key structural risks identified through the FURI research, and a set of practical tools, safeguards, and recommended approaches. The overall aim is to support all stakeholders in designing, evaluating, and monitoring EU-funded measures that are effective, inclusive and aligned with the EU Charter, the CRPD, the Race Equality Directive, the Common European Asylum System (the CEAS acquis), the Common Provisions Regulation and the Bulgarian constitutional framework.

The guidance reflects both the current EU regulatory framework and the proposed regulations for 2028–2034, including the forthcoming National and Regional Partnership Plans.

¹ See the report “Violations of fundamental rights in the management of EU funds in Bulgaria”, issued by The Network of Independent Experts - NIE , available in Bulgarian and English here: <https://nie.expert/furi/>

² See the sources of information I Annex 2 and Annex 3 to the Report.

1.2 Purpose of the Guidance

The purpose of this Guidance is to provide practical, evidence-based tools to ensure that investments under EU funds comply with fundamental-rights standards and contribute to equality, inclusion and community-based development. Building on the findings of the FURI research report, it translates the identified systemic risks into concrete recommendations for preventing their repetition in the 2028–2034 programming period.

The Guidance supports all stakeholders involved in the design, implementation, monitoring, and advocacy related to EU funds — including public authorities, civil-society organisations, equality bodies, community representatives, and experts by experience.

1.3 Target Audience

This Guidance is intended for managing authorities, intermediate bodies, state institutions (including the Ombudsman and the Equality Body), local authorities, civil-society organisations, organisations of persons with disabilities, Roma and minority organisations, refugee-rights actors, and experts by experience. It is also relevant for activists, researchers and community advocates who monitor or influence the use of EU funds.

These actors play a central role in shaping, evaluating, and overseeing how EU funds are programmed and implemented, and in ensuring that investments uphold fundamental-rights standards.

1.4 How to Use This Guidance

This Guidance is designed to be used flexibly by readers with different roles and levels of expertise. Each chapter presents the essential elements of the respective topic in a clear and accessible way.

The document can be read in full as a comprehensive reference or consulted selectively when specific issues arise, such as segregation risks, accessibility requirements, legal obligations or safeguards for project selection. It aims to support informed programme design, monitoring, community advocacy and participation, and to provide a solid basis for rights-compliant decision-making across all stages of the EU funds cycle.

1.5 The 2028–2034 EU Funds Regulations

The Guidance reflects both the current legislation and the proposed regulatory framework for the 2028–2034 programming period. It takes into account the evolving structure of the Common Provisions Regulation (CPR), the proposed National and Regional Partnership Plans, strengthened enabling conditions, and enhanced mechanisms for ensuring compliance with fundamental-rights obligations.

The forthcoming regulations are directly relevant to the findings of the cited above FURI research report. They reinforce many of the safeguards needed to address the systemic risks

identified in previous programming cycles, including segregation, institutionalisation, discriminatory practices, governance weaknesses and insufficient accessibility. By aligning the Guidance with the new regulatory framework, the document provides practical orientation for designing programmes and operations that meet EU-level requirements and avoid repeating past problems.

The 2028–2034 period places greater emphasis on accountability, participation, transparency, and rights-compliant investment logic. The Guidance interprets these requirements through the lens of Bulgaria’s national context, offering users — public authorities, civil-society organisations and community actors — a clear reference for how the forthcoming regulations should guide programme preparation, implementation and monitoring.

Chapter 2 – Legal and Political Framework

2.0 Summary

This chapter summarises the European and national legal standards that guarantee fundamental rights and are directly relevant to the use of EU funds in Bulgaria. It outlines the core obligations arising from the EU Charter, the CRPD, the Race Equality Directive, the CEAS acquis, the ECHR and other binding instruments, together with the fundamental-rights requirements embedded in the Common Provisions Regulation (CPR). The chapter also clarifies the hierarchy of domestic norms, emphasising the primacy of constitutional rights and international treaties over conflicting administrative practice. Taken together, these sources establish the legal framework within which all EU-funded measures must operate to ensure full respect for equality, non-discrimination, accessibility, independent living and community inclusion.

2.1 European legal framework

European Union funds must be used in a manner that fully respects the Union’s fundamental-rights obligations. These obligations arise from a set of binding legal instruments that apply directly to Member States when planning, selecting and implementing EU-funded measures. The key instruments include the EU Charter of Fundamental Rights, the UN Convention on the Rights of Persons with Disabilities (CRPD), the Race Equality Directive, the CEAS acquis, the European Convention on Human Rights (ECHR) and the Convention on the Rights of the Child. Together, they define the substantive rights that must guide all investments: equality and non-discrimination, accessibility, independent living and community inclusion, protection of human dignity, and safeguards against segregation, institutionalisation, violence and degrading treatment.

EU Charter of Fundamental Rights³

The Charter is legally binding on Member States whenever they implement EU law, including in the management and use of EU funds. It prohibits discrimination (Art. 21), guarantees the rights of persons with disabilities (Art. 26), protects human dignity and integrity (Arts. 1–3) and requires equal access to justice (Art. 47). These provisions mean that EU-funded measures must not create or maintain segregation, inaccessible environments or discriminatory service models, and must actively promote equality and inclusion across all sectors.

