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

15 January 2023

Case Document No. 3

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

**SUBMISSIONS BY THE GOVERNMENT
ON THE MERITS**

Registered at the Secretariat on 15 December 2022

**WRITTEN SUBMISSIONS ON THE MERITS
OF COLLECTIVE COMPLAINT NO. 204/2022 BY THE INSTITUTE FOR
EUROPEAN POLICIES OF THE OPEN SOCIETY FOUNDATION AGAINST
BULGARIA UNDER THE EUROPEAN SOCIAL CHARTER (ESH) (REV.)**

With regard to the Decision of 18.10.2022 of the European Committee of Social Rights (ECSR, the "Committee") of the Council of Europe (CoE), on the occasion of collective complaint No. 204/2022, filed by the Open Society European Policy Institute (OSEPI) Foundation v. Republic of Bulgaria, and given the opportunity for the Bulgarian government to submit written submissions on the merits of the said collective complaint, we provide the following information:

The collective complaint of 25 January 2022, recognized by the ECSR as admissible, concerns a violation of the right to health protection and the principle of non-discrimination (in violation of Article 11 of the European Social Charter (ESCh) and Article E in conjunction with Article 11 of the ESCH). The complaint is directed against the National Vaccination Plan against COVID-19, adopted by Decision No. 896 of 2020 of the Council of Ministers, alleging that it did not reflect the need to protect the elderly and those with comorbidities, based on the fact that the said groups did not receive priority access to COVID-19 vaccines available in limited quantities in the period December 2020 - May 2021.

It is also alleged that the state has failed to keep the population informed about the benefits of vaccination, nor has it been able to deal with anti-vaccine misinformation circulating primarily on social media. A request for immediate measures was also made with the complaint. Regarding the latter, the Bulgarian government has informed the ECSR about the specific measures taken by the Government to increase the scope of vaccination against COVID-19. Given the actions taken by Bulgaria, and the reported significant reduction in the number of infected and fatal cases from COVID-19, the ECSR does not consider the need to determine immediate measures (item 19 of the Decision), but in terms of the sufficiency and effectiveness of the measures taken (priority groups and vaccination coverage, organizing access to vaccines, vaccination campaign, etc.) the ECSR considered it more appropriate to address the issue within its substantive decision.

With Decision No. 896/7.12.2020 of the Council of Ministers, the National vaccination plan (NVP) against COVID-19 in the Republic of Bulgaria was adopted and the composition of the National Vaccination Headquarters (NVH) was determined, in order to coordinate and control the implementation of the NVP. In this regard, in the period December 2020 - May 2021, all activities, including publicity and communication regarding vaccines and vaccination against COVID-19, are fully compliant with NVH decisions.

The strategic goal of the Ministry of Health within the mentioned period and after it, is to limit the number of deaths and hospitalizations due to COVID-19, as well as the long-term consequences for the health of Bulgarian citizens through:

- **Raising public awareness** of the benefits of vaccination against COVID-19 as a means of preventing severe illness, subsequent health complications and death;
- **Fighting misinformation** regarding the vaccines against COVID-19, through up-to-date statistics, official and science-based information, answers to frequently asked questions.

To increase public awareness, in parallel with the start of the vaccination campaign, the Ministry of Health has established **on its official website** a section on SARS-CoV-2, COVID-19, vaccines and vaccination, in two subsections - For Citizens and For Medical Specialists. At the beginning of January 2021, such a section was also dedicated in the **Unified Information Portal for the fight against COVID-19 of the Republic of Bulgaria** (<https://www.mh.government.bg/bg/novini/aktualno/nov-informacionen-modul-za-vaksinite-sreshu-covid-/>), created in the first half of 2020. Subsequently, in 2022, after the launch of the **MH Plus Me campaign**, the initiative site became the main communication channel providing access to science-based information through various types of publications about vaccines and vaccination (including the use of vaccines for specific health conditions and diseases). In addition to the mentioned platforms, the relevant pages in social networks and the Viber CHAT-bot are actively used to acquaint the public with verified data from reliable national and international sources by means of leaflets and brief characteristics of the vaccines, incl. even before the first deliveries of vaccines in the country, the purpose of which is enable the public to make an informed decision about vaccination. (<https://www.mh.government.bg/bg/novini/aktualno/produktova-informaciya-za-comirnaty-koncentrat-za-/>). In addition, in the quoted period, everyone was provided with the opportunity to receive answers to various questions about vaccines and vaccination from the **so-called Ministry of Health telephone hotline**.

