

REVIEW REPORT

by Nadezhda Getsova Yonkova, PhD Associate Professor, Institute for the State and the Law - BAS,

Member of the Scientific Jury appointed by Order № P33-5714 / 26.11.2020 . of the Rector of PU " Paisii Hilendarski "

on PhD Thesis for the acquisition of the educational and scientific degree of " Doctor "

professional field : 3.6. Right

doctoral program: Administrative law and administrative process

author: ILIYANA ILIEVA MITEVA - PhD student , at the Plovdiv University "Paisii Hilendarski

topic: ADMINISTRATIVE-LEGAL REGIME REGARDING PEOPLE WITH DISABILITIES IN BULGARIAN LAW

supervisor: Prof. Darina Zinovieva, PhD

1. General description of the documents presented

By Order № P33-5714 / 26.11.2020, I have been appointed as Member of the scientific jury participating in the public defense procedure of the PhD thesis of **Iliyana Ilieva Miteva** titled " Administrative-legal arrangements for people with disabilities in Bulgarian law" . Presented by PhD candidate set of materials on paper and electronically in full compliance with the requirements of bring forth, and DASRB, Art. 36 (1) of the Rules of Development of the Academic Staff of PU, includes the following documents: an application to the Rector of PU to initiate a procedure; CV in European format; minutes of the preliminary discussion in the department; abstract; declaration of originality and authenticity of attached documents ; reference for compliance with the minimum national requirements; list of publications; PhD Thesis; copies of the publications on the topic of the dissertation; document for paid fee, according to the Tariff; set of documents on paper from I. I to I. 10-3 pieces; set of documents from items 1, 2, 3, 4, 6, 7, 8 (possible indication of other documents from items 5 and 9 on electronic media) - 7 pieces.

2. Brief biographical data on the PhD student

PhD student Iliyana Miteva graduated with honors (5.67) Faculty of Law of Plovdiv University „Paisii Hilendarski“, majoring in Law in 2016 and is a freelance PhD student at the FL in PU „Paisii Hilendarski“. In the period 2016-2017 she worked as a Junior Legal Adviser in the Municipality of Chirpan, and from November 2017 until now she works as a Legal Adviser in a company. She speaks English and is computer literate. As can be seen from the presented publications, PhD student Iliyana Miteva has a lasting scientific interest in the problems of people with disabilities and the legal regulation of the protection of their rights.

3. Relevance of the topic and adequacy of the posited goals and objectives

The topic of the PhD Thesis is extremely relevant, not because it is new, but because it has long been silenced or "swept under the rug." People with disabilities have been and will be, and they, as citizens, have the same rights and obligations as people without disabilities, but their problems have not been the focus of research or have been at the heart of equality policies. It is only in recent years, for example, that our society has begun to realize that the inaccessible architectural environment is discrimination, and this is just one example of the way in which people with disabilities are tacitly, consciously or not discriminated against.

As Iliyana Miteva herself notes, the relevance of the topic is due to the fact that people and in particular those with disabilities are holders of legal rights and obligations from the day of their birth to the end of their lives and are accordingly authorized to exercise them after the occurrence of certain prerequisites, which by their nature are of biological, physical, mental and volitional nature. From the point of view of the legal order, people with disabilities are subjects of law and as an essential part of modern society, which has more specific needs than other individuals, they need greater protection of their rights and legitimate interests.

4. Knowledge of the problem

The PhD student knows in depth the researched issues, having researched by a limited number of scientists in Bulgaria, which is why the topic is dissertable. The PhD student has conscientiously researched and correctly reflected the works of other scientists related to the research topic such as: "Legal regime regarding persons with mental disabilities" by Professor Darina Zinovieva and Associate Professor Nina Gevrenova; "Special protection of employees with reduced working capacity" from 2013 by Associate Professor Nina Gevrenova; "Obligations of the company under the Law on People with Disabilities" by Teodora Dicheva. All this is a confirmation that the PhD student knows the problems of his research in depth.

5. Research methodology

For her research purposes, PhD student Miteva has used methods such as historical, normative, formal-logical, systemic and comparative-legal, and in each chapter legal-historical and comparative-legal analysis has been used. The chosen research methodology has allowed the PhD student to achieve the set goals and to receive an adequate answer to the tasks solved in the thesis.

6. Description and evaluation of the PhD Thesis

Presented PhD Thesis en labor is dedicated to particularly topical issue, which has only scientific and practical significance. The work is 288 pages long and is structured in 11 chapters , 87 literature sources are indicated , 4 of which are in English.