UN Convention on the Rights of Persons with Disabilities (CRPD)⁴

The EU and Bulgaria are parties to the CRPD, which requires the transition from institutional care to independent living and community-based support (Art. 19), full accessibility (Art. 9) and participation of persons with disabilities and their representative organisations (Art. 4(3)). Under the CRPD, any EU-funded activity that contributes to institutionalisation, transinstitutionalisation, or inaccessible environments would constitute a violation of binding international law.

European Convention on Human Rights and Fundamental Freedoms (ECHR)⁵

As a binding human-rights instrument for all Member States, the ECHR prohibits torture and degrading treatment (Art. 3), unlawful deprivation of liberty (Art. 5) and interference with private and family life (Art. 8). EU funding must not support practices or facilities that risk violating these guarantees — for example through restrictive residential models, detention-like reception conditions, or discriminatory access to public services.

Race Equality Directive (2000/43/EC)⁶

This Directive prohibits direct and indirect discrimination and explicitly covers segregation as a form of unequal treatment. It applies to education, housing, social protection, employment, healthcare and access to goods and services. For EU funds, this means that programmes and operations must avoid eligibility rules, territorial targeting or infrastructure decisions that produce *de facto* segregation or exclusion of Roma or other ethnic groups.

³ The Charter is available at: https://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁴ The CRPD is available in English at: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> and in Bulgarian at <https://www.mlsp.government.bg/uploads/38/khu/normativni-dokumenti/-1643283708.pdf>

⁵ The Convention is available at: https://www.echr.coe.int/documents/d/echr/convention_ENG.

⁶ The Directive is available at: <https://eur-lex.europa.eu/eli/dir/2000/43/oj/eng> and in Bulgarian at: <https://eur-lex.europa.eu/legal-content/BG/TXT/PDF/?uri=CELEX:32000L0043>

Common European Asylum System (CEAS) acquis⁷

The CEAS sets binding standards on access to asylum, reception conditions, procedural guarantees, integration and return. When EU funds (including AMIF) are used for reception centres, services or migration-related measures, Member States must ensure compliance with the Asylum Procedures Directive, the Reception Conditions Directive, the Qualification Directive and the Return Directive. EU-funded activities must not enable degrading conditions, arbitrary detention, obstacles to access to procedure, or practices contrary to non-refoulement.

Convention on the Rights of the Child (CRC)⁸

The CRC requires that the best interests of the child guide all public measures (Art. 3), prohibits discrimination (Art. 2) and guarantees access to education, protection and participation. EU-funded interventions involving children — including social services, housing, education, healthcare or reception facilities — must therefore prioritise inclusion, safety, family-based care and access to mainstream systems.

Taken together, these instruments form a unified body of binding obligations. When applied to EU funds, they require that all investments respect fundamental rights, prevent segregation, institutionalisation and discrimination, ensure accessibility, and support inclusive, community-based systems.

2.2 Common Provisions Regulation (CPR)

The Common Provisions Regulation (CPR) (Regulation (EU) 2021/1060)⁹ is the central legal instrument governing the EU Funds. It embeds fundamental-rights obligations directly into the architecture of programming, implementation, monitoring and evaluation. For Bulgaria, the CPR provides the binding framework through which the European and international human-rights standards described in Section 2.1 must be operationalised in the use of EU funds.

Horizontal principles — Recital 6

Recital 6 requires that all actions financed under the EU Funds respect the values of Article 2 Treaty on European Union (TEU), the non-discrimination obligations of Articles 10 and 19 Treaty on the Functioning of the European Union (TFEU), and the EU Charter of Fundamental Rights. It mandates the elimination of inequalities, the promotion of gender equality, and the prevention of discrimination on grounds including racial or ethnic origin, disability, age, sex, religion or belief and sexual orientation. It also incorporates accessibility requirements, the transition from institutional to community-based care, and compliance with international conventions such as the CRPD and the UN Convention on

⁷ See more about Common European Asylum System and its instruments at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/asylum-eu_en

⁸ The Convention is available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁹ The Directive is available at: <https://eur-lex.europa.eu/eli/reg/2021/1060/oj/eng>

the Rights of the Child. These principles apply horizontally across all funds and all stages of the programme cycle.

Operational obligations — Article 9

Article 9 transforms these principles into concrete, binding obligations for Member States and the Commission. It requires that implementation of the Funds:

- fully respects fundamental rights and the Charter;
- promotes gender equality and gender mainstreaming;
- prevents discrimination on all prohibited grounds, ensuring accessibility for persons with disabilities;
- pursues sustainable development objectives, including those under the UN SDGs and the Paris Agreement.

Through Article 9, fundamental-rights compliance is not an optional consideration but an operational condition that must shape programme design, implementation, monitoring and evaluation.

Monitoring Committees — Article 34

Article 34 requires the establishment of Monitoring Committees that ensure transparency, partnership and meaningful participation throughout the programme cycle. Member States must include civil-society organisations, equality bodies and organisations representing groups affected by discrimination. Monitoring Committees must validate selection criteria, review programme progress, and verify that desegregation, accessibility and community-based models are meaningfully integrated. This creates an institutional mechanism for embedding equality and human-rights safeguards into oversight structures.

