

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Bulgaria

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1 Measures taken by government/public authorities impacting on specific freedoms

1.1 Emergency laws/states of emergency

In **Bulgaria**, the government extended the duration of the emergency epidemic situation (*извънредна епидемична обстановка*) until 30 November 2020. The emergency epidemic situation was initially introduced for a period of one month (from 14 May to 14 June 2020) and was subsequently extended several times. During the emergency epidemic situation the Minister of Health is authorised to introduce temporary anti-epidemic measures on the whole territory of the country, upon proposal of the Chief State Health Inspector. The temporary measures can include entry restrictions for travelers coming from countries with high incidence and transmission rates of COVID-19 (mandatory quarantine or presentation of negative PCR test result) and general anti-epidemic measures, such as physical distancing, disinfection and mandatory use of face masks at indoor public places.¹

In **Bulgaria**, during the emergency epidemic situation, the main anti-epidemic rules and restrictions were laid down in a package of orders issued by the Minister of Health, which were regularly updated or replaced with new ones. As of the end of October, the package included four main order: on anti-epidemic measures,² on hospital treatment, home treatment and quarantine,³ on hygiene, disinfection and work with customers,⁴ and on travel bans.⁵ As of the end of October 2020, there had been no judicial complaints in relation to the anti-epidemic rules and restrictions.

In **Bulgaria**, the parliament amended the special law governing the measures related to the state of emergency and its consequences. The amendment affected only the period of application of the special rules related to the management of the European Structural and Investment Funds (ESIF) in Bulgaria. These special rules were introduced to simplify the procedures for awarding and amending grant agreements during the COVID-19 outbreak and were initially applied only during the state of emergency and two months after its end. With the amendment, this period was extended to cover

¹ Bulgaria, Council of Ministers (*Министерски съвет*), Decision No 673 of 25 September 2020 for extending the duration of the emergency epidemic situation introduced by Decision No 325 of 14 May 2020 of the Council of Ministers and extended by Decision No 378 of 12 June 2020, No 418 of 25 June 2020, No 482 of 15 July 2020, No 525 of 30 July 2020 and No 609 of 28 August 2020 of the Council of Ministers ([Решение № 673 от 25 септември 2020 г. за удължаване срока на обявената с Решение № 325 на Министерския съвет от 14 май 2020 г. извънредна епидемична обстановка, удължена с Решение № 378 на Министерския съвет от 12 юни 2020 г., Решение № 418 на Министерския съвет от 25 юни 2020 г., Решение № 482 на Министерския съвет от 15 юли 2020 г., Решение № 525 на Министерския съвет от 30 юли 2020 г. и Решение № 609 на Министерския съвет от 28 август 2020 г.](#)), 25 September 2020.

² Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

³ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-610 on the persons subject to hospital treatment, home treatment and quarantine ([Заповед № РД-01-610 за лица, подлежащи на болнично лечение, домашно лечение и карантина](#)), 22 October 2020.

⁴ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-609 on the introduction of anti-epidemic measures - rules for hygiene and disinfection, measures when working with clients, wearing masks, etc. ([Заповед № РД-01-609 за въвеждане на противоепидемични мерки на територията на Република България – правила за хигиена и дезинфекция, мерки при работа с клиенти, носене на маски и др.](#)), 21 October 2020.

⁵ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-547 for temporary ban on entry into the territory of the Republic of Bulgaria and determination of the persons who are placed under quarantine upon entry on the territory of the country ([Заповед № РД-01-547 за временна забрана за влизане на територията на Република България и определяне на лицата, които се поставят под карантина при влизане на територията на страната](#)), 30 September 2020.

also the emergency epidemic situation and nine more months after its end.⁶ The amendment was criticised by the parliamentary opposition for being concealed among other legislative changes, which were not related to the pandemic, and for creating prerequisites for misappropriation of EU funds.⁷

1.2 Freedom of assembly

In **Bulgaria**, the imposed restrictions affecting the right of assembly were revised multiple times during the reporting period.⁸ The Minister of Health introduced specific rules for the different types of gatherings of both public and private nature, taking place at outdoor and indoor venues. Until 29 October 2020, the restrictions were relatively lenient and consisted primarily of general rules requiring physical distancing of one and a half meter and mandatory use of face masks at public places. The latest set of rules, in force since 29 October 2020, introduced more serious restrictions. All extracurricular educational activities (including those taking place in educational and language centers) as well as all excursions and group visits of touristic sites were suspended. Congress-conference events, seminars, exhibitions and other public events in person were limited to a maximum of 30 participants. Cultural and entertainment events (e.g. theaters, cinemas, concerts and other performances) taking place indoors were restricted to a maximum of 30 % occupancy rate of the venue. All entertaining activities available at night (e.g. night clubs, bars) were suspended and audience was no longer allowed at sports activities of training and competitive nature, taking place both indoors and outdoors (until 29 October 2020 audience was limited to 50 % of the capacity of the venue outdoors and to 1,000 persons per sector indoors).⁹ As of the end of October 2020, there had been no judicial complaints in relation to the restrictions on public gatherings and the freedom of assembly.

In **Bulgaria**, apart from the general anti-epidemic measures described above,¹⁰ no other restrictions of the freedom of assembly were imposed. Public demonstrations were not restricted and took place on a regular basis, including anti-government protests organised every day since 9 July 2020.¹¹ There is no information about differential treatment of different types of gatherings by different groups either.

