

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Bulgaria

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

Date: 23 March 2020

DISCLAIMER: This document was commissioned under contract as background material for a comparative report being prepared by the European Union Agency for Fundamental Rights (FRA) for the project “Coronavirus COVID-19 outbreak in the EU – fundamental rights implications”. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made available for transparency and information purposes only and does not constitute legal advice or legal opinion.

1 Measures taken by government/public authorities

In Bulgaria, the first active measures related to the COVID-19 outbreak, were announced by the Ministry of Health (МН) (*Министерство на здравеопазването*, МЗ) on 1 February 2020.¹ The measures entailed that citizens coming from China or other countries with recorded cases of COVID-19 must undergo extensive check-ups at airports to identify symptoms of the virus: those with symptoms must be placed under quarantine in medical facilities, and those without symptoms must be placed under home quarantine and oversight by general practitioner. No specific measures were undertaken to address the impact of these measures on employees or businesses.

On 24 February 2020, the government set up a National Operational Headquarters (НОН) (*Национален оперативен щаб*, НОЩ) consisting of representatives of public authorities and experts, and responsible for coordinating the countermeasures against the COVID-19 outbreak.²

Educational activities were suspended on 6 March 2020 by an order of the Minister of Health.³ The order introduced mandatory suspension of educational activities in schools, recommended suspension in universities, and increased hygienic and sanitary measures in kindergartens (mandatory medical examination at the entrance and regular cleaning and disinfection of premises). Other measures, imposed by the same order, included suspension of prophylactic visits to general practitioners, immunisations, planned surgical procedures and access of visitors to medical establishments, and suspension of all public events, including sports and cultural events.

The first cases of COVID-19 in Bulgaria were registered on 8 March 2020 in the cities of Gabrovo and Pleven, which led to heavier restrictions in these districts. These included mandatory suspension of all educational activities, ban on access to all public places such as theatres and cinemas, and suspension of all types of public events.⁴ Additionally, restrictions were imposed on the two hospitals in the cities of Gabrovo and Pleven, where the patients were hospitalised, including suspension of visits and regular patient intake, suspension of consultations of women and children, suspension of planned surgical interventions and mandatory 14-day quarantine in the units, where the patients with COVID-19 are hospitalised.⁵

The first cases of COVID-19 in Sofia were registered on 10 March 2020, which led to the next set of measures, imposed by an order of the Minister of Health on 11 March 2020.⁶ These included nationwide restriction on public events to up to 250 persons (with a mandatory distance of one meter between attendees), mandatory 14-day isolation of participants in international sports events coming from risk countries, and special measures in the districts with registered cases of COVID-19.

¹ Bulgaria, Ministry of Health (*Министерство на здравеопазването*) (2020), 'Kiril Ananiev: The Bulgarian health authorities have taken all preventative measures in relation to the spread of the new coronavirus', ([Кирил Ананиев: Българските здравни власти са взели всички превантивни мерки по отношение разпространението на новия коронавирус](#)), Press release, 1 February 2020.

² Bulgaria, Order of the Prime Minister No P-37/26.02.2020 (*Заповед на министър-председателя № P-37/26.02.2020*), 26 February 2020.

³ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-114/05.03.2020 ([Заповед № РД-01-114/05.03.2020](#)), 5 March 2020.

⁴ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-117/08.03.2020 ([Заповед № РД-01-117/08.03.2020](#)), 8 March 2020.

⁵ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-118/08.03.2020 ([Заповед № РД-01-118/08.03.2020](#)), 8 March 2020.

⁶ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-122/11.03.2020 ([Заповед № РД-01-122/08.03.2020](#)), 11 March 2020.

On 13 March 2020, the parliament declared state of emergency for a period of one month, authorising the government to adopt all necessary measures to address the COVID-19 pandemic.⁷ During the parliamentary debates, many issues related to fundamental rights were raised, including the impact of measures on working parents responsible for childcare, the situation of self-employed persons and owners of small businesses, the free movement within the country, the right to privacy, personal life and liberty, the situation of segregated ethnic groups, which may have no access to preventative materials (hygienic products, masks), etc. The Prime Minister proposed the setting up of a specialised operational headquarters to address the economic and social consequences of the crisis.⁸ In an official statement, the President of the Republic noted that the restriction of rights in a state of emergency must be justified and proportionate to the threat and called for the adoption of socio-economic measures to address the impact of the crises on vulnerable populations.⁹ The declaration of state of emergency was followed by a new set of restrictions imposed by the Minister of Health, including suspension of all public events, ban on visiting all public places (including restaurants and shopping centres) and recommendation to employers to introduce distance working for employees.¹⁰ The first set of socio-economic measures to address the impact of the state of emergency were announced on 15 March 2020. They included additional funding of BGN 20 million (approximately €10 million) for municipalities to expand their social patronage services and cover more beneficiaries (including persons with disabilities and persons under quarantine), financial support to businesses with liquidity difficulties, and payment by the state of up to 60 % of the monthly salary of employees in risk of dismissal.¹¹ Meanwhile, the Minister of Justice announced that prison visits are suspended and that no inmates can be transported outside prisons.¹² As of 24 March 2020, this measure was still valid.