Selection of operations — Article 73

Article 73 obliges managing authorities to apply selection criteria and procedures that are non-discriminatory, transparent, gender-sensitive and accessible for persons with disabilities. Projects must be consistent with the Charter, the CRPD, the Race Equality Directive and the principle of sustainable development. This means that operations involving segregation, institutionalisation, discriminatory effects or inaccessible environments cannot be selected or funded. Selection decisions must reflect rights-based obligations, supported by clear criteria, assessments and safeguards.

Implications for Bulgaria

Taken together, Recital 6, Article 9, Article 34 and Article 73 establish a unified, legally binding framework requiring that all EU-funded measures:

- respect and promote fundamental rights;
- avoid any form of segregation, institutionalisation or discrimination;
- ensure accessibility and equality across all steps of the programme cycle;
- embed meaningful participation and independent oversight;

- support community-based, inclusive and sustainable systems.

The CPR therefore translates fundamental rights into enforceable requirements that must guide every decision in the planning and use of EU funds in Bulgaria.

2.3 National legal and policy framework

Bulgaria's national legal system establishes a clear hierarchy of norms that determines how fundamental-rights obligations apply in practice. At the top stands the Constitution, which guarantees key rights and provides that international treaties ratified by the National Assembly form part of domestic law. Under Article 5(4) of the Constitution,¹⁰ such treaties — including the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child — take precedence over conflicting statutory or subordinate legislation.

Below the Constitution and international treaties are the laws adopted by the National Assembly, followed by secondary legislation such as decrees, regulations and administrative orders. Lower-level acts cannot restrict rights protected by higher-ranking instruments, and any inconsistencies must be resolved in favour of the higher standard. Where conflicts arise, Bulgarian courts, as well as the European Court of Human Rights and the Court of Justice of the European Union, may require the administration to adjust its practice accordingly.

This hierarchy is directly relevant to the use of EU funds. The fundamental-rights obligations described in the EU Charter, the Race Equality Directive, the CEAS acquis and the CRPD apply at national level and prevail over any domestic norms or administrative practices that contradict them. This includes areas such as access to education, social services, housing, institutional care, reception conditions and non-discrimination. Projects or programmes that rely on subordinate legislation conflicting with higher-ranking standards carry significant risks, including financial corrections, suspension of funds or adverse judgments against the State.

In addition to binding legal obligations, Bulgaria has adopted several national strategies — including those on Roma equality, poverty reduction and the deinstitutionalisation of children — which reinforce policy commitments to equality, inclusion and the transition to community-based services. While these strategies do not override statutory or international law, they provide important guidance for aligning EU-funded measures with national reform priorities.

Taken together, the constitutional framework, international conventions and national legislation create a binding legal environment in which EU-funded interventions must operate. Any measure financed under the EU Funds must therefore comply with these

¹⁰ Constitution is available at: <https://www.parliament.bg/bg/const>

standards, avoid segregation, institutionalisation and discrimination, and support inclusive, rights-based and community-oriented public systems.¹¹

Chapter 3 – National Structural Risks, Programming Implications, and Safeguards

3.0 Summary

This chapter presents the key structural risks that continue to undermine the rights-compliant use of EU funds in Bulgaria and outlines the safeguards that must guide programming, project selection and implementation during the 2028–2034 period. The analysis combines evidence from the FURI research, independent monitoring bodies and recent evaluations, showing that segregation, institutionalisation, accessibility failures, discriminatory practices and weaknesses in asylum and migration governance remain deeply embedded in public systems.

The chapter is organised into four thematic areas where fundamental-rights risks are most acute:

- Roma equality gaps and segregation (territorial, educational, institutional);
- institutionalisation, transinstitutionalisation and disability-related discrimination;
- systemic deficiencies in the asylum and migration system;
- cross-cutting discriminatory patterns affecting multiple groups.

Each thematic section includes a concise description of the structural risks and a set of required safeguards derived from the legal standards outlined in Chapter 2. These safeguards provide clear operational guidance for ensuring that EU-funded interventions do not reproduce segregated environments, institutional models, discriminatory practices or inaccessible systems.

The chapter concludes with two additional elements:

- a synthesis of core programming principles that must guide the 2028–2034 period;

¹¹ An overview of the Bulgarian legal framework is available at: https://e-justice.europa.eu/topics/legislation-and-case-law/national-legislation/bg_bg. Also, some relevant national regulations and strategies related to the rights of the groups discussed, can be found in the report “Violations of fundamental rights in the management of EU funds in Bulgaria”, issued by The Network of Independent Experts - NIE, available in Bulgarian and English here: <https://nie.expert/furi/>

- a set of cross-cutting operational safeguards that apply horizontally throughout the programme cycle — from planning and selection to implementation, monitoring and corrective action.

Together, these components translate Bulgaria’s fundamental-rights obligations into practical requirements for the design, approval and delivery of EU-funded measures, ensuring that investments contribute to equality, inclusion, accessibility and community-based development.

3.1 Roma Equality Gaps and segregation (ethnic, territorial, educational)

Roma communities in Bulgaria continue to face deeply entrenched structural inequalities across housing, education, healthcare, employment, access to services and participation in public life. These inequalities are not the result of isolated practices but of long-standing institutional, administrative and spatial arrangements that reproduce exclusion and restrict opportunities. Evidence gathered through the FURI research¹² and numerous independent evaluations shows that segregation — territorial, educational and service-based — remains one of the most persistent and harmful manifestations of this structural inequality.