The first chapter titled "Administrative-legal regime for people with disabilities in Bulgarian law" examines some general provisions and clarifies the basic concepts related to the administrative-legal regime of people with disabilities.

In the Second Chapter, PhD candidate also provides a historical overview of the administrative regulation in the field of disability at the national and global level.

The third chapter is dedicated to the bodies of management, control and cooperation in the field of disabilities in the Bulgarian law. The bodies are considered both in legal-historical aspect and from the point of view of the functions they perform. Special attention, quite reasonably, is paid to the status and powers of the Agency for People with Disabilities, Monitoring Council and the National Council for People with Disabilities.

The fourth chapter goes into the depth of the studied issues and examines the administrative regulation in assessing the type and degree of disability. The medical expertise and the administrative-legal regime of the individual needs assessment are considered here.

Chapter 5 is titled "Administrative Regulation of Healthcare and Rehabilitation in the Field of Disabilities" and in it the author examines the legal regulation of healthcare in the field of disability, paying special attention to some particularly vulnerable groups such as women with disabilities and their access to health care. Here the author makes an interdisciplinary analysis, considering not only the legal aspects, but also a specific empiricism. In this chapter a legal-historical analysis of the Bulgarian law related to rehabilitation and prevention in the field of disabilities is made.

The next sixth chapter deals with the administrative regulation of the education and vocational training of people with disabilities.

Chapter 7 deals with the public law aspects of employment opportunities for people with disabilities.

The eighth chapter is entitled " Administrative regulation of access - accessible environment and reasonable facilities, accessible information, personal mobility in the field of disabilities. Access to justice and legal protection for people with disabilities . " The author has examined the national legal framework in the light of the Convention on the Rights of Persons with Disabilities, examining the theory and empiricism.

The ninth chapter examines a very sensitive topic in Bulgarian society - the administrative aspects of the criteria for national representation of organizations of and for people with disabilities, as well as funding in the field of disability.

The search for administrative, criminal and civil liability related to the rights of persons with disabilities in the Bulgarian legislation is examined in Chapter Ten.

The last eleventh chapter is devoted to the rights of people with disabilities in the European Union. The development of the European policy towards people with disabilities, the European Framework for the UN Convention on the Rights of Persons with Disabilities, the Fundamental Rights of People with Disabilities in the European Union, as well as the harmonization of Bulgarian law with European Union law in the field of disabilities.

In the conclusion of the PhD Thesis there is a contribution in the conclusions made, as well as in the formulated proposals *de lege ferenda*.

7. Contribution and significance of the thesis to science and practice

It is obvious that the PhD Thesis is deeply intrigued by the protection of the rights of people with disabilities and has made efforts to cover the topic as broadly and in detail as possible. It would not be an exaggeration to assess labor as the widest possible study of the legal framework related to people with disabilities, but at the same time with the institutions responsible for protecting their rights. The presented PhD Thesis contains significant scientific and applied research results and original scientific contributions. There is a combination of theory, regulations and empirical material and the application of complex interdisciplinary analysis in order to clarify the research topic. An in-depth analysis has been made of the national legal framework, in historical and evolutionary order, as well as in the context of the European and international legal framework. The issues have been studied in depth and breadth.

In the PhD Thesis can be found many contributing moments, and we can highlight the following more significant of them:

First of all, the systematization and analysis of national case law on disability , as well as the case law of foreign courts , should be mentioned;

Secondly, the legal status of the Agency for People with Disabilities, Monitoring Council and the National Council for People with Disabilities is, for the first time, the focus of research work with such a focus;

Next, some of the formulations de lege ferenda can certainly be considered acceptable and significant, for example, the proposed definition of 'administrative regulation in the field of disability'.

It is completely reasonable that the proposal de lege ferenda of the Bulgarian legislator to amend the provision of Art. 86a (2) of the Public Health Act, which refers to the Public Council for Patients' Rights under the Minister of Health in the part concerning the change of the name from the National Council for Integration of People with Disabilities (before) to the National Council for People with Disabilities (now).

The proposal to create an ombudsman with powers only on issues related to the rights of people with disabilities deserves to be discussed not only scientifically but also in practice.

Both the proposal in the field of labor law and the proposal de lege ferenda , which makes the dissertation to consider the creation of a special law on employment, should be singled out as a contribution point that would be useful and should be discussed in practice. of people with disabilities following the example of countries such as Luxembourg, Netherlands, Austria and Croatia .