The Supreme Judicial Council (SJC) (*Висш съдебен съвет*, BCC) issued a decision for temporarily suspending the processing of court cases. Urgent cases, however, such as those on reviewing pre-trial detention, or undertaking victim protection measures and child protection measures, were excluded from the suspension.¹³

Several legislative changes were made in response to the declared state of emergency. The Criminal Code (*Наказателен кодекс*) was amended to increase the penalties for not observing quarantine measures or violating other measures imposed to prevent the spread of infectious diseases. The new rules stipulate that violations committed during an epidemic, pandemic or state of emergency shall be punished by up to five years of imprisonment and a fine from BGN 10,000 (approximately € 5,000) up to BGN 50,000 (approximately €25,000).¹⁴ Soon after the changes became effective, several pre-trial proceedings for not observing quarantine measures were instituted by public prosecutors across the

⁷ Bulgaria, National Assembly (*Народно събрание*), Decision of declaring state of emergency (*Решение за обявяване на извънредно положение*), 13 March 2020.

⁸ Mediapool (2020), 'State of emergency for a month: working from home, closing of borders, bonuses for doctors' (*Извънредно положение за месец: работа от къщи, затваряне на граници, стимули за лекарите*), Mediapool, 13 March 2020.

⁹ Bulgaria, President of the Republic of Bulgaria (*Президент на Република България*), The Head of State: Restriction of rights must be clearly justified and proportionate to the threat, and exclude governmental abuse (*Държавният глава: Ограничаването на права трябва да е ясно мотивирано и пропорционално на заплахата и да изключва управленско своеволие*), Press release, 13 March 2020.

¹⁰ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-124/13.03.2020 (*Заповед № РД-01-124/13.03.2020*), 13 March 2020.

¹¹ Bulgarian National Television (*Българска национална телевизия*) (2020), 'Ministers presented a package of socio-economic measures for the first phase of the coronavirus crisis' (*Министри представиха пакет от социално-икономически мерки за първия етап от кризата с коронавируса*), Bulgarian National Television, 15 March 2020.

¹² Bulgarian News Agency (*Българска национална телевизия*) (2020), 'A number of deadlines in the justice system are temporarily suspended, no visits to prisons' (*Спират да текат редица срокове в правосъдието, няма да има свиждания в затворите*), Bulgarian News Agency, 15 March 2020.

¹³ Bulgaria, Supreme Judicial Council (*Висш съдебен съвет*) (2020), Short protocol No 9 from the extraordinary session of the college of judges of the Supreme Judicial Council held on 15 March 2020 (*Кратък протокол № 9 от извънредното заседание на съдийската колегия на Висшия съдебен съвет проведено на 15 март 2020 г.*), 15 March 2020.

¹⁴ Bulgaria, Criminal Code Amendment Act (*Закон за изменение и допълнение на Наказателния кодекс*), 14 March 2020.

country.¹⁵ As of 23 March 2020, the prosecutor's office reported that the number of instituted proceedings was more than 120, the majority of which were against Bulgarian citizens returning from abroad (including truck drivers), who were forbidden to leave their homes for 14 days.¹⁶

The Health Act (*Закон за здравето*) was amended to increase the sanctions for persons suffering from infectious disease, who refuse to comply with mandatory isolation, and to authorise the Minister of Health, in a declared state of emergency, to impose entry bans on foreign nationals. The maximum amount of sanctions was increased ten times: from BGN 500 (approximately €250) to BGN 5,000 (approximately €2,500).¹⁷

A draft law specifically laying down measures during a declared state of emergency was also submitted to parliament.¹⁸ The draft forbid the following activities: visits to certain public places (restaurants, bars, cafes, shopping centres, etc.); educational activities (both regular and extracurricular); access to kindergartens and nurseries; group activities involving children; public events (including sports, cultural and scientific events); planned surgical interventions, prophylactic medical examinations and immunisations; suspension of trainings and business trips abroad; visits to prisons and detention facilities and transportation of inmates outside penitentiary facilities. According to the draft, the National Social Security Institute (NSSI) (*Национален осигурителен институт*, НОИ) will pay 60 % of the monthly remuneration of all employees, whose employer meets certain eligibility criteria, which will be defined by the government. The draft also suggested temporary suspension of the rules linking the payment of social assistance allowances to certain mandatory requirements (participation of beneficiaries in community service or qualification courses, regular attendance of beneficiaries' children to kindergarten or school).

In addition to its main provisions, the draft suggested amendments to several other legislative acts:

- Amendments to the Labour Code (*Кодекс на труда*) suggested changes of the rules on distance working, pay and sick leaves, transfer between full time and part time employment, and remuneration during suspension of work. One of the proposed changes envisaged that, during a state of emergency, employers should grant permission to certain categories of employees to use their paid or unpaid leave to, if they had requested so. These categories included: pregnant women and women at an advanced stage of in vitro treatment; mothers adoptive mothers, single fathers and single adopted fathers of a child up to 12 years or a child with disability (irrespective of the child's age), employees under 18 years of age; employees with permanently reduced working capacity of 50 % or more; employees protected against dismissal due to reassignment (because of disability) or sickness.
- Amendments to the Social Security Code (*Кодекс за социално осигуряване*) suggested changes of the time limits and procedure for submitting documents in relation to pensions and social benefits.
- Amendments to the Persons with Disabilities Act (*Закон за хората с увреждания*) suggested extension of the periods of certain procedures concerning persons with disabilities.

Despite the short time provided to stakeholders to give their feedback, a number of official statements were presented to the parliament. Those referring or related to fundamental rights included: a recommendation for revising the absolute ban on prison visits,¹⁹ concerns regarding the broad scope of

¹⁵ For more information about the criminal proceedings for not complying with quarantine measures, see the News section of the website of the [Prosecutor's Office of the Republic of Bulgaria](#).