⁶ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 and Overcoming the Consequences Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците](#)), 9 April 2020.

⁷ Iliev, L. (2020), 'GERB changed the law on the state of emergency without explanation' (['ГЕРБ промени закона за извънредното положение без обяснения'](#)), *Sega Daily*, 14 October 2020.

⁸ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-572 on the introduction of anti-epidemic measures ([Заповед № РД-01-572 за въвеждане на противоепидемични мерки на територията на Република България](#)), 7 October 2020; Order No РД-01-603 on the introduction of anti-epidemic measures ([Заповед № РД-01-603 за въвеждане на противоепидемични мерки на територията на Република България](#)), 13 October 2020; Order No РД-01-611 on the introduction of anti-epidemic measures ([Заповед № РД-01-611 за въвеждане на противоепидемични мерки на територията на Република България](#)), 22 October 2020; Order No РД-01-619 on the introduction of anti-epidemic measures ([Заповед № РД-01-619 за въвеждане на противоепидемични мерки на територията на Република България](#)), 23 October 2020; Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

⁹ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

¹⁰ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

¹¹ For more information on public demonstration in Bulgaria during the reporting period, see the daily coverage of protests on the website of [Dnevnik Daily](#).

1.3 Freedom of movement

In **Bulgaria**, during the reporting period, no general measures restricting the free movement within the territory of the country were imposed. Free movement restrictions applied only to persons placed under mandatory isolation or quarantine. According to the latest rules, in force since 29 October 2020, all persons who had tested positive for COVID-19, but were not hospitalised, were subject to mandatory home isolation for a period of 14 days. All close contacts of persons who had tested positive (as defined in an order issued by the Minister of Health) and all persons arriving from certain countries (also determined in an order issued by the Minister of Health) were subject to mandatory quarantine for a period of ten days.¹² In some cases, mandatory quarantine and isolation were successfully challenged before the court by the affected persons and repealed, most often because, according to the court, the competent authority had failed to collect and present sufficient evidence that the quarantined person had been in close contact with an infected person.¹³

In **Bulgaria**, a number of restrictions continued to apply concerning international travel. The latest set of rules, adopted on 30 September 2020 and valid since 1 October 2020, introduced both a general entry ban for all third-country nationals and a list of exceptions. The exceptions were grouped in two categories: country of origin (citizenship, residence permit) and specific characteristics (occupation, purpose of travel). In terms of country of origin, the entry ban did not apply to citizens of EU Member States, the United Kingdom, countries from the Schengen Area and 23 other countries, persons with a valid residence permit issued in Bulgaria, another EU Member State, the United Kingdom or a country from the Schengen Area, their family members and their non-marital partners. In terms of special characteristics, the list of exceptions included, among others, medical staff, transport personnel, foreign officials, diplomats, persons travelling for humanitarian reasons, seasonal farm workers, frontier workers, persons travelling for educational reasons, organisers of and participants in international sports or cultural events as well as persons holding a valid visa type D for a long stay.¹⁴

In **Bulgaria**, persons arriving from abroad were required to provide a document showing a negative COVID-19 result from a PCR test performed within 72 hours prior to their arrival. The requirement did not apply to certain categories of persons, such as medical staff, foreign officials, frontier workers, persons traveling for humanitarian reasons, transport personnel and persons arriving from certain countries of departure (including all EU Member States, the United Kingdom and the Schengen Area countries). According to the rules, persons, who failed to provide the required document, were not allowed to enter the territory of Bulgaria unless they were Bulgarian citizens, persons with a valid residence permit issued in Bulgaria or members of their families, in which case they were placed under mandatory quarantine at their home or another place of their choice for a period of 14 days (with the

¹² Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-610 on the persons subject to hospital treatment, home treatment and quarantine ([Заповед № РД-01-610 за лица, подлежащи на болнично лечение, домашно лечение и карантина](#)), 22 October 2020.

¹³ For examples of decisions repealing mandatory quarantine and isolation, see a [decision](#) of Administrative Court – Nakovo (*Административен съд – Хасково*) and a [decision](#) of Administrative Court – Varna (*Административен съд – Варна*).

¹⁴ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-547 for temporary ban on entry into the territory of the Republic of Bulgaria and determination of the persons who are placed under quarantine upon entry on the territory of the country ([Заповед № РД-01-547 за временна забрана за влизане на територията на Република България и определяне на лицата, които се поставят под карантина при влизане на територията на страната](#)), 30 September 2020.

option of early release from quarantine upon provision of a negative PCR test result performed within 24 hours after entering the country).¹⁵

In **Bulgaria**, the failure to comply with mandatory isolation or quarantine is a criminal offence¹⁶ and a number of persons were prosecuted and convicted for such violations. In a public statement, the Minister of the Interior commented that in the period between March and October 2020 more than 3,100 pre-trial proceedings for quarantine-related violations were instituted. As of the end of October, the majority of these cases were still pending, but under those that were completed more than 500 persons were convicted (mostly to probation, suspended imprisonment and financial fines).¹⁷ Some media criticised the practice of prosecuting and convicting persons for not complying with mandatory quarantine arguing that in many cases the sanctions were too harsh and disproportionate to the gravity of the violation (including, in some cases, defendants under 18 years of age), that the lack of clean criminal record would decrease the chances of convicted persons to find a job, and that those sentenced to probation (who were mostly persons returning from abroad because of losing their job) would not be able to go back to work in the country they arrived from because this would qualify as violation of probation.¹⁸