Structural patterns of segregation

Many Roma neighbourhoods remain physically separated from the rest of the settlement and frequently lack access to adequate infrastructure, public transport, safe housing, and mainstream public services. This spatial separation reinforces social distance, shapes administrative behaviour and supports discriminatory perceptions. Similar patterns are visible in education, where Roma children are disproportionately placed in segregated or low-quality settings, including separate schools, classes or “compensatory” arrangements that limit inclusion.

These patterns are maintained by institutional practices, discriminatory administrative decisions, local policies, unequal resource allocation and entrenched stereotypes. Even well-intentioned public measures can unintentionally reproduce segregation when they target only segregated areas, create parallel services or fail to address the root causes of spatial and institutional separation.¹³

Misalignment between national measures and EU standards

Independent observers — including equality bodies, international organisations and monitoring networks — have consistently noted that national programmes often fail to address the systemic drivers of segregation, and in some cases risk reinforcing them. Housing measures, for example, sometimes focus on renovating segregated areas rather than supporting access to integrated housing. Education measures risk perpetuating separate systems rather than enabling inclusion in mainstream schools. Such approaches

¹² See the report “Violations of fundamental rights in the management of EU funds in Bulgaria”, issued by The Network of Independent Experts - NIE, available in Bulgarian and English here: <https://nie.expert/furi/>

¹³ See more in the report “Violations of fundamental rights in the management of EU funds in Bulgaria”, issued by The Network of Independent Experts - NIE, available in Bulgarian and English here: <https://nie.expert/furi/> and the relevant references from Annex 3 of the Report.

contradict the EU Charter, the Race Equality Directive and the obligations under the European Roma Strategic Framework.

Implications for the use of EU funds, and Required Safeguards

Because the identified risks stem not only from isolated practices but from deep structural patterns, the required safeguards must ensure change both in management processes and in concrete project-level decisions. The following set of requirements translates the legal obligations outlined in Chapter 2 into practical steps that managing authorities and beneficiaries must apply in order to avoid financing measures with potential for segregation, institutionalisation, unequal access or discrimination. These safeguards function as a minimum standard for rights-compliant programming during the 2028–2034 period.

Desegregation Impact Assessment

- Assess whether operations risk reinforcing spatial or educational segregation.
- Do not finance projects with segregating effects.

Integrated Territorial and Service Planning

- Support access to mainstream housing, schools and services outside segregated areas.
- Avoid investments that geographically cluster Roma communities.
- Justify infrastructure in segregated districts only when it clearly reduces exclusion.

Inclusive Education Safeguards

- Avoid creating or improving separate schools, classes or compensatory settings.
- Prioritise inclusive mainstream environments.
- Ensure resource allocation, catchment areas and transport arrangements support desegregation.

Avoiding Parallel Services

- Ensure targeted services are temporary and linked to mainstream pathways.
- Include exit strategies to prevent the creation of permanent parallel systems.

Participation and Community Leadership

- Ensure meaningful participation of Roma organisations and community representatives in programme design, development and monitoring.

Equal Access to Services

- Ensure non-discriminatory access to mainstream services.
- Address administrative and documentation barriers without creating stigma.

Monitoring and Accountability

- Track spatial distribution, educational separation and access to mainstream services.
- Use early-warning indicators and ensure mechanisms for corrective action, including suspension of funding.

Conclusion

Desegregation must be a core principle guiding all EU-funded measures. Applying these safeguards throughout the programme cycle prevents the reproduction of segregated systems and supports equal access, participation and integration across public services.

3.2 Institutionalisation and Transinstitutionalisation, Accessibility, Disability-Related Discrimination and Systemic Barriers as Structural Risks; Required Safeguards.

People with disabilities in Bulgaria continue to face systemic barriers that restrict their autonomy, participation and access to mainstream services. The FURI research and independent evaluations show that institutionalisation, transinstitutionalisation, accessibility failures and discriminatory administrative practices remain deeply embedded across sectors. These problems are not isolated incidents but reflect long-standing structural patterns and fragmented policy measures that fail to align with binding European and international standards.¹⁴

Institutionalisation and transinstitutionalisation

Despite progress in policy terminology, many services continue to operate as institutional settings — separating people from the community, limiting autonomy, restricting daily choice and reinforcing dependency. Large and small facilities alike may constitute institutions when they impose collective living arrangements, restrict personal freedom, or isolate individuals from everyday community life. In practice, EU-funded investments have at times contributed to transinstitutionalisation: replacing old institutions with smaller residential units that replicate institutional culture rather than enabling independent living.¹⁵

Accessibility barriers

¹⁴ See more in the report "Violations of fundamental rights in the management of EU funds in Bulgaria", issued by Network of Independent Experts-NIE, available in Bulgarian and English here: <https://nie.expert/furi/>

¹⁵ Ibid

Accessibility remains one of the most persistent and insufficiently addressed structural barriers. Although legislation requires accessible environments, people with disabilities continue to face obstacles in:

- **physical access** – many public buildings and infrastructures remain partially or completely inaccessible, including schools, hospitals, municipal services, courts and transport systems;
- **information and communication** – lack of easy-to-read formats, accessible digital content, sign-language interpretation and alternative communication tools;
- **administrative processes** – requirements for physical presence, inaccessible documentation, or lack of reasonable accommodation;
- **digital accessibility** – public websites and e-services often fail to meet Web Accessibility Directive standards.