¹⁶ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Citizens massively violate their mandatory quarantine' ([Граждани масово нарушават наложената им задължителна карантина](#)), Press release, 14 March 2020.

¹⁷ Bulgaria, Amendment to the Health Act ([Закон за изменение и допълнение на Закона за здравето](#)), 14 March 2020.

¹⁹ Bulgarian Helsinki Committee (*Български хелзински комитет*) (2020), Statement on the Draft Measures during the State of Emergency Declared by Decision of 13 March 2020 of the National Assembly Act ([Становище по Законопроекта за](#)

the rules incriminating the spread of false information,²⁰ proposal for paying the 60 % of employees' remuneration directly to the employees to prevent employers from delaying the payments,²¹ suggestion to explicitly list the rights that can be subject to restriction (in view of the general powers granted to the Minister of Health to impose heavier restrictions in addition to those listed in the law, which does not correspond to the constitutional provision stipulating that restrictions to fundamental rights could be introduced only by a law) and the court hearings that cannot be postponed (since they will practically be held in violation of the principle of publicity).²²

The law was voted on 20 March 2020, re-voted on 23 March 2020 after the President vetoed some of its provisions, and published on 24 March 2020.²³ With the exception of some specific provisions, the law entered into force retroactively on 13 March 2020 (the date, on which the parliament declared the state of emergency).²⁴

According to the new law all procedural deadlines in judicial, arbitration and enforcement proceedings (with the exception of criminal proceedings, extradition proceedings, European Arrest Warrant proceedings and proceedings related to coercive measures), all deadlines related to statute of limitation the expiry of which would preclude the rights of or create new obligations for individuals and legal entities (with the exception of those under the Criminal Code and the Administrative Violations and Penalties Act), the deadlines for complying with instructions given by an administrative body to the parties or participants in proceedings (with the exception of those under the Administration of the Amounts from the European Structural and Investment Funds Act), shall be suspended until the revocation of the state of emergency.²⁵ All other deadlines, envisaged in a law, which expired during the state of emergency and were related to the exercise of rights or fulfilment of obligations of individuals and legal entities, as well as the validity of all administrative acts valid for a certain period of time and expiring during the state of emergency, were extended by one month as of the date of the revocation of the state of emergency.²⁶ Employers were authorised to assign telework and distance work and to grant up to one-half of the paid annual leave to employees without their consent.²⁷ The law suspended the restrictions on overtime work applicable to part-time employees and civil servants providing or assisting in the provision of medical assistance. The police and the authorities responsible

[мерките по време на извънредното положение, обявено с решение от 13 март 2020 г. на Народното събрание](#)), Bulgarian Helsinki Committee, 18 March 2020.

²⁰ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), Statement on the Draft Measures during the State of Emergency Declared by Decision of 13 March 2020 of the National Assembly Act ([Становище по Законопроекта за мерките по време на извънредното положение, обявено с решение от 13 март 2020 г. на Народното събрание](#)), Bulgarian Helsinki Committee, 18 March 2020.

²¹ Confederation of Labour Podkrepa (*Конфедерация на труда „Подкрепа“*) (2020), Statement on the Draft Measures during the State of Emergency Declared by Decision of 13 March 2020 of the National Assembly Act ([Становище по Законопроекта за мерките по време на извънредното положение, обявено с решение от 13 март 2020 г. на Народното събрание](#)), Confederation of Labour Podkrepa, 18 March 2020.

²² Bulgarian Judges Association (*Съюз на съдиите в България*) (2020), Statement on the Draft Measures during the State of Emergency Declared by Decision of 13 March 2020 of the National Assembly Act ([Становище по Законопроекта за мерките по време на извънредното положение, обявено с решение от 13 март 2020 г. на Народното събрание](#)), Confederation of Labour Podkrepa, 19 March 2020.

²³ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020.

²⁴ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 52.

²⁵ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 3.

²⁶ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 4.

²⁷ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 7.

for fire safety and protection of the population were allowed to introduce overtime work above the applicable restrictions with the consent of the persons concerned with no disciplinary consequences for those who refused to consent.²⁸ The Armed Forces were authorised to participate in the implementation of anti-epidemic measures and restrictions on the territory of the country, in a particular region or at a checkpoint.²⁹ The powers provided to soldiers included: carrying out identity checks on individuals, apprehending individuals refusing or failing to comply with anti-epidemic measures until the arrival of the police; stopping vehicles until the arrival of the police; restricting the movement of persons and vehicles at a checkpoint; using physical force and restraint measures only when absolutely necessary.³⁰

The law introduced a set of measures for protecting the rights of individuals and legal entities in the area of private law. All public sales and entries in possession scheduled by public and private enforcement agents were temporarily suspended. Freezing of bank accounts of individuals and medical establishments, preservation of salaries, pensions and medical equipment, and enforcement measures on movable property and real estate owned by individuals was also suspended unless related to maintenance obligations, tort damages or salary claims. Notarial proceedings were limited to urgent ones and all consequences (financial and non-financial) related to the late payment of obligations by individuals were made inapplicable until the end of the state of emergency.