2 Implications of Covid-19 and measures to contain it on specific social rights

2.1 Education

In **Bulgaria**, in September 2020, the parliament adopted amendments to the Pre-school and School Education Act (*Закон за предучилищното и училищното образование*) introducing special rules for the operation of schools during an emergency epidemic situation. According to the new rules, when an entire school is closed, the education of all students enrolled in day, evening, part-time, individual and combined forms of education and in a dual system of education,¹⁹ classes shall take place, as far as possible, from a distance in an electronic environment through the use of information and communication technologies. When a school is not closed, individual students may transfer to distance learning in an electronic environment for up to 30 school days, provided that the necessary technical and technological means are available, when due to health reasons, certified by a medical document, they are not able to go to school. The 30 school days limit does not apply if there is an emergency epidemic situation and the presence of the student in school endangers their life or health or the life or health of persons with whom the student lives at the same address. The amendments also envisaged that, when a certain school is not capable of delivering distance learning classes, they

¹⁵ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-547 for temporary ban on entry into the territory of the Republic of Bulgaria and determination of the persons who are placed under quarantine upon entry on the territory of the country ([Заповед № РД-01-547 за временна забрана за влизане на територията на Република България и определяне на лицата, които се поставят под карантина при влизане на територията на страната](#)), 30 September 2020.

¹⁶ Bulgaria, Criminal Code ([Наказателен кодекс](#)), 2 April 1968 (last amended 13 October 2020), Article 355.

¹⁷ Drumeva, I. (2020), 'More than 500 people have been convicted of violating quarantine since early March' (['Над 500 души са осъдени за нарушена карантина от началото на март'](#)), *Dnevnik Daily*, 30 October 2020.

¹⁸ Bosev, R. (2020), 'The martyrs of quarantine' (['Мъчениците на карантината'](#)), *Capital Weekly*, 14 August 2020.

¹⁹ The dual system of education (education through work) is a specific form of education, in which professional qualification is acquired through practical training in a real work environment and education in a school. It applies for students who have reached 16 years of age and is usually employed by specialised schools such as vocational high schools, art schools and sports schools.

could be provided by another school in the same region determined by the local education authorities.²⁰ Based on the new rules, in October 2020, the Minister of Education and Science issued an order laying down the rules and procedures for the transition of schools from in person to distance learning. According to the order, only schools in areas with a morbidity rate of more than 120 people per 100,000 population (red zones) or between 60 and 120 people per 100,000 (orange zone) could apply for transition to distance learning. When applying for transition to e-learning schools were recommended to start with high school students (VIII to XII grade), and then expand the measure to secondary school students (IV to VII grade). Transition to distance learning for primary school students (I to III grade) should be regarded as a measure of last resort and applied only in exceptional cases, when learning in person was no longer possible.²¹

In **Bulgaria**, after the previous school year ended online, the new one started in person for all students. In the end of October 2020, however, high schools (VIII to XII grade) were closed by an order of the Minister of Health and all students had to transit to distance learning in electronic environment. Secondary (IV to VII grade) and primary (I to III grade) schools remained open and continued to deliver classes in person according to the applicable rules.²²

In **Bulgaria**, schools are operating according to a comprehensive set of guidelines, issued by the Ministry of Education in Science (MES) (*Министерство на образованието и науката*, МОН) in the beginning of September 2020. The guidelines include mandatory and recommended measures in five main directions: prevention of the risk of transmitting the infection; response to suspected or established COVID-19 case in the school; transition to distance learning in electronic environment; education of students in higher risk of COVID-19; and maintaining good psychological environment and decreasing tension, stress and disinformation.²³ Similar guidelines were issued for the operation of kindergartens²⁴ and personal development support centres.²⁵ In addition to these guidelines, the Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) issued a mandatory instruction

²⁰ Bulgaria, Amendment to the Pre-school and School Education Act ([Закон за изменение и допълнение на Закона за предучилищното и училищното образование](#)), 18 September 2020. The law does not explicitly impose an obligation on schools to provide distance learning, stipulating that when a school is closed distance learning in electronic environment should be provided “if possible and as far as possible”.

²¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Order No РД09-2924 on distance learning in connection with a high number of students and teachers infected with COVID-19 or with flu-like symptoms ([Заповед № РД09-2924 от 26.10.2020 г. относно дистанционно обучение във връзка с висок брой на ученици и учители, заразители на COVID-19 или с грипозни симптоми](#)), 26 October 2020.

²² Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

²³ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Guidelines for the work of schools during the 2020-2021 school year in the conditions of COVID-19 ([Насоки за работа на училищата през учебната 2020-2021 година в условията на Covid-19](#)), 9 September 2020.

²⁴ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Guidelines for the work of kindergartens during the 2020-2021 school year in the conditions of COVID-19 ([Насоки за работа на детските градини през учебната 2020-2021 година в условията на Covid-19](#)), 8 September 2020.