These barriers systematically exclude people from education, employment, healthcare, justice and community life, producing a discriminatory effect disguised as procedural neutrality.

Disability-related discrimination and administrative barriers

In addition to physical and communicative barriers, persons with disabilities frequently encounter discriminatory attitudes and institutional practices that undermine autonomy and equality. These include:

- restrictive administrative procedures;
- insufficient personal assistance or supported decision-making;
- lack of accessible communication;
- selective application of rules;
- lack of involvement of representative organisations in decision-making.

Implications for the use of EU funds, and Required Safeguards

Because the risks described above manifest not as isolated practices but as systemic patterns that obstruct independent living, accessibility and equality, the following safeguards set out how EU funds must be planned, selected and implemented to support sustainable community-based solutions and prevent institutional, discriminatory and inaccessible models. They translate the legal obligations outlined in Chapter 2 into concrete requirements that managing authorities and beneficiaries must apply throughout the 2028–2034 programming period.

Preventing Institutionalisation and Transinstitutionalisation

- Do not finance any infrastructure or services that create, expand or maintain institutional or institutional-like settings.
- Apply DI risk assessments to all relevant operations to ensure compliance with the transition to community-based support.
- Prioritise individualised, flexible and community-based models, such as personal assistance, supported decision-making, mobile teams and community mental-health services.

Ensuring Accessibility and Universal Design

- Require full physical accessibility of all EU-funded buildings, infrastructure and transport.
- Ensure digital accessibility of websites, online tools and communication materials in line with EU standards.
- Guarantee accessible administrative processes, including forms, communication, and reasonable accommodation.
- Integrate universal design principles at the earliest planning stage.

Inclusive Service Design

- Ensure that social, educational, health and administrative services are designed to support inclusion rather than parallel structures.
- Avoid specialised services that isolate people with disabilities from mainstream systems unless strictly temporary and linked to inclusion pathways.

Participation of Persons with Disabilities

- Ensure meaningful participation of organisations of persons with disabilities at all stages of the programme cycle.
- Include experts by experience in consultations, Monitoring Committees, project planning and oversight.

Monitoring and Accountability

- Track indicators on accessibility, autonomy, community inclusion and progress toward closing institutional settings.
- Use early-warning mechanisms for detecting institutional risks or inaccessible environments.
- Implement corrective measures, including redesign, suspension of funding or mandatory compliance plans, where risks are identified.

Conclusion

EU-funded measures must support the transition to independent living, full accessibility and community inclusion. Applying the safeguards above ensures that investments do not perpetuate institutional models or inaccessible environments, and that people with disabilities can fully exercise their rights within mainstream systems.

3.3 Refugees and Migrants: Systemic Deficiencies: Structural Risks and Required Safeguards

Systemic deficiencies in Bulgaria's asylum and migration system continue to generate serious risks for the protection of fundamental rights. Evidence from the FURI research, independent monitoring bodies and international organisations indicates persistent problems across access to territory and asylum procedures, reception conditions, deprivation of liberty and integration support. These problems reflect structural weaknesses rather than isolated incidents, and if not explicitly addressed, EU-funded measures risk reinforcing models and practices that are inconsistent with the CEAS acquis and fundamental-rights guarantees.¹⁶

Access to territory and asylum procedures

Multiple monitoring cycles have documented concerns regarding access to the asylum procedure, including alleged pushbacks at the EU external border, summary returns without individual assessment, the use of violence, and failure to identify and register vulnerable individuals. Such practices undermine the right to asylum under Article 18 of the EU Charter, procedural guarantees under the Asylum Procedures Directive, and the principle of non-refoulement under the ECHR and the Refugee Convention.

Even where access is granted, applicants often face inconsistent interpretation services, delays, insufficient legal assistance, and inadequate identification of unaccompanied children or persons with specific needs. These gaps impede effective access to protection and compromise the fairness of the procedure.

Reception conditions

Reports indicate that reception centres frequently suffer from overcrowding, poor hygiene, insufficient staffing, limited access to healthcare, and lack of specialised support for vulnerable groups. In some facilities, restricted movement, locked areas and continuous surveillance create environments that resemble de facto detention. Mental-health support

¹⁶ See more in the report "Violations of fundamental rights in the management of EU funds in Bulgaria", issued by Network of Independent Experts-NIE, available in Bulgarian and English here: <https://nie.expert/furi/>

is largely absent, and access to healthcare remains uneven, sometimes requiring out-of-pocket payments.

Such conditions conflict with the Reception Conditions Directive, which obliges Member States to ensure dignified material conditions, freedom of movement, access to healthcare, identification of vulnerable persons and non-restrictive reception models.

Detention and deprivation of liberty

Migrants and asylum seekers are often placed in closed or semi-closed facilities without adequate justification or individual assessment. Detention-like environments and prolonged restrictions of movement risk violating the Return Directive, the Charter (Arts. 4, 6) and ECHR jurisprudence on deprivation of liberty. Inadequate safeguards, lack of alternatives to detention and limited access to legal assistance aggravate these risks.

Integration and access to services

Recognised refugees and beneficiaries of humanitarian protection face major obstacles in accessing housing, employment, education, language training and municipal services. Administrative barriers, discrimination and lack of coherent integration policies result in exclusion from mainstream systems and increased vulnerability. These challenges undermine the objectives of the Qualification Directive and contradict the principle of equal treatment.

