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**FREEDOM OF ASSEMBLY ENFORCEMENT IN BULGARIA DURING THE CORONAVIRUS CRISIS**ORCID ID: <https://orcid.org/0000-0002-1458-5076>**Rezmer-Plotka K., Nicolaus Copernicus University, Toruń, Poland**

During the coronavirus pandemic, numerous restrictions on human rights and civil freedoms began to be introduced in all European Union countries. As a result, the number of assemblies and protests during which citizens expressed their dissatisfaction with ongoing democratic backsliding, inefficient public health service, and poor crisis management increased significantly. The lack of acceptance for subsequent legal solutions has also been repeatedly emphasized, looking for a tool of oppression instead of concern for health. However, over the months, the number of infections has increased significantly, which has forced governments to make decisions that would induce people to vaccinate against COVID-19. As a result, anti-vaccine movements have become active, which can be described as new pandemic-induced social movements. Bulgaria was for a long time at the forefront of countries where the percentage of vaccinated was the lowest, so when the so-called Green Certificate was introduced, anti-vaxxers gathered in front of the Bulgarian parliament. The protest took place at a time when the infection record was reached. The first aim of this article is to trace the dynamics of protest group's development related to the introduction of mandatory vaccination on the example of the assembly that took place on the day of the highest increase in infections in January 2022. The second aim is to determine the intended and unintended consequences of this development. The study used the analysis of sources, focusing primarily on reports from global news portals. On the example of this protest, several dimensions of the movement's activity can be distinguished, which allow us to see the dynamics of this group. During the assembly in front of the Bulgarian parliament, one can distinguish activity in the symbolic, declarative, forceful and emotional dimensions.

**Keywords:** Bulgaria, freedom of assembly, pandemic, civil disorder.**Резмер-Плотка К. Забезпечення свободи зібрань в Болгарії під час коронавірусної кризи**

Під час пандемії коронавірусу в усіх країнах Європейського Союзу почали вводитися численні обмеження прав людини та громадянських свобод. У результаті значно зросла кількість зібрань і протестів, під час яких громадяни висловлювали своє невдоволення триваючим відступом демократії, неефективною системою охорони здоров'я та невдалими спробами влади врегулювати кризу. Також неодноразово наголошувалося на неприйнятності правових рішень, що приймалися урядами країн ЄС, які сприймалися суспільством як спроби побудувати інструмент підкорення замість турботи про здоров'я. Однак протягом кількох місяців кількість заражень значно зросла, що змусило уряди країн ЄС ухвалювати рішення, які спонукали б людей робити щеплення проти COVID-19. У результаті активізувалися рухи антивакцинаторів, які можна охарактеризувати як нові соціальні рухи, викликані пандемією. Болгарія тривалий час була в авангарді країн, де відсоток вакцинованих був найнижчим, тому, коли було введено так званий Зелений сертифікат, антиваксери зібралися під болгарським парламентом. Протест відбувся в той момент, коли був досягнутий рекорд захворюваності. Перша мета цієї статті – простежити динаміку розвитку протестних груп, пов'язаних із запровадженням обов'язкової вакцинації, на прикладі зібрання, яке відбулося в день найвищого зростання заражень у січні 2022 року. Друга мета – визначити передбачені та непередбачені наслідки такого розвитку подій. У дослідженні використовувався аналіз різних новинних джерел, із акцентом насамперед на повідомленнях глобальних новинних порталів. На прикладі цього протесту можна виділити декілька вимірів діяльності руху, які дозволяють побачити динаміку цієї групи. Доведено, що в процесі реалізації протесту перед болгарським парламентом можна виділити активність у символічному, декларативному, силовому та емоційному вимірах.

**Ключові слова:** Болгарія, свобода зібрань, пандемія, громадянські заворушення

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**Introduction**

The most important acts of international law guaranteeing freedom of assembly are European Convention on Human Rights, freedom of assembly from 1950 [1] and International Covenant on Civil and Political Rights [2] and Universal Declaration of Human Rights [3].

On the basis of the European Convention on Human Rights, freedom of assembly includes both public and private. There are no restrictions on the purpose of the gatherings, they can be political, religious, etc. However, it was assumed that they must be peaceful, but accidental acts of violence in the course do not prejudice the loss of protection by the assembly. The state also has a duty to protect those attending assemblies from possible violence by counter-demonstrators. An interesting example in this regard is the case of the United Macedonian Organisation Ilinden and Ivanov v. Bulgaria, where the Court ruled that the protection of the demonstrators was not sufficient. Among the legitimate restrictions or prohibitions on gatherings, the interest of state or public security was indicated; the protection of law enforcement and the prevention of crime; protection of health and morals; protection of the rights and freedoms of others [4]. The right to peaceful assembly allows for the expression of the beliefs of a given community and participation in shaping its reality, enables the exercise of individual freedom, can serve as a tool for asserting other important rights, and failure to respect the freedom of peaceful assembly can mean repression [5].