²⁵ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), Guidelines for the work of personal development support centres during the 2020-2021 school year in the conditions of COVID-19 ([Насоки за работа на центровете за подкрепа за личностно развитие \(ЦПЛР\) през учебната 2020-2021 година в условията на Covid-19](#)), 10 September 2020.

defining the steps to be undertaken in case of a teacher of a student tested positive for COVID-19 as well as the rules for wearing face masks in schools.²⁶

In **Bulgaria**, the Institute for Research in Education (IRE) (*Институт за изследвания в образованието*, ИИО) published a comprehensive study on the impact of distance learning on the quality of education. The study was commissioned by the Ministry of Education in Science (MES) (*Министерство на образованието и науката*, МОН) and was based on the results of a national survey carried out in July 2020 covering 135 schools, 4,448 students from V to XII grade, 5,403 parents, 1,885 teachers and 135 school directors. According to the study, the majority of students had the necessary conditions at their disposal for participating in distance learning (92 % had a smartphone, 65 % had a personal computer at home, 81 % had internet connection at home and 82 % had a place at home that was calm and quiet). About 14 % of parents admitted they were not able to provide their children with an electronic device for educational purposes, while about 27 % of the students reported that they had experienced certain difficulties when using the e-learning tools.²⁷

In **Bulgaria**, in September 2020, prior to the start of the school year, the Ombudsman sent an official letter to the Ministry of Education in Science (MES) (*Министерство на образованието и науката*, МОН) raising the question that, allegedly, around 70,000 children did not have computers and internet access and therefore were not prepared for distance learning if such was to be re-introduced. According to the Ombudsman, this was especially relevant for families with lower income, unemployed parents or families with more than one child, for all of whom no clear plan on the part of the government was in place.²⁸ In another official letter to the Ministry of Education in Science (MES) (*Министерство на образованието и науката*, МОН), sent in October 2020, the Ombudsman called for special measures aimed to ensure the equal participation in the e-learning process of children with special educational needs. According to the letter, the recommendation was in response to complaints by parents of children with special educational needs, who raised concerns in relation to the lack of customised e-learning tools and devices and the insufficient number of resource teachers.²⁹

In **Bulgaria**, to address the problem with the lack of devices, in October 2020, the government approved an additional budget transfer of BGN 14 million (approximately €7 million) for the purchase of laptops for public and municipal schools.³⁰ According to the Ministry of Education in Science (MES)

²⁶ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Letter from the Ministry of Health No 0211-229/01.10.2020 regarding criteria for making a decision for transition to distance learning in schools in the conditions of COVID-19 ([Писмо от Министерството на здравеопазването вх.№ 0211-229/01.10.2020 г. относно критерии за вземане на решение за преминаване в дистанционна форма на обучение в училищата в условията на COVID-19](#)), 1 October 2020.

²⁷ Hristova, A., Petrova, S. and Papazova, E. (2020), Assessing the impact of distance learning in an electronic environment or other non-present forms on the effectiveness of school education ([Оценка на въздействието на обучението от разстояние в електронна среда или други неприсъствени форми върху ефективността на училищното образование](#)), Sofia, Institute for Research in Education (*Институт за изследвания в образованието*).

²⁸ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), 'The Ombudsman Diana Kovacheva is asking the Ministry of Education and Science about 70,000 children without tablets or internet access' (['Омбудсманът Диана Ковачева пита МОН за 70 000 деца без таблети и достъп до интернет'](#)), press release, 9 September 2020.

²⁹ Bulgaria, Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2020), 'The Ombudsman Diana Kovacheva asked the Ministry of Education and Science for measures for the online education of children with special educational needs' (['Омбудсманът Диана Ковачева поиска от МОН мерки за онлайн обучението на децата със СОП'](#)), press release, 14 October 2020.

³⁰ Bulgaria, Council of Ministers (*Министерски съвет*) (2020), Decree No 238 of 15 October 2020 approving additional expenditure / transfers for 2020 for the purchase of laptops for school use ([Постановление № 283 от 15 октомври 2020](#))

(Министерство на образованието и науката, МОН), the amount was expected to be sufficient for purchase of a total of 16,000 laptops (12,000 for students and 4,000 for teachers), which would enable both teachers and students to effectively participate in the educational process during periods of distance learning.³¹

In **Bulgaria**, after initially authorised to choose between in person and online education, all universities were closed in the end of October 2020 and moved to distance learning.³²

In **Bulgaria**, Open Society Institute – Sofia (*Институт Отворено общество – София*) published the results of a study on the university students' perception of online training during the COVID-19 pandemic in the spring of 2020. The survey was conducted among nearly 25,000 students in the period April-June 2020. According to the survey results, only 1.2 % of the students stated that they studied in specialties in which the traditional classroom training was not interrupted and only 3.8 % claimed that there was no online form of education in their specialty, although attendance classes were interrupted. The survey data showed that 98.8 % of students who studied in online majors had the necessary technical means to participate in the training and only 1.2 % of respondents said they did not participate in online training due to the lack of a computer or other device with regular internet access. The vast majority (between 75 % and 83 %) of students in majors that switched to online training during the pandemic, expressed full or partial satisfaction with the availability, regularity and quality of online classes. At the same time, a significant proportion of respondents expressed complete or partial disagreement with the statements that all teachers regularly conducted lectures and exercises online (18.7 %), that the majority of students regularly participated in online classes (17 %), that the good quality of teaching was ensured, and that students had access to all necessary materials and resources for online learning (14 %).³³

2.2 Healthcare

In **Bulgaria**, access to certain healthcare services was restricted in the end of October 2020. According to an order, issued by the Minister of Health, hospitals in areas with a morbidity rate of more than 120 people per 100,000 population (red zones) were obliged to temporarily suspend all planned admissions and surgeries, while hospitals in areas with a morbidity rate of between 60 and 120 people per 100,000 (orange zone) were obliged to suspend planned surgeries only. The restriction did not apply to activities related to transplantation of organs, tissues and cells, diagnosis and treatment of oncology and onco-hematological patients, assisted reproduction, childbirth, rehabilitation, continuous treatment and psychiatric aid. Access of visitors, including family members, to patients

[г. за одобряване на допълнителни разходи / трансфери за 2020 г. за закупуване на преносими компютри за нуждите на училищата](#)), 15 October 2020.