Other measures introduced by the law included automatic extension with six months of the validity of identification documents, driving licenses and residence permits,³¹ and extension, from 10 to 20 days, of the deadline for paying electricity bills.³²

In the area of social assistance, the law temporarily suspended some of the mandatory requirements for obtaining compensations (e.g. the mandatory requirement to participate in community service or qualification courses for individuals receiving monthly social assistance allowances) and extended the period for receiving social assistance allowances for children and for accommodation in residential social services of persons with disabilities and other beneficiaries of social services.³³

In the area of employment, the law obliged the National Social Security Institute (NSSI) (*Национален осигурителен институт*, НОИ) to cover 60 % of the remuneration of employees affected by the state of emergency. The employers wishing to apply for such compensation should meet certain criteria, which are yet to be defined by the government.³⁴

In the area of education, the law introduced electronic education for all students in day, evening, part-time, individual, combined and dual form of education. Teachers were obliged to deliver the classes

²⁸ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 8.

²⁹ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 9.

³⁰ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 10.

³¹ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, §§ 10 and 11.

³² Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 2.

³³ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 12.

³⁴ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 6.

from their homes or another appropriate place outside the school using the necessary technological equipment and school directors were obliged to manage and supervise the process also using information and communication technologies.³⁵

The new law also introduced a number of changes to other legislative acts. The Criminal Code (*Наказателен кодекс*) was amended and a more severe penalty for selling goods and services above the statutory price was introduced when the offence was committed during a state of emergency. The fine for radio, telephone or other broadcast of false calls or misleading signs for assistance, accident or alert when the offence had caused significant damage was also increased to BGN 10,000 (approximately €5,000) to BGN 50,000 (approximately €25,000).³⁶ The amendments to the Labour Code (*Кодекс на труда*) allowed employers, during a state of emergency, to introduce telework and distance work, suspend the work of the whole or part of their enterprise or of individual employees, transfer employees from full-time to part-time work, and grant the annual pay leave to employees without their consent. Employers were obliged to grant annual pay leave to certain categories of employees, if the latter had requested so. These categories include pregnant women, in-vitro patients, mothers of children up to 12 years of age or children with disabilities, employees under 18 years of age, employees with certain degree of disability, etc. Employers were also obliged to pay the full amount of remuneration in cases of suspension of or from work.³⁷ Some of these rules were made applicable also to civil servants by introducing corresponding changes to the Civil Servants Act (*Закон за държавния служител*).³⁸ Several amendments were introduced to the Health Act (*Закон за здравето*) including: authorisation of the Minister of Health to order mandatory isolation, including home isolation, of individuals (ill persons, infected persons, persons who had been in contact with infected persons and persons arriving from other countries), restrict the movement within the territory of the country and suspend or restrict the operation of certain places or services; mandatory testing of individuals who had been in contact with infected persons; increased financial penalties for non-compliance with anti-epidemic measures; and introduction of financial penalties and coercive measures for individuals violating mandatory isolation and/or treatment or refusing to subject to mandatory testing.³⁹ Amendments to the tax legislation extended the deadlines for submitting tax declarations and paying the taxes due until 30 June 2020.⁴⁰ The Electronic Communications Act (*Закон за електронните съобщения*) was amended to allow the police to obtain access to traffic data for the purpose of enforcing the mandatory isolation and/or treatment of individuals, on whom such measures were imposed and who had refused or failed to comply with them. Access should be granted immediately and without prior judicial authorisation. The court should be immediately notified about the granted access and could either confirm or deny it. If the court denies the granted access, the collected data should be immediately destroyed.⁴¹

³⁵ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, Article 13.

³⁶ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 3.

³⁷ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 4.

³⁸ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 13.

³⁹ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 22.

⁴⁰ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, §§ 25-28.

⁴¹ Bulgaria, Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act ([Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г.](#)), 24 March 2020, § 41.

Two provisions of the initially adopted law were vetoed by the President of the Republic and were not adopted during the re-voting in parliament. The first one incriminated of the dissemination of incorrect information on the spread of infectious disease, which, according to the President, was not in compliance with the human rights standards related to the freedom of speech. The second provision introduced a mandatory upper limit of the prices of goods and services during a state of emergency, which, according to the President, was a violation of the principle of free movement of goods and services and of the freedom to conduct a business stipulated in Article 16 of the Charter of Fundamental Rights of the European Union.⁴²

In compliance with the new law, the schools started to deliver classes online. On 16 March 2020, the Minister of Education announced that about 90 % of the schools across the country were successfully applying digital communication and learning provisions for their students.⁴³ The schools introduced distance learning through cloud platforms and other online means of interaction between teachers, students and their parents. The Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОИ) provided all schools with free accounts for the Microsoft TEAMS platform. Schools that already had virtual classrooms with GoogleClassrooms continued to use them for distance learning. The Ministry of Education and Science (MES) (*Министерство на образованието и науката*, МОИ) also prepared recommendations to educational institutions for the organisation and implementation of distance learning classes. Additional methodological and technical support was provided to schools and teachers to help them meet the specific objectives of the new form of education. On 17 March 2020, the Bulgarian National Television (BNT) (*Българска национална телевизия*, БНТ) started broadcasting video lessons in Bulgarian language, mathematics and other subject. The video lessons in the morning are designated for the students in primary education, and the ones in the afternoon are designated for the students in lower secondary education.⁴⁴

On 14 March 2020, the Prosecutor General instructed the Supreme Administrative Prosecutor's Office (SAPO) (*Върховна административна прокуратура*, ВАП) to supervise the trade in food and medicine.⁴⁵ Inspections are being carried out jointly by public prosecutors, the police, the consumer protection authorities and the competent food and medicine authorities.⁴⁶

On 16 March 2020, the Ministry of Health (*Министерство на здравеопазването*) introduced the first entry ban on foreign nationals.⁴⁷ The ban applied to persons arriving from 16 countries, including both EU Member States and third countries, but excluded Bulgarian citizens and foreign nationals with a granted long-term or permanent residence permit. The list of countries, covered by the ban, was expanded several times.⁴⁸ On 19 March 2020, the entry ban was expanded to include all third country nationals entering the country with the exception of medical specialists, cargo transport personnel,

⁴² Bulgaria, President of the Republic of Bulgaria (*Президент на Република България*) (2020) 'The Head of State vetoed provisions of the Measures and Activities during the State of Emergency Act (*'Държавният глава наложи вето на разпоредби от Закона за мерките и действията по време на извънредното положение'*)', 22 March 2020.

