



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

4 May 2022

Case Document No. 2

Open Society European Policy Institute (OSEPI) v. Bulgaria
Complaint No. 204/2022

**OBSERVATIONS BY THE GOVERNMENT
ON ADMISSIBILITY AND
THE REQUEST ON IMMEDIATE MEASURES**

Registered at the Secretariat on 15 March 2022



PERMANENT REPRESENTATION OF THE REPUBLIC OF BULGARIA
TO THE COUNCIL OF EUROPE

Strasbourg, 15th March 2022

Nr. PV-7.8.3-47

Dear Mr. Kristensen,

In response to your letter Ref. 07/2022 IU/LV, please, find attached the position regarding the admissibility of collective complaint № 204/2022 from the Open Society European Policy Institute (OSEPI) v. Bulgaria of January 25, 2022, as well as the written observations on the request for immediate measures provided by the competent authorities of the Republic of Bulgaria.

Please, accept, Mr. Kristensen, the assurances of my highest consideration.

Enc. 2 files (6 pages)

Sincerely,

Maria Spassova
Ambassador, Permanent Representative

Mr. Henrik Kristensen

**Deputy Head of Department,
Deputy Executive Secretary
Of the European Committee of Social Rights
Council of Europe
Strasbourg**

**Position regarding the admissibility of collective complaint № 204/2022 from the
Open Society European Policy Institute (OSEPI) v. Bulgaria of January
25, 2022**

1. The Open Society European Policy Institute (OSEPI) is a non-governmental organization that has consultative status with the Council of Europe. OSEPI is included on the list of international non-governmental organizations entitled to file collective complaints before the European Committee of Social Rights (Committee).
2. The action is brought against a country – Bulgaria, to which the Charter applies and which has accepted the system of collective complaints. On 29 March 2000, the National Assembly of the Republic of Bulgaria passed the act ratifying the ESCh (rev.) which was promulgated in State Gazette, No. 30/11 April 2000. With the same act, on 7 June 2000 Bulgaria ratified the Additional Protocol of 9 November 1995, effective 1 August 2000, which enables bringing collective complaints.
3. The action concerns provisions of the ESCh (rev.) – Article 11 that guarantees the right of protection of health and Article E on the prohibition of discrimination in conjunction with Article 11, in context of the Covid-19 pandemic and distribution of Covid-19 vaccines.
4. In regard to the admissibility of collective complaint, we would like to inform you that we have no notes. We leave the assessment of the admissibility of collective complaint to the Committee's discretion.

**Written observations on the request for immediate measures on collective complaint
№ 204/2022 from the Open Society European Policy Institute (OSEPI)
v. Bulgaria of January 25, 2022**

The complainant, the Open Society European Policy Institute, called on the European Committee of Social Rights (ECSR) to compel the Bulgarian Government to take the following immediate measures:

1. Adopt and implement an emergency action plan with targeted measures to reach out and vaccinate the persons 60 years old and above and persons with underlying medical conditions against COVID-19 as a matter of priority;

2. Organize a proper access to vaccines, including locally for those who cannot move because of their age or health, and if appropriate in collaboration with general practitioners; and

3. Develop and implement a campaign of information about the need for people, and especially vulnerable groups such as the elderly and the sick, to be vaccinated against COVID-19, in order to achieve high levels of vaccination among these groups, and the population in general.

In view of the above, we provide the following information about the specific measures taken by Bulgaria:

1. Adoption and implementation of an emergency action plan with targeted measures to reach out and vaccinate the persons 60 years old and above and persons with underlying medical conditions against COVID-19 as a matter of priority.

The need for urgent measures for priority vaccination against COVID-19 of persons 60 years old and above and persons with underlying medical conditions was confirmed at the political level with the preparation and adoption of a draft Decree № 474 of 30 December 2021 approving additional transfer from the budget of the state social insurance for 2021, in force from 30.12.2021, promulgated SG, issue No. 1 of January 4, 2022, according to which the National Social Security Institute pays a one-off additional amount of BGN 75 to the pension or the sum of the pensions together with the supplements and compensations to them to each pensioner who, according to the National Immunization Register:

- has completed a vaccination course for COVID-19 by 31 December 2021 inclusive;
- has completed a vaccination course for COVID-19 or has received an additional (booster) dose of the COVID-19 vaccine in the period from 1 January to 30 June 2022 inclusive;
- has received the first dose of the COVID-19 vaccine in the period from 1 June to 30 June 2022 inclusive.

The reasons for the need to undertake the decree are the following:

The COVID-19 pandemic poses an immediate threat to the life and health of citizens and the implementation of adequate and timely public health measures is crucial. The efforts

of the Bulgarian state are also aimed at limiting the epidemic spread of COVID-19 and reducing the number of people susceptible to the infection.

The main and most effective prophylactic measure for this purpose is vaccination with a COVID-19 vaccine. For the successful and effective application of vaccine prophylaxis it is necessary to achieve a certain level of “herd protection” or the so-called “herd immunity”/“community immunity”, which in vaccine-preventable infections is over 80%.