³¹ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), 'BGN 14 million are provided for the purchase of laptops for 12 thousand students and 4 thousand teachers' (['14 млн. лв. се предоставят за закупуване на преносими компютри за 12 хиляди ученици и 4 хиляди учители'](#)), press release, 14 October 2020.

³² Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

³³ Open Society Institute – Sofia (*Институт Отворено общество – София*) (2020), ['Students' perception of online training during the Covid-19 pandemic in the spring of 2020'](#), press release, 27 October 2020.

accommodated in hospitals was also temporarily suspended with the exception of patients in terminal stages of illness.³⁴

In **Bulgaria**, all hospitals in areas with high morbidity rates were required to designate between 5 % (in areas with a morbidity rate of between 60 and 120 people per 100,000) and 10 % (in areas with a morbidity rate of more than 120 people per 100,000 population) of their capacity for the treatment of COVID-19 patients.³⁵ This measure was criticised by some medical experts, who argued that the requirement was equally valid for all hospitals although many of them were not properly equipped to treat infectious diseases or had no reanimation units (e.g. eye clinics, psychiatric centres, sanatoriums etc.) and that accommodating COVID-19 patients in facilities specialised for the treatment of patients with compromised immune system (e.g. oncology hospitals) might pose a serious risk for their lives.³⁶

In **Bulgaria**, a coordination centre for COVID-19 patient triage was set up at the Infectious Diseases Hospital in Sofia COVID-19. The centre is responsible for taking care of patients with COVID-19 or suspected infection, whose health condition was not urgent. At the centre, persons are consulted by medical specialists, including an epidemiologist, and after assessing their health, they are referred to a medical facility or home treatment. Where necessary, patients can undergo a rapid test or PCR to detect coronavirus infection and remain in a special buffer zone on the territory of the hospital under constant medical supervision until the test result is released.³⁷

In **Bulgaria**, the media and civil society organisations reported several cases of denied or delayed hospitalisation of COVID-19 patients. The civil society platform Citizens reported about healthcare facilities refusing to hospitalise older persons with mild COVID-19 symptoms due to insufficient capacity.³⁸ The Bulgarian National Television broadcasted a documentary showing the story of a 70-year-old patient with COVID, who was taken to a hospital by an ambulance, but was refused admission by the head of the ward and only after a long turmoil the doctor on duty finally admitted the patient overruling her superior's decision.³⁹ Another case extensively covered by the media was the one of a 33-year-old COVID-19 patient from Sofia, who was placed on home treatment, but died in his home due to the late (more than three hours and a half) arrival of the ambulance.⁴⁰ Reporting on the increased number of cases of refused admission to hospital of COVID-19 patients, the weekly newspaper Capital highlighted as the most serious problems the lack of a uniform protocol for hospitalisation of patients (leaving the decision to the discretion of emergency care teams, emergency

³⁴ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

³⁵ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

³⁶ Nikolova, D. (2020), 'The places for COVID patients are over, the government mobilises obstetrics hospitals, sanatoriums and oncology hospitals' (['Местата за COVID-болни свършиха, кабинетът мобилизира АГ-болници, санаториуми и онкологии'](#)), *Capital Weekly*, 23 October 2020.

³⁷ Specialised Hospital for Active Treatment of Infectious and Parasitic Diseases "Prof. Ivan Kirov" (*Специализирана болница за активно лечение по инфекциозни и паразитни болести „Проф. Иван Киров“*) (2020), 'COVID-19 coordination centre operates at the Specialised Hospital for Active Treatment of Infectious and Parasitic Diseases' (['Координационен център за COVID-19 работи в СБАЛИБ'](#)), press release, 1 September 2020.

³⁸ Citizens Platform (2020), "We are out of hospital beds" – how to find a hospital bed for an older COVID patient' (['Нямаме свободни легла – как се търси легло за болен от Covid възрастен пациент'](#)), *Dnevnik Daily*, 23 October 2020.

³⁹ Kostova, M. (2020), 'One night with an ambulance: what is it to be on duty during COVID-19' (['Една нощ с линейка: Как минава дежурство по време на COVID-19'](#)), *Bulgarian National Television*, 30 October 2020.