In order to **combat the misinformation** regarding the vaccines against COVID-19 spread not only through social networks but also by medical experts in the mainstream media, NVH representatives have been giving **weekly** briefings on issues of high public interest in the context of the subject of vaccines, vaccination, epidemic situation and anti-epidemic measures. In this regard, excerpts from the Minister of Health's response to a parliamentary question from 05 February 2021 are available at the following address: <https://www.mh.government.bg/bg/novini/parlamentaren-kontrol/otgovor-na-ministra-na-zdraveopazvaneto-05-02-21/>.

In the **Unified Information Portal** www.coronavirus.bg there is a developed Vaccines Against COVID-19 module. It contains all the information available in the world about the vaccines against COVID-19 authorized for use within the EU. The module contains sections with official information from the European Center for Disease Prevention and Control (ECDC), WHO, EC, etc., current statistics, most frequently asked questions by patients and doctors, scientific articles with the so-called "impact factor", video materials. They all explain the facts and dispel myths about vaccines in understandable language. On the initiative of the Ministry of Health, the director of the National Center for Infectious and Parasitic Diseases through an online lecture uploaded on the Facebook page of the Ministry of Health, on the YouTube channel of the Ministry of Health, as well as in the Vaccines Against COVID-19 module of the **Unified Information Portal for the fight against COVID-19 of the Republic of Bulgaria** <https://coronavirus.bg/>, introduced the media to the characteristics of the three types of vaccines against COVID-19.

In light of the above, we are of the opinion that the allegations that the Bulgarian government *"failed to send a clear and unambiguous message, both to the general public and to vulnerable groups, about the safety and importance of vaccines against COVID-19 in preventing fatal outcome and severe diseases" and "actively expose and combat misinformation about vaccines, their effects and safety, including when the latter have been expressed publicly by medical professionals and in public media"* do not correspond

to the factual situation clearly highlighted so far, and accordingly, we do not consider it as objectively reflecting the truth. In this regard, it is also necessary to clarify that in mid-February 2021, Bulgarian citizens' access to vaccines was limited due to circumstances beyond the country's control, including manufacturers reduced and delayed vaccine supplies, essentially impeding the planned pace of NVP implementation. The Minister of Health has provided information on this matter several times, including during his participation on 1 March 2021 in the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) (Part Health)

<https://www.mh.government.bg/bg/novini/aktualno/ministr-angelov-uchastva-v-neformalen-sveta-po-za1/>, as well as in other forums:

<https://www.mh.government.bg/bg/novini/aktualno/ministr-na-zdraveopazvaneto-km-proizvoditel-na-va/>;

<https://www.mh.government.bg/bg/novini/aktualno/ministr-angelov-nepriyatno-ni-iznenada-porednoto-1/>.

From what has been stated so far, it is clear that the vaccination coverage in the country in the period addressed in the complaint (December 2020 - May 2021) directly corresponds to the quantities of vaccines available in the country, as well as that there was an increased public interest in vaccination for the specified period. In support of the above statement - with a view to maximally facilitating access to vaccines, on March 4, 2021, the **Vaccination Registration electronic system** was launched. This system made it possible for every citizen, regardless of where in the country he resides, to choose the vaccination point where he will be immunized, (<https://www.mh.government.bg/bg/novini/aktualno/ot-dnes-4-mart-raboti-elektronniyat-registr-v-kojt/>), and in just one day, 41 thousand people booked an appointment for vaccination through the platform (<https://www.mh.government.bg/bg/novini/aktualno/nad-41-hil-dushi-se-zapisaha-za-vaksinaciya-sreshu/>). To promote vaccination as a means to protect ourselves and others, in addition to the registry as another opportunity to access vaccination, a video was created and distributed in a number of media as well as on the communication platforms of the Ministry of Health.