Implications for the use of EU funds, and Required Safeguards

Because the risks identified in the areas of asylum access, reception conditions, detention and integration stem from persistent systemic patterns that may lead to violations of fundamental rights, the following safeguards set out how EU funds must be planned, selected and implemented to prevent such practices and to support effective and fair access to protection. They translate the legal obligations outlined in Chapter 2 into practical requirements for the 2028–2034 programming period.

Safeguards for Access to the Asylum Procedure

- Ensure EU-funded actions do not support practices obstructing access to asylum, including pushbacks, summary returns or deterrence-based models.
- Guarantee prompt registration, identification and referral of applicants, including vulnerable persons and unaccompanied children.
- Ensure access to interpretation, legal assistance and information in accessible formats.
- Support child-sensitive and gender-sensitive procedures.

Safeguards for Reception Conditions

- Ensure dignified accommodation consistent with the Reception Conditions Directive.
- Guarantee freedom of movement and avoid detention-like models.
- Provide adequate sanitation, privacy, ventilation, heating, hygiene and access to healthcare, including mental-health support.
- Identify vulnerable persons and ensure specialised support.
- Ensure immediate access to education for children.

Alternatives to Detention

- Prioritise community-based, non-coercive alternatives to detention.
- Use case-management approaches and community supervision.
- Ensure access to housing and services in the community.
- Avoid EU funding for restrictive facilities without individualised assessment and safeguards.

Integration and Equal Access to Services

- Ensure access to mainstream housing, employment, healthcare, education and language learning.
- Remove administrative barriers affecting beneficiaries of protection disproportionately.
- Avoid parallel or segregated service models.
- Use targeted support only when necessary and linked to mainstream inclusion.

Child Protection Safeguards

- Ensure best-interest assessments for all children.
- Guarantee child-friendly, trauma-informed procedures and specialised support.
- Provide effective guardianship for unaccompanied minors.
- Prioritise family-based and community-based care.
- Ensure immediate access to education.

Monitoring and Accountability

- Track indicators on access to asylum, reception conditions, treatment of vulnerable groups, use of detention and integration outcomes.
- Enable independent monitoring by NGOs, equality bodies and human-rights institutions.
- Ensure corrective action mechanisms, including suspension of funding where risks arise.

Coordination with National and EU Reforms

- Ensure alignment with CEAS reforms, national migration legislation, border governance policies and integration strategies.
- Support long-term compliance rather than temporary or restrictive models.

Conclusion

These safeguards ensure that EU-funded interventions strengthen fair procedures, dignified reception conditions, alternatives to detention and community-based integration, while preventing investments that could contribute to rights violations.

3.4 Cross-cutting Discriminatory Patterns and related Safeguards

Discriminatory attitudes and institutional cultures continue to shape outcomes for multiple groups in Bulgaria, including Roma communities, persons with disabilities, women, migrants, LGBTIQ+ individuals and children in vulnerable situations. These patterns are not isolated or sector-specific; they operate across institutions and influence administrative behaviour, professional decisions, policy implementation and resource distribution. As a result, they form a structural barrier to equality and inclusion, directly affecting the rights-compliant use of EU funds.

Institutional normalisation of unequal treatment

Practices that would be unacceptable if applied to the general population — such as segregated services, restrictive residential models, or limited access to mainstream education — are often tolerated when applied to groups perceived as “different.” This creates a two-tier system in which fundamental-rights guarantees are applied unevenly.

Stereotypes shaping administrative decisions

Institutional decision-making is frequently influenced by stereotypes such as: “Roma families do not benefit from mainstream schooling”; “people with disabilities cannot live independently or make decisions”; “migrants pose inherent security risks”; “children from poor families require specialised rather than mainstream settings.”

These assumptions distort professional judgement, justify segregated or restrictive practices, and undermine equal access to rights and services.

Resistance to inclusive reforms

Efforts to introduce inclusive, community-based or rights-based models often face institutional resistance. Professionals may perceive inclusion as impractical, burdensome or incompatible with existing routines, leading to the preservation of outdated practices and reluctance to change service structures.

Administrative bias and selective enforcement

Rules and procedures are frequently applied more strictly to certain groups — such as Roma communities, migrants or people without stable residence — while more flexible interpretations are applied to the general population. This selective enforcement reinforces inequality and creates discriminatory access to services, benefits and opportunities.

Lack of participation and voice

Groups affected by discrimination often have limited influence in decision-making processes. Without institutional mechanisms for meaningful participation, programmes risk replicating existing biases rather than addressing them. The absence of affected communities from consultation, planning and monitoring weakens accountability and reduces the relevance and legitimacy of EU-funded measures.

Implications for the use of EU funds, and Required Safeguards

Because the discriminatory practices identified above stem not from isolated incidents but from systemic institutional patterns that shape decision-making, governance and service delivery across sectors, the following safeguards set out how EU funds must be planned, selected and implemented to prevent the reproduction of these patterns. They translate the legal obligations outlined in Chapter 2 into practical requirements for the 2028–2034 programming period, ensuring equality and non-discrimination throughout the programme cycle.