At the end of December 2020, the delivery of the COVID-19 vaccine began in the country. With Decision № 896/07.12.2020 the Council of Ministers adopted a National Vaccination Plan against COVID-19 in the Republic of Bulgaria, where the most at-risk groups of the population were prioritized into five target groups for coverage with the first quantities of vaccines as vaccination is recommended and voluntary. Elderly persons 65 years old and above and persons with underlying medical conditions were included in the Plan as the 4th group due to the more severe course of COVID-19 and the higher risk of developing complications and death, including immunocompromised persons and persons with secondary immune deficiencies. As of February 18, 2021, due to the increased number of deliveries and quantities of vaccine, Phase 4 of the Plan was launched, and vaccination of persons aged 65 and above and those with underlying medical conditions began. During the period until the start of Phase 4, restrictions on movement at certain hours were imposed in the country by order of the Ministry of Health and green shopping corridors were created for people above 65 years old in order to preserve their health and life.

At the same time, due to the increased deliveries with an act of the Council of Ministers of 22.02.2021, during the weekend vaccination was started for all interested persons outside the defined priority groups with the possibility at the territorial level for pre-registration in a total of 369 temporary immunization points at the time. The COVID-19 vaccines received in the country were distributed on a population basis to all regional health inspectorates, and from there to all temporary immunization points in the country, so everyone who wanted to be immunized had equal access to vaccines, whether in a small town or a larger city.

According to data as of 22.12.2021, 27.1% of the people in Bulgaria have completed a vaccination course, 28.2% have administered at least one dose, and 3.4% have a booster dose. 35.2% of the people 60 years old and above have completed a vaccination course, 36.5% have administered at least one dose, and 7.2% have a booster dose.

As can be seen from the above, the achieved vaccination coverage in one of the most at-risk groups - the elderly, is unsatisfactory. The coverage of the entire population is well below the required values and even with the addition of those who have recovered from the illness, “herd immunity” has not been achieved, respectively the epidemic process cannot be interrupted.

Therefore, achieving a high vaccination coverage is a priority national goal, recognized by all political forces, administrative agencies, private business and society.

In order to achieve this goal, it is necessary to make targeted and coordinated efforts by all state institutions to increase the coverage and protection of the most at-risk groups of the population - the elderly and persons with underlying medical conditions.

2. Organization a proper access to vaccines, including locally for those who cannot move because of their age or health, and if appropriate in collaboration with general practitioners.

These activities are addressed as the responsibility of the Regional Health Inspectorates by order № RD-01-726/23.12.2020 of the Ministry of Health (MoH) for launching on 27.12.2020 of the immunization campaign against COVID-19 throughout the country to be organized at regional level by regional health inspectorates. According to item 12 of the order, the regional governors and the municipal administration, including health mediators, the Bulgarian Medical Association, the National Health Insurance Fund and the directors of medical institutions in the respective districts provide assistance in implementing the immunization campaign. In many places in the country, depending on the expressed interest, a mobile vaccination point is organized to hard-to-reach places or people with limited mobility. Vaccinations are administered only by physicians after they conduct a check-up, as with other vaccines. All types of medical and health establishments are included, including the specialized structures of the Ministry of Interior and the Ministry of Defense, which take over their contingents.

3. Developing and implementing a campaign of information about the need for people, and especially vulnerable groups such as the elderly and the sick, to be vaccinated against COVID-19, in order to achieve high levels of vaccination among these groups, and the population in general.

The Government of the Republic of Bulgaria continues its efforts to promote immunization against COVID-19 by planning a large-scale communication campaign. In the National Operational Plan for Tackling the COVID-19 Pandemic approved by the Council of Ministers, the Ministry of Health completely changed the approach to informing the public about the spread of COVID-19, promoting the benefits of coronavirus vaccination and stimulating the vaccination process in the country.

Meetings are held with representatives of a number of stakeholders (professional and non-governmental organizations in the health sector, the World Health Organization Country Office in Bulgaria, representatives of the Ministry of Education and Science, the National Council of the Religious Communities, the mayor of Sofia, with representatives of expert councils to the Minister of Health, with the Associations representing the Hospitality Industry, etc.). The aim is by improving the dialogue and uniting around targeted and consistent joint efforts to increase the awareness of Bulgarian citizens, both in terms of safety and effectiveness of vaccines, and in terms of possible complications after recovery from COVID-19 (the so-called post-COVID), which complications vaccination has the potential to prevent.

The 28 opinions of expert councils in various clinical specialties available in the Ministry were addressed to the GPs. This would assist GPs in carrying out a professional assessment of the benefits and risks of vaccination for those on their patient lists. Apart from that, the Minister of Health requested the expert councils to update all their opinions regarding the vaccination of patients with various major and medical conditions.

In order to achieve better coordination between the different structures in the Ministry of Health, an Interdepartmental Pandemic Committee has been established, whose task is to analyze and coordinate the implementation and control of anti-epidemic measures

introduced in the country, as well as to propose solutions in connection with the optimization of the vaccination process.