⁴³ Bulgarian National Radio (*Българско национално радио*) (2020), 'There will be no zero year, 90 % of the students are covered online' (*'Няма да има нулева година, 90% от учениците са включени онлайн'*), Bulgarian National Radio, 16 March 2020.

⁴⁴ Bulgarian National Television (*Българска национална телевизия*) (2020), 'The Ministry of Education and Science and the Bulgarian National Television launch "With BNT at school" educational programme' (*'МОИ и БНТ стартират образователната програма „С БНТ на училище“'*), Bulgarian National Television, 17 March 2020.

⁴⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Upon order of Prosecutor General Ivan Geshev, the Supreme Administrative Prosecutor's Office commissioned inspections of the sale of medicines and food' (*'По разпореждане на главния прокурор Иван Гешев, Върховната административна прокуратура възложи проверки при продажбата на лекарствени продукти и храни'*), Press release, 14 March 2020.

⁴⁶ For more information about the inspections in the different regions of the country, see the News section of the website of the [Prosecutor's Office of the Republic of Bulgaria](#).

⁴⁷ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-127/16.03.2020 ([Заповед № РД-01-127/16.03.2020](#)), 16 March 2020.

⁴⁸ For more information on the countries covered by the entry ban, see the orders of the Minister of Health on the website of the [Ministry for Health](#).

diplomatic personnel and third country nationals with residence permit issued by another Member State, who were passing through Bulgaria on their way back to their country of residence.⁴⁹

So far, only one city was placed under quarantine. On 17 March 2020, the city of Bansko, which is one of Bulgaria's biggest ski resorts, was locked down for 14 days and as of 24 March 2020 the measure was still valid.⁵⁰ All persons residing on the territory of the city were forbidden to enter and leave and those located outside the city were allowed to return to their homes within the next 24 hours. All residents of Bansko were banned from leaving their homes except for the supply of food and medicine and the use of the services of banks, insurers and gas stations, or medical assistance if necessary. Only medical establishments, pharmacies, grocery stores, gas stations, and banking and insurance companies were allowed to resume their activity with strict observance of sanitary and hygiene requirements. Hotels and other accommodation establishments were allowed to remain open only if they accommodated tourists who were not able to depart. The entry and exit of motor vehicles were also forbidden with the exception of those servicing water supply, electricity supply, grocery stores, pharmacies and medical establishments.

A new set of more restrictive measures were introduced by the Minister of Health on 20 March 2020.⁵¹ The measures included: ban on visits to public parks, gardens, and indoor and outdoor sports and children playgrounds; police checkpoints at entry points of big cities (the main city of each administrative district); restricted access through the checkpoints only to individuals who could certify, by a document, that they were either working in the city, traveling for health reasons or returning to their registered place of residence; and ban on visits to grocery stores and pharmacies for all individuals under 60 years of age during the time between 8:30 a.m. and 10:30 a.m.

The State Agency for Refugees (SAR) (*Държавна агенция за бежанците*, ДАБ) announced on anti-epidemic measures related to asylum seekers. All group activities in reception centres, including school classes, kindergartens and extracurricular activities, as well as access of visitors to the centres were suspended. The health status of all asylum seekers accommodated in the facilities was monitored on a daily basis. Information about the spread of COVID-19, its symptoms and prevention, was delivered to asylum seekers through regular awareness raising sessions and written information materials. Pending asylum procedures requiring participation in person of asylum seekers, their representatives or third parties were temporarily suspended. The reception centres continued to register and accommodate newly arriving asylum seekers, placing them under 14-day mandatory isolation and monitoring. The Agency had suspended the transfer of asylum seekers under the Dublin regulation both to and from other EU Member States.⁵²

On 20 March 2020, in a TV interview, the Minister of Justice announced that he had signed an official letter to inform the Council of Europe that Bulgaria was taking measures derogating from its obligations under the European Convention on Human Rights.⁵³ In response to the negative reaction to the statement on the part of human rights lawyers,⁵⁴ the Minister of Foreign Affairs explained, in another TV interview, that no derogation had been requested yet. Such request, according to the Minister of Foreign Affairs, could be sent only after a thorough analysis of the special law on the measures during

⁴⁹ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-138/16.03.2020 ([Заповед № РД-01-138/19.03.2020](#)), 16 March 2020.

⁵⁰ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-132/17.03.2020 ([Заповед № РД-01-132/17.03.2020](#)), 17 March 2020.

⁵¹ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Order No РД-01-143/20.03.2020 ([Заповед № РД-01-143/20.03.2020](#)), 20 March 2020.

⁵² Bulgaria, State Agency for Refugees (*Държавна агенция за бежанците*) (2020), 'Measures to limit the spread of COVID-19' (*Мерки за ограничаване на разпространението на COVID-19*), Press release, 23 March 2020.