Anti-discrimination Safeguards Across All Measures

- Integrate anti-discrimination requirements during programme design, implementation and monitoring.
- Address direct, indirect and systemic discrimination through clear procedures, criteria and review mechanisms.
- Ensure eligibility rules, territorial targeting and administrative procedures do not produce unequal outcomes.

Training and Capacity Building

- Provide regular training on equality, bias, accessibility and human-rights obligations to staff across sectors.
- Ensure training is practical, recurring and aligned with programme updates.

Participation and Voice of Affected Communities

- Create structured mechanisms for participation of affected groups in programme planning and oversight.
- Ensure representation of Roma organisations, OPDs, refugee-led groups, women’s organisations and children’s bodies in Monitoring Committees.

- Translate participation into concrete adjustments in programme design and selection criteria.

Monitoring and Indicators on Equal Treatment

- Include indicators on discriminatory outcomes, equal access to services and reduction of unequal treatment.
- Review potential discriminatory effects during both selection of operations and implementation.
- Use early-warning mechanisms to identify patterns of administrative bias or exclusion.

Accessible and Effective Complaint Mechanisms

- Ensure complaint mechanisms are easy to access, confidential and free of retaliation risks.
- Link mechanisms to equality bodies and ensure corrective action when discrimination is identified.

Addressing Institutional Culture

- Encourage reforms that dismantle discriminatory institutional norms and promote inclusive, community-based practices.
- Review internal rules and procedures that disproportionately burden or exclude specific groups.

Conclusion

Addressing discriminatory institutional cultures is essential to ensuring that EU-funded measures strengthen equality, inclusion and rights-based systems. Applying these safeguards helps prevent unequal treatment and ensures compliance with fundamental-rights obligations across all levels of governance.

3.5 Synthesis: Key Programming Principles

The analysis of national risks presented in this chapter shows that segregation, institutionalisation, discrimination, accessibility barriers and governance weaknesses are deeply interconnected and mutually reinforcing. To ensure that the 2028–2034 programming period fully complies with fundamental-rights obligations and avoids repeating structural mistakes from previous cycles, EU-funded interventions must be guided by a set of core programming principles. These principles apply horizontally across all sectors, funds and levels of governance.

1. Do no harm to fundamental rights

EU-funded measures must not create, reinforce or legitimise segregation, institutionalisation, discriminatory models or inaccessible environments. Projects involving restrictive residential settings, segregated service systems or practices incompatible with the CEAS acquis must not be financed. A rights-impact assessment is required for all interventions where there is a risk of harming fundamental rights.

2. Prioritise inclusion in mainstream systems

Investments should strengthen access to mainstream education, housing, health, transport, social services and employment, rather than creating parallel structures targeted at specific groups. Programmes must support integrated, community-based and non-discriminatory models that enhance autonomy and participation.

3. Prevent institutional and administrative discrimination

Programmes should incorporate safeguards, training and accountability mechanisms that address discriminatory attitudes and administrative practices. Territorial targeting, eligibility rules or design choices that lead to unequal treatment must be identified and corrected.

4. Ensure structural accessibility

Accessibility must be embedded in every phase of programming — planning, design, implementation, monitoring and outcomes. Lack of accessibility constitutes discrimination under EU and international law. All EU-funded infrastructure, services and digital tools must comply with accessibility standards and universal design principles.

5. Strengthen governance and accountability systems

Effective programming requires coordinated national policies, clear institutional responsibilities, reliable disaggregated data, and transparent mechanisms for monitoring compliance with fundamental rights. Complaint mechanisms must be accessible and capable of triggering corrective action. Monitoring Committees should ensure meaningful participation of equality bodies and civil-society organisations.

6. Support municipalities as key actors

Municipalities play a central role in housing, education, social services, territorial planning and community inclusion. Programmes must strengthen municipal capacity, provide rights-based guidance, and address territorial disparities that produce unequal access to rights and services.

7. Ensure meaningful participation

Roma organisations, organisations of persons with disabilities, refugee-led groups, children’s rights organisations and other affected communities must be involved throughout the programme cycle, in line with the CPR. Their participation enhances relevance, legitimacy and compliance with fundamental-rights obligations.

8. Promote evidence-based and outcome-oriented interventions

Investments should prioritise interventions that demonstrate measurable improvements in equality, inclusion, independent living, accessibility, and respect for human dignity. Programmes must be informed by evidence from the FURI research and other reliable sources.

9. Integrate human-rights expertise across all stages

Administrative and technical capacity must be supported by human-rights expertise to ensure that programmes and operations comply with the Charter, the CRPD, the Race Equality Directive and other binding standards. This includes expert input in project selection, monitoring and evaluation.

Conclusion

Embedding these principles into the 2028–2034 programming period will help ensure that EU funds strengthen mainstream systems, dismantle structural barriers and advance equality and community inclusion. When consistently applied, they transform EU investments into a strategic instrument for promoting rights, autonomy and dignity for all people in Bulgaria.

3.6 Applying Safeguards in Programming stages

Safeguards must be embedded systematically throughout the programme cycle to ensure that EU-funded interventions comply with fundamental-rights obligations. This section outlines how safeguards apply at each stage: programming, selection of operations, implementation, monitoring and corrective action.