In connection with a representative study commissioned by the World Health Organization Country Office in the Republic of Bulgaria, which showed that Bulgarian citizens trust above all their physicians and pharmacists, the Ministry of Health is conducting intensive talks with the professional organizations of physicians, pharmacists and healthcare professionals. A series of discussions outlined the most pressing issues, including organizational, communication and technical, mechanisms for dealing with them quickly and permanently and the resulting new opportunities to accelerate the vaccination process in the country.

Currently, the Ministry of Health is developing a large-scale information campaign (respectively explanatory) on the benefits of vaccines and coronavirus vaccination as the only one known to science and proven effective in dealing with the severe course of the disease means, and as a way to overcome the pandemic. For the purposes of the campaign, a logo and slogan will be developed, proposed as a complete creative concept, by an external contractor and tested in special focus groups. The campaign will have its own website so that citizens have quick and easy access to the entire database of reliable data they need to exercise their right to make informed choices about vaccination. Representatives of different target groups at a click away (e.g. people with various major or underlying medical conditions - diabetes, hemodialysis, transplant citizens, etc., planning a pregnancy, pregnant, breastfeeding mothers, women with in vitro fertilization (IVF) procedures, the elderly, people in whose professions the risk of infection with COVID-19 is higher, due to the nature of the activity, etc.) will be able to get definitive answers to the questions they ask. Mandatory sections of the campaign's website include: "FACTCHECK" (where to refute misleading and false claims – e.g. "vaccines have not passed all phases of clinical trials", "natural immunity is better than that acquired after vaccination", "It is better to get sick than to get vaccinated", etc.); "Speakers" (this will legitimize people whose public speaking on the subject is scientifically and medically justified); "Questions and Answers" (the place for the questions of Bulgarian citizens and the answers of physicians, pharmacists, healthcare professionals and experts). Separate sections will be devoted to vaccination in children (5 to 11 years old, inclusive, and 11 to 17 years old, inclusive), the expected side effects after vaccination, the types of vaccines, the procedure for their approval, the technology of vaccine development, the so-called "long-COVID" and "post-COVID", of risk factors such as overweight, etc.

In order to give another perspective on the COVID-19 recovery, vaccines and vaccination, the Ministry of Health has already initiated the production, filming and editing of several video materials in which COVID-19 survivors tell their stories of the disease, its accompanying complications and their attitude towards vaccines. The aim of this initiative is for Bulgarian citizens to see real personal stories of affected persons as a counterpoint to false information disseminated mainly on the Internet and social media (the place where people most often seek information to "support" or "against" the COVID-19 vaccines). For this reason, the recorded videos will be distributed with an emphasis on social media.

The national campaign will be framed by conducting two nationally representative sociological surveys using the face-to-face method. Questionnaires will provide the starting points of the campaign and will help to accurately formulate the messages to the various target groups and to determine the approach to them. The key to the success of the campaign

will be working with a sociological agency, which at any time to give the communication team feedback - whether the messages reach people, how they are perceived, whether change is needed.

Facebook and Instagram pages will be created, as well as a YouTube channel of the campaign, where up-to-date, reliable and accessible information on vaccines and vaccination against COVID-19 will be published, as well as infographics and short explanatory videos of experts, stories of people who have had the virus, messages from opinion leaders, influencers, etc. on topics of the day related to vaccines.

The establishment of an information center for all issues related to vaccines and vaccination is also among the elements of the planned information campaign. The practice of the last 2 years (Hotline for questions related to COVID-19 and vaccines) shows that citizens prefer direct contact with an expert to answer all the questions asked. Contacts will be listed on the campaign website: phone numbers, email addresses, etc.

As part of the campaign, brochures will be printed, aimed at different groups in society: 1) general - the most important thing about vaccines; 2) for women's health and vaccines - planning a pregnancy, pregnant women, women recently given birth, breastfeeding mothers, with in vitro fertilization (IVF) procedures; 3) for children and vaccines; 4) for people with chronic diseases; 5) for pharmacists, for general practitioners; 6) for the elderly; 7) for staff in schools and social institutions, etc.

The campaign will also have digital banners, which will be published on the websites of the partners, medical establishments, RHI, media. The banners will provide a link to the official website of the initiative.

It is planned to conduct trainings for general practitioners and medics from the emergency medical centers in the settlements with lower vaccination coverage. Targeted information initiatives are also planned to explain the benefits of vaccination among teaching staff in the country. This occupational group is also at increased risk of contracting COVID-19.

Another initiative is the organization of a mobile vaccination team of the campaign, which, according to a pre-announced schedule, to visit the smallest, most remote and inaccessible settlements in the country.

Throughout the campaign, the leading element in it will be conducting interviews and promoting positions and scientific publications of leading medical professionals, scientists and experts in the field of medicine, as well as international organizations, including WHO, UNICEF, European Centre for Disease Prevention and Control, etc.

Currently, efforts are focused on one main priority - accelerating the vaccination process in the Republic of Bulgaria. For this purpose, all communication channels will be used to reach the Bulgarian public with the most reliable and verified information, based on scientific achievements and research on the benefits of vaccines.