⁴⁰ Bulgarian National Television (2020), 'Is our health system exhausted: a coronavirus patient dies at home while waiting for an ambulance' (['Изнемогва ли здравната ни система: Пациент с коронавирус почина в дома си, докато чака линейка'](#)), *Bulgarian National Television*, 31 October 2020.

care units or general practitioners) and the lack of a centralised electronic system containing updated information about the capacity and occupancy rates of all COVID-19 units.⁴¹

In **Bulgaria**, in response to the increased number of media reports about refused or delayed admission to hospital of COVID-19 patients, the Minister of Health announced the setting up of a 24/7 national logistics centre to improve the communication between different units and prevent delayed transportation of patients.⁴² The Minister of Health also announced that hospitals would be requested to temporarily install wagons in front of their buildings for COVID-19 testing, increased supervision will be exercised over admissions and sanctions will be imposed for any unjustified admission refusal (including suspension of funding).⁴³

In **Bulgaria**, the specialised medical portal Clinica.bg conducted a survey on the preparedness of hospitals for responding to the pandemic during the fall and winter. The survey was conducted in August and September 2020 and covered 55 of the total of 278 hospitals in Bulgaria. The results showed that 78 % of the hospitals were adequately supplied with sanitisers and protective equipment and 54 % had a separate unit designated for the treatment of COVID-19 patients. At the same time, 91 % of the hospitals reported about financial difficulties and 62 % complained about insufficient medical staff. About 24 % of the hospitals admitted they would not agree to treat COVID-19 patients and although the share of those sharing the opposite opinion was higher (76 %), about two-thirds were not excluding resistance on the part of their staff if it was necessary to admit (more) COVID-19 patients.⁴⁴

In **Bulgaria**, since the beginning of the pandemic, the government had announced a series of measures to financially support the healthcare system, which continued to apply during the reporting period. An amount of BGN 12.4 million (approximately €6.2 million) was allocated to increase by 30 % the salaries of first line practitioners, including the staff of local healthcare inspectorates and the medical supervision authorities (about 6,000 persons in total, according to preliminary estimates). The annual budget for granting subsidies to public hospitals was increased by BGN 17.3 million (approximately €8.7 million) to enable these hospitals (44 hospitals, according to preliminary estimates) to increase the salaries of their employees. A total amount of BGN 6 million (approximately €3 million) was allocated to increase the remuneration of the personnel of municipal hospitals (about 70 hospitals).⁴⁵ An amount of BGN 120 million (approximately €60 million) had been allocated under the EU-funded Operational Programme “Human Resources Development” for the payment of additional monthly remuneration of BGN 1,000 (approximately €500) to medical specialists involved in the fight against COVID-19. The scheme was launched in March 2020 and will run at least until the end of February 2021.⁴⁶

⁴¹ Nikolova, D. (2020), ‘About 20 people with symptoms of COVID-19 call 112 every hour in Sofia’ ([‘Около 20 души със симптоми на COVID-19 се обаждат на 112 всеки час в София’](#)), *Capital Weekly*, 30 October 2020.

⁴² Bulgaria, Ministry of Health (*Министерство на здравеопазването*), ‘Prof. Angelov: The National Logistics Center for COVID-19 will open next week’ ([‘Проф. Ангелов: Национален логистичен център за COVID-19 ще заработи от другата седмица’](#)), press release, 20 October 2020.

⁴³ Stoyanov, M. (2020), ‘The Minister of Health will personally check whether the hospitals in Sofia have opened COVID wards’ ([‘Здравният министър лично ще проверява дали болниците в София са открили COVID отделения’](#)), *Dnevnik Daily*, 1 November 2020.

⁴⁴ Hospital Index (2020), ‘Hospitals are relatively ready for the pandemic’ ([‘Болниците са относително готови за пандемията’](#)), *Clinica.bg*, 18 September 2020.

⁴⁵ For the full set of measures in support of the healthcare system, which continued to apply in October 2020, see the section on social measures of the [COVID-19 Uniform Information Portal](#).

⁴⁶ Dimitrova, D. (2020), ‘7,200 first-line medics receive bonuses of BGN 1,000’ ([‘7200 медици на първа линия получават бонуси от 1000 лв.’](#)), *Sega Daily*, 13 October 2020.

In **Bulgaria**, the media raised concerns that since the beginning of October 2020 crisis centres for victims of violence and trafficking were instructed to accommodate persons only upon the presentation of a negative PCR test result obtained within the last 72 hours. According to the media, such a requirement, which was not envisaged in any legal act, was compromising the chances of victims to get immediate assistance in urgent cases, because many of them either had nowhere to stay until the release of the test result or could not afford to pay for the test.⁴⁷

In **Bulgaria**, the testing policy of the government had provoked a broad public debate due to the limited availability of free PCR testing. An amendment to the national framework contract on medical activities, adopted in April 2020, envisaged that PCR tests for COVID-19 were covered by the National Health Insurance Fund (NHIF) (*Национална здравно-осигурителна каса, НЗОК*) only if appointed by a medical doctor from a Regional Health Inspectorate (RHI) (*Регионална здравна инспекция, РЗИ*) or a medical doctor specialised in infectious diseases, pulmonology, paediatrics or ears, nose and throat (ENT) diseases.⁴⁸ This provision, which was still valid at the end of October 2020, deprived all general practitioners from the possibility to appoint free PCR tests for their patients. Persons, who wished to be tested but had not managed to obtain a referral from an authorised medical doctor, had to pay an average price of between BGN 90 and BGN 120 (approximately between €45 and €60). As a result, the number of free PCR tests remained very low. According to official data, published by the National Health Insurance Fund (NHIF) (*Национална здравно-осигурителна каса, НЗОК*), in the period between 1 April 2020 and 31 July 2020, a total of 11,403 free PCR tests were performed, of which 10,841 were appointed by a doctor from a Regional Health Inspectorate (RHI) (*Регионална здравна инспекция, РЗИ*). For the same period, the maximum number of PCR tests, which the the National Health Insurance Fund (NHIF) (*Национална здравно-осигурителна каса, НЗОК*) was authorised to cover, was much higher and amounted to 328,800 tests in total (82,200 tests per month).⁴⁹ A number of media publications criticised the restricted access to free PCR tests, arguing that patients had to either pay for the tests themselves or stay home and wait with no appointed treatment.⁵⁰ As a result of the strong negative public reaction to the limited availability of free PCR testing, the Ministry of Health (MH) (*Министерство на здравеопазването, МЗ*) announced that general practitioners were to be included in the list of medical doctors authorised to appoint free PCR tests.⁵¹ As of the end of October 2020, this measure had not yet been implemented in practice.