1. Programming stage (planning and design of programmes)

Managing authorities must integrate cross-cutting and thematic safeguards during the development of programme priorities, specific objectives, intervention logic and budget allocations. This requires:

- **rights-impact assessments** informing each priority area, identifying risks of segregation, institutionalisation, discrimination, inaccessibility or rights violations in asylum and migration;

- **alignment with legal obligations** under the CPR, the Charter, the CRPD, the Race Equality Directive, the CEAS acquis and national law;
- **use of disaggregated data** to identify structural inequalities and territorial disparities;
- **participation of affected communities** (Roma organisations, OPDs, refugee-led groups, children’s organisations) during programming consultations and Monitoring Committees;
- **definition of eligible and non-eligible activities** to exclude investments that risk harming fundamental rights;
- **integration of accessibility** as a structural requirement across all relevant interventions;
- **coordination with national reforms** in DI, education, disability, equality, migration, child protection and social services.

Programmes should explicitly state how safeguards will be operationalised in calls, selection criteria, monitoring arrangements and indicators.

2. Selection of operations

Safeguards must be applied through transparent, non-discriminatory selection procedures, ensuring that only rights-compliant operations are financed. This requires:

- **mandatory rights-impact assessments** for all operations with potential implications for segregation, institutionalisation, accessibility, discrimination or asylum rights;
- **selection criteria that explicitly reference fundamental-rights compliance**, including safe-guarding requirements for Roma inclusion, DI, accessibility and asylum;
- **exclusion of operations** that:
 - create or maintain institutional or segregated settings;
 - restrict access to asylum or produce *de facto* detention;
 - perpetuate discriminatory or parallel service models;
 - fail to meet accessibility requirements;
- **verification of accessibility** in design documents, architectural plans and digital tools before approval;
- **participation of civil-society organisations** and equality bodies in Monitoring Committees responsible for validating selection criteria;

- **documented justifications** for all decisions, demonstrating how risks were identified and addressed.

Projects with unresolved rights risks must not be selected.

3. Implementation stage

Safeguards must be actively enforced during implementation. Managing authorities and intermediate bodies must:

- require **compliance plans** detailing how beneficiaries will meet accessibility, non-discrimination, desegregation or DI requirements;
- verify **procurement documents**, architectural designs and service models for alignment with safeguards;
- require reasonable accommodation for participants with disabilities;
- ensure regular reporting on rights indicators;
- support municipalities, schools, social services and NGOs with training and technical guidance;
- maintain open channels for civil-society monitoring and community feedback.

4. Monitoring, evaluation and corrective action

Monitoring systems must track compliance with safeguards using clear indicators linked to rights outcomes. This includes:

- **disaggregated indicators** (e.g. disability, gender, age, migration status, and ethnicity where lawful);
- **early-warning mechanisms** for segregating effects, institutional risks, inaccessible environments or discriminatory practices;
- **site visits** including accessibility audits, observation of living conditions (reception centres, residential services), and verification of community inclusion outcomes;
- **mechanisms for complaints and whistleblowing** that allow timely identification of violations;
- **corrective action procedures**, including:
 - redesign of projects;

- pause or suspension of funding;
- referral to equality bodies or oversight institutions;
- mandatory corrective plans for beneficiaries.

Evaluations must assess whether EU-funded interventions have reduced or perpetuated structural inequalities.

5. Documentation and transparency

Safeguards must be supported by strong documentation practices:

- publication of criteria, assessments and monitoring reports;
- public access to decisions of Monitoring Committees;
- transparent communication of corrective actions;
- summary reports on rights compliance at programme and priority level.

Transparency strengthens accountability and enables civil society to monitor compliance.

In conclusion

Applying safeguards throughout the programme cycle ensures that EU-funded actions are aligned with fundamental-rights standards and prevent investments that could reinforce segregation, institutionalisation, discrimination, inaccessible environments or violations of asylum rights. When consistently implemented, safeguards transform EU funds into a strategic instrument for building inclusive, community-based and rights-compliant systems across Bulgaria.

4. Final Remarks and Forward Outlook

This final section brings together the core messages of the Guidance and outlines the key steps needed to ensure that EU funds in Bulgaria support equality, inclusion and fundamental-rights compliance throughout the 2028–2034 programming period.

The analysis in this Guidance demonstrates that long-standing structural risks — segregation, institutionalisation, discrimination, accessibility barriers and weaknesses in governance — continue to influence outcomes across multiple sectors. EU and international law require Member States to prevent these risks and to ensure that publicly funded measures strengthen, rather than undermine, fundamental rights.

To support this objective, the Guidance sets out a framework of cross-cutting and thematic safeguards that must guide programming, project selection, implementation and monitoring. Applying these safeguards consistently will help managing authorities, local authorities and beneficiaries design and deliver interventions that are aligned with the EU Charter, the CRPD, the Race Equality Directive and the CEAS acquis.

Civil-society organisations, equality bodies and community representatives play a critical role in monitoring compliance, contributing expertise and ensuring accountability. Their participation throughout the programme cycle is essential for preventing rights violations and identifying early signs of segregating, institutionalising or discriminatory practices.

Looking ahead to the 2028–2034 period, Bulgaria has the opportunity to use EU funds as a driver of systemic change — to advance community-based services, inclusive education, accessible environments, fair asylum procedures and equal treatment. Achieving this requires coordinated action, transparent decision-making and a clear commitment to fundamental-rights obligations at all levels of governance.