Based on The European Civic Forum's 2017-2018 report, Bulgaria found no serious threats, restrictions or obstacles to the exercise of the right of assembly. Especially since not only the political environment was taken into account, but also the legal and social one. It was noticed that in the autumn of 2018 there were protests with various purposes almost every day. However, according to the organization, they should be treated in the case of this country as a way to express the position of citizens on certain issues. In addition, on the basis of the observations carried out, administrative and police staff provide the necessary assistance to citizens in exercising their right to freedom of peaceful assembly [6].

The right of assembly in Bulgaria is regulated primarily in the Constitution, where Article 43 indicates that all citizens shall have the right to peaceful and unarmed assembly for meetings and demonstrations [7]. This matter is also regulated in the Law on Gatherings, Meetings and Manifestations [8], where it is also indicated that any citizens, associations, political and other social organizations have right to organize gatherings, meetings and manifestations. Article 3 indicates that citizens can express their opinions, attitudes and positions regarding matters of political, economic, social, cultural and other nature through words, posters, models or in some other appropriate way. Moreover, as Article 4 states, anybody cannot be prosecuted or punished for organizing and taking part in gatherings.

The period of the coronavirus pandemic was conducive to numerous gatherings, during which citizens expressed their opposition or dissatisfaction with the implemented security measures and restrictions of the rights and freedoms of the individual. Many researchers have pointed this out, including, for example, G. Cohen, B. G. Fortune [9], M. Kowalewski [10], D. Mead [11], G. Pleyers [12] and others. Social discontent fast translated into civil disorder.

During the great crisis of public health, all European countries restricted freedom of assembly, but also introduced the obligation to wear protective face masks. Initially, mainly indoors and public transport, then they were also required from people outside. Assemblies during the entire pandemic period were banned or possible only to a limited extent and sometimes after prior notification to the proper authorities. Despite these restrictions, citizens took to the streets, violating the restrictions introduced and often leading to scuffles with the police.

Due to the increasing number of infections in subsequent countries, vaccination was encouraged in order to protect citizens from the negative effects of the disease and reduce the number of infected. However, Bulgaria was still at the forefront of countries with the lowest percentage of people vaccinated [13]. For this reason, the government decided to introduce from October 21, 2021 the obligation to have a covid certificate (Green Certificate), which was to confirm vaccination against COVID-19.

This caused discussions between opponents and supporters of vaccination and proposed preparations. There has also been an activation of anti-vaccine movements, with the support of some political parties, including nationalist ones [14]. Their numerous gatherings and marches through the streets of cities took place in most European countries. Governments therefore decided to introduce various legal regulations, thanks to which it would be possible to exert pressure on citizens to decide to vaccinate. One of them was the introduction of a covid passport, without which it was difficult to travel or use various closed facilities or public transport.

The first aim of this article is to trace the dynamics of protest group's development related to the introduction of mandatory vaccination on the example of the assembly that took place on the day of the highest increase in infections in January 2022 [15]. The second aim is to determine the intended and unintended consequences of this development. The study used the analysis of sources, focusing primarily on reports from global news portals.

The analysis of the activity that took place before the Bulgarian Parliament is important from the point of view of research on civil disorder and reflection on the causes of unexpected and unpredictable consequences, such as violence against the police. So far, numerous publications by M. Skrzypek [17], K. Rezmer-Plotka [18], P. Osiewicz [19], J. Rak [20] and others have focused mainly on limiting the right to assembly by governments, which testified to the processes of de-democratization. In this case, attention was paid to grassroots protests, how they unfolded, and what their consequences were.

#### **Police activity during coronavirus pandemic**

Researchers see significant changes in the scope of police operation, their powers, and the crimes and violations that occurred during the particular period of the pandemic. During cepol Research and Science Conference in 2021 even discussed the role of the police in the times of the COVID-19 pandemic. On the basis of the participants' speeches, Gorazd Mešk divided into five groups the most important topics related to police activities during the pandemic and changes in crime. First of all, during academic discussions, changes in police training during the

COVID-19 pandemic and after it were noticed. Mainly, the focus was on e-learning and its quality and the significant burden on training providers. Secondly, there was a discussion on dealt with police management and organisation in a crisis. In this case, attention was paid to dealing with fake news about police work and changing investigative procedures, it was related to the threat to life. Thirdly, there was reflection on the mental health and safety of police officers. Fourth, participants noticed that patterns of crime and problems related to criminal investigation had changed. During the pandemic, cybercrime has increased significantly. Fifthly and most importantly from the point of view of this article, the conference discussed everyday policing, especially the interventions in public disorder and those in policing public demonstrations held against governments, their decisions regarding the COVID-19 restriction measures [21]. When discussing civic activity during the pandemic and police activities, it is necessary to take into account the problems and significant changes that the academic community has drawn attention to.