8. Evaluation of the publications on the subject of the PhD Thesis

PhD student Miteva has eight publications on the topic of the dissertation, mainly articles as follows:

1. Access to medical services for people with disabilities in Bulgaria - legal aspects and practical problems, Norma, 2016, № 9, pp. 52-62, ISSN 1314-5118;
2. Legal and ethical problems in the application of the regulation of genetic research in Bulgaria, Norma, 2017, № 2, pp. 62-80, ISSN 1314-5118;
3. The right to work of people with disabilities in the Bulgarian legislation. Agency for People with Disabilities - Status and Powers , Norma, 2017, № 9, pp. 43-57, ISSN 1314-51626;
4. Legal regime of the specialized enterprises and cooperatives of people with disabilities in the Bulgarian legislation , Society and Law, 2018, № 9, pp. 59-77, ISSN 0204-84-24;
5. Governing bodies in the field of disabilities in the legislation of the Republic of Bulgaria , Studia Iuris, 2018, № 2, pp. 81-98, ISSN 2367-5314;
6. Accessible environment for people with disabilities - legal aspects and practical problem and, Society and Law, 2019, № 3, pp. 42-62, ISSN 0204-84-23;
7. Administrative and legal regime of financing and control in the field of disabilities in the Bulgarian legislation , Izvestia, 2019, № 2, pp. 127-140, ISSN (Online) 2367-6949, ISSN (Print) 1310-0343;

8. Bodies of the Executive Power in the Sphere of Disabilities in the Bulgarian Legislation , Sofia, Ciela, Collection (edited by Hristo Paunov) “Scientific Readings Dedicated to the 140th Anniversary of the Adoption of the Tarnovo Constitution'4, 2019, pp. 235-247, ISBN 978-954-28-3043-6.

As can be seen from the thematic content of the described publications, the dissertation thoroughly examines the problems of people with disabilities - from the inaccessible architectural environment as a form of discrimination against people with disabilities to the financial aspects of policies for people with disabilities. It should be borne in mind that each of the studied aspects is a suitable topic for independent dissertation work. The latter is a confirmation of Iliyana Miteva's serious and in-depth knowledge on the topic related to people with disabilities.

9. Personal contribution of the author

As can be seen from the presented work, we can assume with a high degree of probability that the dissertation has worked on all publications, incl. and on the dissertation independently. As can be seen from the formulated contributions and results obtained, I have reason to conclude that they are entirely authorial and are the personal merit of the PhD student.

10. PhD dissertation abstract

The abstract does not meet the requirements. It is extremely detailed and presents accurately and summarized the content of the dissertation, reflecting the main results and giving a clear idea of the contributions in it.

11. Critical remarks and recommendations

As with any creative effort, imperfections can be found in the present dissertation. In this sense, some critical remarks can be made to the PhD Thesis, mostly referring to some rather technical and editorial imperfections. The number of chapters is too large, each with a different volume and structure, which can probably find its explanation in the specifics of the topic and the desire of the PhD student to present in the content as many details as possible. Historical tons review is contained in many of the chapters, I believe that the work would only win by putting the legal and historical analysis in a separate chapter. Minor imperfections such as non-numbering of bibliographic sources should also be eliminated.

12. Personal impressions of the PhD student

I do not know PhD student Iliyana Miteva personally , my impressions of her are formed only by the presented publications, abstract and dissertation, from which I can conclude that he has indisputable qualities of a scientist .

13. Recommendations for future use of dissertation contributions and results

Given the usefulness of the presented research, both for theory and for practice, I recommend the paper, if it does not aim at it, to be partially printed . Also recommend to the results of the work appropriately be aware respective heads of state bodies involved in protecting the rights of people with disabilities.

Conclusion

Presented to protect dissertation contains research results, presenting original contributions in science and meet the requirements of the development of academic staff in the Republic of Bulgaria, Rules for Implementation of DASRBA and relevant Rules of PU „Paisii Hilendarski“. The presented materials and dissertation results fully comply with the specific requirements of the Faculty of Law of the Plovdiv University "Paisii Hilendarski" .

The dissertation shows that PhD student Iliyana Miteva has in-depth theoretical knowledge and professional skills in the scientific specialty Administrative Law and Administrative Process by demonstrating qualities and skills for independent research.

In view of the above and on the grounds of Art. 10 (1) DASRBA confidently give its *positive assessment* of the survey submitted by refereed above dissertation, abstract, results and contributions and offers of the respected scientific jury to award educational and scientific degree "doctor" of **Iliana Ilieva Miteva** in area higher education : Social, economic and legal sciences, professional field 3.6. Law , doctoral program "Administrative Law and Administrative Procedure".

11/02/2020

Reviewer:

/ Assoc. Dr. Nadezhda Yonkova /