⁵³ bTV (2020), 'Danil Kirilov: The army can participate as an ancillary resource for enforcing the measures' (*Данаил Кирилов: Армията може да участва като спомагателен ресурс за спазване на мерките*), bTV, 20 March 2020.

⁵⁴ For the opinion of different lawyers, see Veselinova, M. (*Веселинова, М.*) (2020), 'Danil Kirilov temporarily suspended human rights' (*Данаил Кирилов отмени временно човешките права*), Capital (*Капитал*), 22 March 2020.

the state of emergency and would be valid only until 13 April 2020 (the final day of the state of emergency according to the parliamentary decision).⁵⁵

Since the beginning of the state of emergency, the government made a series of decisions for allocating additional funds to address specific problems caused by the COVID-19 outbreak and the measures undertaken for its prevention:

- A total of BGN 60 million (approximately €30 million) from the Operational Programme 'Human Resource Development' were allocated for additional remuneration of all medical and non-medical staff dealing with coronavirus and risk patients and for purchasing personal protective equipment.⁵⁶
- Additional BGN 20 million (approximately €10 million) from the Operational Programme 'Human Resource Development' were granted to municipalities to expand the coverage of the social patronage service (home-based social and medical services) for people with disabilities, elderly persons living alone, and people under quarantine. The estimated number of 12,000 new beneficiaries were to be included in the services, in addition to the 13,000 persons already covered by the programme. The Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика*, МТСП) also announced the distribution of about 1,500 food packages among persons in need.⁵⁷
- An amount of BGN 10 million (approximately €5 million) Operational Programme 'Human Resource Development' was allocated to the Social Assistance Agency (SAA) (*Агенция за социално подпомагане*, АСП) for additional remuneration and personal protective equipment of front-line social workers and the personnel of local labour offices.⁵⁸

Overall, the information about measures taken by the government and other public authorities is delivered to the public through several different channels. The National Operational Headquarters (NOH) (*Национален оперативен щаб*, НОЩ) gives public briefings twice a day at 8:00 a.m. and 5 p.m. local time. These briefings include information about the number of cases of infected persons, the level of preparedness of the healthcare system and the new anti-epidemic measures. Briefings are broadcasted live by the major national radio and TV stations. All national public televisions had added simultaneous sign language interpretation to the live broadcasts of the briefings and to their regular news reports. The Ministry of Health (MH) (*Министерство на здравеопазването*, МЗ) created a separate section on its website providing up-to-date information on COVID-19 for citizens and healthcare professionals (available only in Bulgarian)⁵⁹ and opened a 24/7 hotline.⁶⁰ Regularly updated information in Bulgarian and English is available on the website of the Ministry of Foreign Affairs (MFA) (*Министерство на външните работи*, МВНР).⁶¹

⁵⁵ Racheva, K. (*Рачева, К.*) (2020), 'Bulgaria has not yet sent a request for a temporary derogation from the ECHR' (*България все още не е изпратила искане за временна дерогация на ЕСПЧ*), bTV, 23 March 2020.

⁵⁶ Bulgarian National Radio (*Българско национално радио*) (2020), 'BGN 60 million from the Operational Programme 'Human Resources Development' – for 14,000 medics fighting Covid-19' (*60 млн. лв от ОП „Развитие на човешките ресурси“ – за 14 000 medici, борещи Covid-19*), Bulgarian National Radio, 26 March 2020.

⁵⁷ Bulgarian National Radio (*Българско национално радио*) (2020), 'Additional funding for municipalities under the Patronage Care Programme' (*Допълнително финансиране за общините по програмата „Патронажна грижа“*), Bulgarian National Radio, 18 March 2020.

⁵⁸ 24 Chasa (*24 часа*) (2020), 'Social workers and employment bureaus will also receive bonuses for Covid-19' (*Социалните и в Бюрата по труда също с премии към заплатите заради Ковид-19*), 24 Chasa, 24 March 2020.

⁵⁹ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), Information about COVID-19 coronavirus for citizens and healthcare professionals (*Информация за коронавирус COVID-19 за граждани и медицински специалисти*), 20 March 2020.

⁶⁰ Bulgaria, Ministry for Health (*Министерство на здравеопазването*) (2020), 'Ask your question about COVID-19 on 02 807 87 57' (*Своите въпроси относно COVID-19 задавайте на телефонен номер 02 807 87 57*), Press release, 5 March 2020.

⁶¹ Bulgaria, Ministry of Foreign Affairs (*Министерство на външните работи*) (2020), '*Coronavirus – what to do?*' (*Коронавирусът - какво да правим?*).

The Bulgarian National Radio (BNR) (*Българско национално радио*, БНР) opened a section on COVID-19 on its website with the latest updates on the spread of COVID-19 in Bulgaria and the measures taken to combat the coronavirus infection. The information is provided in nine different languages beside Bulgarian.⁶²

Human rights activists expressed concerns about the lack of information in Roma language on national TV.⁶³ Within the Roma communities, information about the symptoms and prevention of COVID-19 was disseminated by health mediators, including through a special easy-to-read leaflet.⁶⁴

2 Impact of the outbreak on certain national or ethnic communities

Neither the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) nor the Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация*, КЗД) reported about incidents of xenophobic speech, acts of harassment, or violent attacks against persons of, or perceived as being of, Asian origin, or coming from a country identified as having widespread coronavirus were reported. Incidents involving Italians and other EU nationals from Member States where the virus is reported/perceived to be widespread were not reported either.