⁴⁷ Dimitrova, D. (2020), 'New absurdity – access to a crisis centre after a paid PCR test' (*'Нов абсурд - влизаш в кризисен център след платен PCR тест'*), *Sega Daily*, 12 October 2020.

⁴⁸ Bulgaria, Contract № RD-NS-01-4-3 of 28 April 2020 amending and supplementing the National Framework Agreement for Medical Activities between the National Health Insurance Fund and the Bulgarian Medical Union for 2020 - 2022 (*Договор № РД-НС-01-4-3 от 28 април 2020 г. за изменение и допълнение на Националния рамков договор за медицинските дейности между Националната здравноосигурителна каса и Българския лекарски съюз за 2020 – 2022 г.*), 28 April 2020.

⁴⁹ Bulgaria, National Health Insurance Fund (*Национална здравно-осигурителна каса*) (2020), Information on the activities of the laboratories that have concluded a contract with the National Health Insurance Fund for conducting the study "Polymerase chain reaction for the detection of COVID-19" (*Информация за дейността на лабораториите, сключили договор с НЗОК, за извършване на изследването „Полимерна верижна реакция за доказване на COVID-19“*), 20 September 2020.

⁵⁰ Offnews (2020), 'Free PCR for symptoms of COVID-19? You have the right, but you do not have the opportunity' (*'Безплатен PCR при симптоми на COVID-19? Имаш право, но нямаш възможност'*), *Offnews.bg*, 30 October 2020.

⁵¹ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), 'GPs will issue a referral for a PCR test' (*'Личните лекари ще издават направление за PCR тест'*), press release, 7 October 2020.

3 Negative impact on social rights for vulnerable groups including measures to address this

3.1 Roma

In **Bulgaria**, no restrictive measures affected disproportionately the neighbourhoods with predominant Roma population. Unlike the previous period of restrictions (March – May 2020), when a number of Roma neighbourhoods were temporarily quarantined, in September and October 2020 such measures were not applied.

In **Bulgaria**, according to official data published by the Employment Agency (EA) (*Агенция по заетостта*, АЗ), the total number of newly registered unemployed persons in September 2020 was 28,082, which was 16.5 % more compared to August 2020 and 5.3 % more than in September 2019. Of all newly registered unemployed persons in September 2020, 9.8 % had self-identified as Roma (self-identification is done voluntarily by filling in the respective field in the registration application).⁵² The official data did not show a disproportionate increase in the number of newly registered unemployed Roma during the reporting period: in August 2020, out of a total number of 24,063 newly registered unemployed persons, 11.6 % had self-identified as Roma.

In **Bulgaria**, a study by the Institute for Research in Education (IRE) (*Институт за изследвания в образованието*, ИИО) on the impact of distance learning on the quality of education showed that Roma children were less prepared for the transition of schools to distance learning. The study was commissioned by the Ministry of Education in Science (MES) (*Министерство на образованието и науката*, МОН) and was carried out in July 2020 in 135 schools covering 4,448 pupils from V to XII grade, 5,403 parents, 1,885 teachers and 135 school directors. According to the study, the share of pupils speaking Romani language at home, who had a smart phone (64 %), a computer (21 %) and internet access (50 %), was significantly lower than the share of those speaking Turkish language (79 %, 46 % and 72 % respectively) or Bulgarian language (95 %, 70 % and 84 % respectively). The share of Roma children, who experienced difficulties with the use electronic devices (56.3 %), was also higher compared to Turkish (34 %) and Bulgarian (25 %) children. Furthermore, the study found that the share of Roma children showing low behavioural engagement in school was higher (34 %) than Turkish (26 %) and Bulgarian (17 %) children.⁵³

3.2 Persons with disabilities

In **Bulgaria**, the majority of special measures for persons with disabilities, introduced in March 2020 during the state of emergency, continued to apply. These measures included, among other things, remote performance (by telephone or e-mail) of individual needs assessment of people with disabilities, extended validity of disability assessment certificates (and of the payment of related social assistance allowances), ex-officio recalculation of pensions of working pensioners, purchase of medicines only by presenting a prescription book (without presenting a written prescription by a medical doctor), extended validity of decisions for accommodation in social services, home delivery

⁵² For more information, see the monthly bulletins on the website of the [Social Assistance Agency](#).