During the coronavirus pandemic, in Bulgaria, there have been many protests of various nature. On more than one occasion, the police used force in connection with the actions of the protesters. Among the most important assemblies during this period are i.e.: those related to the pressure of citizens for the Prime Minister and the Attorney General to resign [22]; expressing opposition to the introduced restrictions for example protests restaurant and club owners [23]. Regardless of the protesters' demands, each time the police used coercive measures.

Before coronavirus pandemic in 2004, the so-called Code of Ethics for Officials of the Ministry of the Interior with Police Functions was created in Bulgaria in connection with the Co-operation programme to strengthen the rule of law. Part V stipulates that the police may use of force:

„84. The police shall not abuse the rights given to it by the law to use physical power, auxiliary devices and weapons. The police shall use physical power, auxiliary devices or weapons only in cases, provided by the law, in case of unavoidable necessity, proportionate to the risk, and to a degree, which is necessary in order to achieve a lawful goal.

85. The police on a crime scene is in the position to make an assessment whether to use physical power, auxiliary devices or weapons, and to what extent.

86. The police uses physical power, auxiliary devices and weapons only as a last chance and stops using them immediately after the necessity to use them has ceased to exist.

87. The police offers help immediately to persons, against whom physical power, auxiliary devices or weapons were used, after the reasons for their use has ceased to exist and the purposes of their use were achieved.

88. Threatening with weapons, beyond the methods determined by professional rules of intervention, is an example of irresponsible behavior by the police, which contradicts the principles of professional ethics” [24]

Moreover in Bulgaria the actions taken by the security services during the pandemic are mainly:

- use of pepper spray (this was the first time in the history of Bulgaria under Borisov) [25];
- use of water cannons [26];
- arrests of protesters [27];
- removing of anti-government tent towns of protesters [28];
- use of violence against protesters [29].

The activity of the security services did not differ significantly from the actions taken during previous assemblies and protests.

#### **Protests of the anti-vaccine movement in Bulgaria**

The largest gathering took place in Sofia, the capital city of Bulgaria. Referring to the category of new social movements created by Claus Offe, one can confirm that it meets all the criteria characteristic of them [30]. It is a collective and spontaneous assembly with a specific goal, which is to put pressure on the government to abolish the obligation to wear protective face masks and mandatory vaccinations. Furthermore, in the old social movements, it was important to induce a general social change. In contrast, anti-vaxxers focus on a specific area, that is, making the public aware of the effects of vaccination and preventing further vaccination. They do not believe in their effectiveness but make effort to disrupt everyday life in a public sphere. Anti-vaxxer protests intensified significantly, in all European countries, as further restrictions were introduced for the unvaccinated.

During the assembly in the Bulgarian capital, several dimensions of the activity undertaken by the protesters can be distinguished:

- symbolic dimension, i.e waving national flags and singing patriotic songs [31],
- declarative dimension – mainly declarations of staying at the place of the assembly until their demands are met (abolition of the obligation to vaccinate and wear protective face masks) [32],
- the dimension of force – first of all, attempts to break into the parliament, attacks on security services [33],
- emotional dimension – in this case it is mainly about spontaneous speeches of the participants of the assembly, which cause strong emotions, e.g. „I studied biology for six years, so I know that the vaccines against coronavirus aren't vaccines at all! They're experimental cocktails that contain a chip and things that destroy our freedom. They're controlled by 5G systems. Nobody should get vaccinated!” [34].

In the face of high tension, Bulgarian Prime Minister Kiril Petkov, who was in quarantine, joined the protesters, appealing for calm and proposing a meeting with representatives of the movement to discuss their demands [35]. Nevertheless, it did not translate into a decrease in civil disorder.

During this protest, apart from the information about several injured police officers and a few arrests, none of the reports raised the issue of other actions taken by the services.

Anti-vaccine movements have been forming and operating around the world for years and the Bulgarian political scene is not an exception. In addition, in Bulgaria, after the last early elections of 2021, those movements have their representation in parliament [36]. Note should be taken that the protest, which took place after the National Assembly raised the issue of the green certificate, was organized by the pro-anti-vaxxer and ultranationalist Vazrazhdane party (Revival) [37].