The media reported about occasional cases of services being denied to persons coming from countries where the virus is reported to be widespread (a hotel cancelled the booking of four Italian opera singers,⁶⁵ an airline company disembarking British tourists, allegedly in response to protests by other passengers,⁶⁶ etc.). None of the case were referred to the police or the national equality body.

The media reported that cities with large Roma populations were restricting the access to and from Roma neighbourhoods by organising temporary checkpoints and checking the identification papers of everyone entering or leaving the neighbourhood. The measures were implemented independently by the local authorities after consulting the National Operational Headquarters (NOH) (*Национален оперативен щаб*, НОЩ). The head of the National Operational Headquarters (NOH) (*Национален оперативен щаб*, НОЩ) was quoted saying that these measures ‘are not aimed to discriminate’ the Roma population and that they were combined with increased awareness raising activities within the Roma communities carried out by the local health authorities and the Roma mediators.⁶⁷ On 19 March 2020, the Sofia Regional Prosecutor’s Office (SRPO) (*Софийска районна прокуратура*, СРП) instructed the local mayors in Sofia to assess the situation and organise checkpoints to control the movement from and to Roma neighbourhoods. The instruction was issued ‘in relation to the information, published in the media, about gathering and movement of groups of people (more than two adults) in neighbourhoods in the city of Sofia inhabited by persons of different ethnic background,

⁶² Bulgarian National Radio (*Българско национално радио*) (2020), Important information on coronavirus. The information is available in [Bulgarian](#), [English](#), [Russian](#), [German](#), [Serbian](#), [French](#), [Greek](#), [Spanish](#), [Albanian](#) and [Turkish](#).

⁶³ Metodieva, Y. (*Методиева, Ю.*) (2020), ‘Why are you silent on minorities, Mr. President!’ (*‘Защо се умълчавате за малцинствата, господин Президент!’*), Marginalia, 24 March 2020.

⁶⁴ National Network of Health Mediators (*Национална мрежа на здравните медиатори*) (2020), Coronavirus: what should we know? How to protect yourself and the others? (*‘Коронавирус: Какво трябва да знаем? Как да предпазим себе си и другите?’*), Sofia, National Network of Health Mediators.

⁶⁵ Bulgarian National Television (*Българска национална телевизия*) (2020), ‘A hotel refused to accept four Italian tenors for fear of coronavirus’ (*‘Хотел отказва да приеме четирима италиански тенори заради страх от коронавирус’*), Bulgarian National Television, 6 March 2020.

⁶⁶ bTV (2020), ‘Scandal on an airplane: Bulgarians forced English passengers to get off board’ (*‘Скандал в самолет: български пътници принудиха англичани да слезат от борда’*), bTV, 19 March 2020.

⁶⁷ Mediapool (2020), ‘A number of municipalities have put Roma neighborhoods under blockade because of the coronavirus’ (*‘Редица общини поставиха ромски квартали под блокада заради коронавируса’*), Mediapool, 19 March 2020.

clearly demonstrating their unwillingness to comply with the restrictions imposed'.⁶⁸ In the city of Kazanluk, some of the access points to the Roma neighbourhood were sealed with concrete to make the neighbourhood accessible only through the checkpoints.⁶⁹ Amalipe Center for Interethnic Dialogue and Tolerance (*Център за междуетнически диалог и толерантност „Амалипе“*) commented that authorities must be careful when implementing such measures to avoid the causing of tension, which can escalate into ethnic tension, and that 'measures must apply equally to everyone'.⁷⁰ Other civil society organisations and Roma rights activists also expressed concerns that the measures are discriminating against the Roma populations in these cities.⁷¹ Neither the Ombudsman, nor the equality body commented publicly on these measures. The Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) noted that the restrictive measures were applied by the competent authorities equally to all Bulgarian citizens and without discrimination on any ground.

3 Impact on privacy and spread of disinformation

No instances of infringement of privacy and/or data protection rights related to the outbreak were reported. Neither the public authorities nor the media had revealed the identity of persons who tested positive for COVID-19. Measures undertaken by employers in violation of the privacy and personal data protection rules were not reported either.

The Commission for Personal Data Protection (CPDP) (*Комисия за защита на личните данни*, КЗЛД) did not publish any statements or guidelines specifically targeting the protection of personal data when reporting on COVID-19 cases. The only official information released by the Commission was a set anti-epidemic measures including temporary suspension of access of third parties to open hearings, suspension of on-the-spot checks and mandatory measuring of the temperature of all visitors to the Commission's premises.⁷²

In terms of disinformation, the draft law on the measures during the declared state of emergency, currently pending second voting in parliament, suggests an amendment to the Criminal Code (*Наказателен кодекс*) for the incrimination of the spread of false information about infectious disease.⁷³ The penalty, envisaged by the draft, is up to three years of imprisonment and a fine of up to BGN 10,000 (approximately €5,000) and up to five years of imprisonment and a fine of up to BGN 50,000 (approximately €25,000) if the crime has caused serious damages. Even before the changes were adopted, public prosecutors, on the grounds of other provisions of the Criminal Code (*Наказателен*

⁶⁸ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2020), 'Information from the Sofia Regional Prosecutor's Office' (*Съобщение от Софийска районна прокуратура*), Press release, 19 March 2020.