⁵³ Hristova, A., Petrova, S. and Papazova, E. (2020), Assessing the impact of distance learning in an electronic environment or other non-present forms on the effectiveness of school education ([Оценка на въздействието на обучението от разстояние в електронна среда или други неприсъствени форми върху ефективността на училищното образование](#)), 30 September 2020, Sofia, Institute for Research in Education (*Институт за изследвания в образованието*).

of food, medicine and essential products through the social patronage care service, home delivery of food through the 'Hot Lunch' programme, etc.⁵⁴

In **Bulgaria**, the access of visitors to persons with disabilities accommodated in specialised institutions or social services for residential care remained restricted as a prevention measure due to the specific vulnerability of those persons. The access was fully suspended from the introduction of the state of emergency in March 2020 until 1 September 2020, when the directors of institutions and social services for residential care were authorised to grant access to visitors in exceptional cases and in compliance with the applicable anti-epidemic measures.⁵⁵ At the same time, there was no explicit prohibition on the possibility for persons accommodated in such services to move freely outside the territory of the service, e.g. for the purpose of using home leave or attending urgent personal commitments. These rules, including the restriction of access only upon authorisation of the director of the respective institution or social service, remained valid throughout September and October 2020.⁵⁶ There is no publicly available information on how strictly the rules were observed and how often visitors had been allowed to enter the institutions and social services or users had been allowed to move freely outside their territory.

In **Bulgaria**, after the social services was partly opened for visitations, the Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) issued a set of guidelines for preventing the spread of COVID-19 within these services. The guidelines laid down the rules and procedures for access of visitors to persons accommodated in social services as well as the anti-epidemic measures to be applied within the social services. According to the guidelines, directors of social services were allowed to grant access to the premises of the respective social service only after obtaining a written declaration by the visitor that they had not been in contact with an infected person, had no symptoms of acute respiratory disease, and would observe the anti-epidemic measures introduced on the territory of the social service.⁵⁷

In **Bulgaria**, during the reporting period, COVID-19 cases were registered in several institutions for persons with disabilities. The most serious case was the outbreak in the institution for older persons with intellectual disabilities in the village of Kachulka near the town of Sliven where two-thirds of the residents and one-third of the personnel tested positive for COVID-19, and one person, a 77-year old man, died.⁵⁸ Other cases included a home for older persons with disabilities in the city of Stara Zagora,⁵⁹ a home for persons with visual impairments in the town of Valchedram,⁶⁰ two institutions

⁵⁴ For the full set of measures for persons with disabilities, which continued to apply in October 2020, see the section for persons with disabilities of the [COVID-19 Uniform Information Portal](#).

⁵⁵ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-489 on the introduction of anti-epidemic measures ([Заповед № РД-01-489 за въвеждане на противоепидемични мерки на територията на Република България](#)), 31 August 2020.

⁵⁶ Bulgaria, Ministry of Health (*Министерство на здравеопазването*), Order No РД-01-626 on the introduction of anti-epidemic measures ([Заповед № РД-01-626 за въвеждане на противоепидемични мерки на територията на Република България](#)), 27 October 2020.

⁵⁷ Bulgaria, Social Assistance Agency (*Агенция за социално подпомагане*), Guidance on the prevention of the spread of COVID-19 in social services ([Указание относно превенция на разпространението на COVID-19 в социалните услуги](#)), press release, 2 September 2020.

⁵⁸ Angelova, I. (2020), '2/3 of those accommodated in the "Kachulka" home are infected, a 77-year-old man has died' ([2/3 от настанените в дом „Качулка“ са заразени, 77-годишен е починал](#)), *Bulgaria On Air*, 19 October 2020.

⁵⁹ Bulgarian National Radio (2020), 'Cases of coronavirus in a home for the elderly with disabilities in Stara Zagora' ([Случаи на коронавирус в дом за възрастни хора с увреждания в Стара Загора](#)), *Bulgarian National Radio*, 23 October 2020.

⁶⁰ Subotina, M. (2020), 'Outbreak of Covid-19 in a home for disabled persons' ([Огнище на Covid-19 в дом за хора с увреждания](#)), *Standart News*, 23 October 2020.

for persons with mental disabilities in the village of Tserova Koriya near the town of Veliko Tarnovo,⁶¹ etc.

In **Bulgaria**, civil society organisations raised concerns in relation to the negative impact of the general anti-epidemic measures on persons with disabilities. The Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) and two other non-governmental organisations sent a letter to the Minister of Health noting that many of the measures introduced during the emergency epidemic situation were not taking into account the special situation of people with disabilities and were not providing for reasonable exceptions, which made them much more severe for people with disabilities than for other people. As an example, the organisations pointed out the mandatory use of face masks, which was extremely frustrating for persons with certain mental disabilities. The organisations also noted that the compliance with some of the measures was related to additional costs and care, which was further affecting the wellbeing of persons with disabilities.⁶²

⁶¹ Novini.bg (2020), 'In two institutions for people with mental disabilities in Tserova Korya, 18 people have coronavirus' (['В две институции за хора с умствени увреждания в Церова Кория 18 души са с коронавирус'](#)), Novini.bg, 24 October 2020.

⁶² Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), 'Three human rights organisations request a meeting with the Minister of Health regarding the anti-epidemic measures' (['Три правозащитни организации с искане за среща до министъра на здравеопазването по повод противоепидемичните мерки'](#)), press release, 22 October 2020.