### Conclusions

The protests that took place in front of the Bulgarian parliament revealed that citizens embodied their opposition to mass vaccination with patriotism, the ability to influence the rulers, strong emotions, but also the threat of violence and its use when other means failed. It can be pointed out that in the first stage, there was an intended consequence and thus an effective organization of the protest. Despite restrictions, protest participants successfully made claims in a public sphere. Violent clashes between police officers and protesters were unintended but inevitable. Subsequently, it was possible to attract public attention, and the party initiating civil disorder strengthened its legitimacy as a right representative of the people and was able to emphasize the support of citizens for its claims. In addition, a conversation was established with the Prime Minister, i.e. a representative of the government. Thereby, protesters won recognition for their protests. After the end of the protest, one can talk about achieving one more goal, i.e. creating such a significant group that the party announced the organization of further anti-government protests.

In this way the protesters managed to achieve one main goal and attracted the attention of the world and the government and the Vazrazhdane party announced further protests [38]. However they have failed to exert effective pressure on the abolition of the green certificate.

The analysis revealed another trend, as anti-vaxxer protests took place not only in Bulgaria but also in other Member States of the European Union. It could be noted that in many of them they received political support from nationalist groups. In France, for example, assemblies were held at the urging of presidential candidate Florian Philipopot, one of the leaders of a French nationalist political party [39]. In Italy, Giorgia Meloni, the leader of a far-right group, who is credited with influencing the undecided on vaccinations, has begun to gain in importance [40]. In Germany, there have been seen examples of the use of the pandemic situation by far-right circles to identify vaccination with the Nazi dictatorship [41]. These are just a few selected examples, but they indicate that it is not only in Bulgaria that this movement has received support from politicians with nationalist views.

Over time, it turned out that even such a far-reaching interference with the rights and freedoms of citizens did not fully achieve the expected results [42]. As a result, more and more countries have begun to abandon the obligation to show covid passports in restaurants, at border crossings and elsewhere.

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## ГРОМАДСЬКИЙ КОНТРОЛЬ ЯК ВИД ПУБЛІЧНОГО АУДИТУ

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Участь громадян у політичному процесі та реалізація діалогової взаємодії між владою і суспільством забезпечуються виконанням такої функції публічної політики, як громадський контроль, який в свою чергу відноситься до особливого виду публічного аудиту.

Інституалізовані практики громадського контролю в демократичних державах представляють досить широкий набір інструментів, який будується, перш за все, навколо принципів прозорості державної влади й участі суспільства в її роботі. Інституалізованими формами публічного контролю є: громадсько-публічний аудит (забезпечує перевірку підзвітності органів державної влади, виконання ними організаційно-функціональних зобов'язань) та громадсько-публічна експертиза (процесуально-правова форма громадського контролю, яка забезпечує аналіз державно-управлінської практики шляхом з'ясування її адекватності інтересам громадськості). У поле громадського контролю потрапляють усі види діяльності публічної влади (фінансова, політична, правова) й самі фігуранти публічного процесу. Вирішення проблем громадського контролю в політичних системах, залежить від готовності держави до відкритого діалогу з суспільством і адекватного реагування на проблеми, які необхідно вирішувати на основі солідарності, субсидіарності та консенсусності.

Інституціоналізація публічного аудиту і громадського контролю в Україні ще знаходиться в стадії свого методологічного, нормативного та практичного оформлення і становлення. Можна виділити деякі новостворені мережеві інституціоналізовані структури публічного аудиту в політичному просторі, насамперед – це експертні співтовариства, громадські організації, мережеві структури, створювані з ініціативи держави, які об'єднують у собі аналітичні групи, представників влади, консультантів, менеджерів та ін.

**Ключові слова:** публічний аудит, громадський контроль, інститути, експертиза, державна влада.

**Chaltseva O. M. Public control as a type of public audit**

The participation of citizens in the political process and the realisation of dialogue interaction between the government and society are ensured by the implementation of such a public policy function as public control, which refers to a special type of public audit.

Institutionalized practices of public control in democratic states represent a wide range of tools, which is built primarily around the principles of transparency of public authorities and participation of society in its work. Institutionalized forms of public control are: civil-public audit (ensures verification of the accountability of public authorities, fulfillment of their organizational and functional obligations) and civil-public expertise (a procedural and legal form of public control that provides analysis of state administrative practice by determining its compliance with the interests of the public). All types of activities of the public authorities (financial, political, legal) and the participants of the public process themselves fall within the scope of public control.

Solving the problems of public control in political systems depends on the readiness of the state for an open dialogue with society and appropriate response to the problems that need to be solved on the basis of solidarity, subsidiarity and consensus.