⁶⁹ Stoilov, V. (*Стоилов, В.*) (2020), 'Kazanlak closes some of the exits in the concrete wall near the Roma neighborhood' (*Казанлък запуши част от изходите в бетонната стена край ромската махала*), 24 Chasa, 19 March 2020.

⁷⁰ Bulgarian National Radio (*Българско национално радио*) (2020), 'In Roma neighborhoods, mediators keep track of people coming back from abroad' (*В ромските квартали медиатори следят за хора, завръщащи се от чужбина*), 19 March 2020.

⁷¹ For an overview of the restrictive measures implemented in Roma neighbourhoods and the reactions of civil society organisations and Roma rights activists, see Vaksberg, T. (*Ваксберг, Т.*) (2020), "We agree with the measures but they must be the same for everyone." What is the police doing in the Roma neighbourhoods? (*„Съгласни сме с мерките, но да са еднакви за всички“. Какво прави полицията в ромските махали*), Radio Free Europe, 24 March 2020.

Bulgarian National Radio (*Българско национално радио*) (2020), 'In Roma neighborhoods, mediators keep track of people coming back from abroad' (*В ромските квартали медиатори следят за хора, завръщащи се от чужбина*), 19 March 2020.

⁷² Bulgaria, Commission for Protection of Personal Data (*Комисия за защита на личните данни*) (2020), 'CPDP introduces anti-epidemic measures against the spread of COVID-19' (*КЗЛД въвежда противоепидемични мерки срещу разпространението на COVID-19*), Press release, 13 March 2020.

⁷³ Bulgaria, Measures during the State of Emergency Declared by Decision of 13 March 2020 of the National Assembly Act (*Закон за мерките по време на извънредното положение, обявено с решение от 13 март 2020 г. на Народното събрание*).

кодекс) had launched several pre-trial investigations for disinformation, including two cases for spreading false news on Facebook.⁷⁴

Draft amendments to the Radio and Television Act (*Закон за радиото и телевизията*) aimed to counter disinformation was submitted to the parliament by a group of Members of Parliament on 19 March 2020. According to the draft, online media service providers will be placed under mandatory registration regime and the court will be authorised to order the blocking of access to websites disseminating disinformation. A fine of up to BGN 2,000 (approximately €1,000) is envisaged for dissemination of disinformation, which will be imposed on the owner of the domain or, if the owner cannot be identified, on the provider of the domain. Disinformation on the internet is defined as dissemination, through social networks, websites or webpages accessible from the territory of Bulgaria, of publication, which contains incorrect information concerning individuals or legal entities. The draft, which was not part of emergency legislative package proposed by the government, is yet to be discussed by the parliament.⁷⁵

The Council of Electronic Media (CEM) (*Съвет за електронни медии*, CEM) released an official statement against disinformation, calling to all electronic media service providers to inform the audience on COVID-19 responsibly, timely and correctly, present only verified information, refrain from disseminating false information, respect the privacy of persons and pay special attention when covering cases involving children.⁷⁶

The biggest public national televisions launched campaigns to encourage their audience to trust only verified information about the spread of COVID-19. The Bulgarian National Television (BNT) (*Българска национална телевизия*, БНТ) added a separate section to its mobile app providing ‘up-to-date and verified information’ on COVID-19.⁷⁷

To encourage the objective and correct presentation of information on COVID-19, the Association of European Journalists – Bulgaria (*Асоциация на европейските журналисти - България*) collected, translated and disseminated a selection of guidelines for responsible coverage, developed by international experts.⁷⁸ So far, no organised disinformation campaigns specifically targeting Bulgaria were reported.

The Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) reported about cases of telephone fraud related to the COVID-19 outbreak. Scenarios usually involved fraudsters presenting themselves as volunteers from support groups or doctors seeking money for treatment and research, taking advantage of people's fears. To respond to this threat Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) announced two specific measures: an information campaign to raise awareness among potential victims and a mobile app for restricting incoming calls from unknown numbers.⁷⁹

⁷⁴ For more information about the criminal proceedings for disinformation, see the News section of the website of the [Prosecutor's Office of the Republic of Bulgaria](#).

⁷⁵ Bulgaria, Draft Amendment to the Radio and Television Act (*Законопроект за изменение и допълнение на Закона за радиото и телевизията*), 19 March 2020.

⁷⁶ Bulgaria, Council of Electronic Media (*Съвет за електронни медии*) (2020), ‘Position of the Council of Electronic Media on the coverage of the current situation regarding the spread of the COVID-19 virus’ (*‘Позиция на Съвета за електронни медии относно отразяването на актуалната ситуация относно разпространението на вируса COVID-19’*), Press release, 2 March 2020.

⁷⁷ Bulgarian National Television (*Българска национална телевизия*) (2020), ‘Up-to-date and verified information – in the section on COVID-19 of our mobile app’ (*‘Актуална и проверена информация - в секцията COVID-19 на мобилното ни приложение’*), Bulgarian National Television, Press release.

⁷⁸ Association of European Journalists - Bulgaria (*Асоциация на европейските журналисти - България*) (2020), ‘COVID-19: Guidelines for responsible coverage’ (*‘COVID-19: Насоки за отговорно отразяване’*), Association of European Journalists - Bulgaria, Press release, 17 March 2020.

⁷⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2020), A preventive campaign is underway to protect citizens from telephone fraud related to COVID-19’ (*‘Вход е превантивна кампания за защита на гражданите от телефонни измами, свързани с COVID-19’*), Press release, 23 March 2020.