

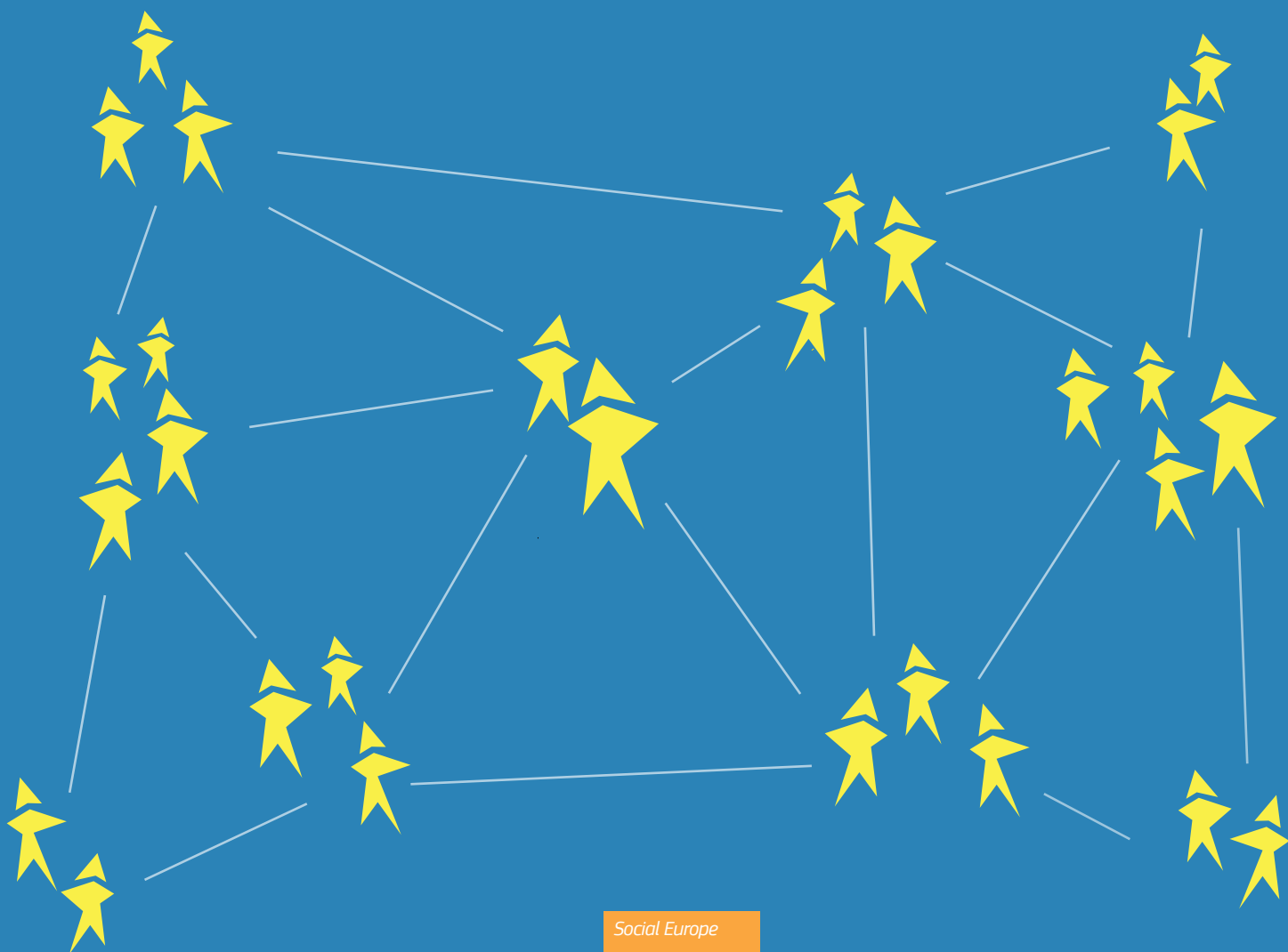


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Social protection for people with disabilities

Bulgaria

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Social Europe

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
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European Social Policy Network (ESPN)

ESPN Thematic Report on Social protection for people with disabilities

Bulgaria

2022

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The European Social Policy Network (ESPN) was established in July 2014 on the initiative of the European Commission to provide high-quality and timely independent information, advice, analysis and expertise on social policy issues in the European Union and neighbouring countries.

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Manuscript completed in September 2022

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QUOTING THIS REPORT

Bogdanov, George and Zahariev, Boyan (2022). *ESPN Thematic Report on Social protection for people with disabilities – Bulgaria*, European Social Policy Network (ESPN), Brussels: European Commission.

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Summary

This report analyses the most important cash and in-kind social protection provisions available to adults with disabilities (i.e. people aged 18 or above). There are other important provisions available to them in other areas not covered in this report. In line with Article 1 of the UN Convention on the Rights of Persons with Disabilities (CRPD), “people with disabilities” should be understood as “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

Recent reform of disability provision was the outcome of a long public debate, with the participation of civil society organisations and activists, key administrators, legislators and politicians. Organisations of people with disabilities also took part in multiple street protests. The overall direction of the reforms was generally met with approval from various stakeholders, though some organisations of people with disabilities are pushing for even more radical changes, including the full dismantling of the existing framework of quantitative medical disability assessment.

In Bulgaria social protection of people with disabilities is based on a combination of programmes of general income support and special disability-related benefits. The backbone of the income support scheme is formed by a non-contributory disability pension. Some measures have eased access for people with disabilities to the main guaranteed minimum income scheme; but due to the overall restrictiveness of the scheme it plays a secondary role as a mechanism for income support for people with disabilities.

Disability-related benefits include various supplements, cash benefits for the provision of personal assistance, and allowances for purchasing medical devices and aids. After the above-mentioned reform, the monthly financial support and disability-related allowances for people with disabilities aged 18 years and more are linked to the official poverty line, which is updated annually. The official poverty line for 2022 is 413 BGN (around €211). With the new poverty line from 2022, the benefits of about 670,000 people with disabilities have increased by between 3 BGN (€1.50) and 25 BGN (€12.80) per month. The automatic annual indexation of disability benefits constitutes a significant improvement compared with the previous system of discretionary decisions by the government, and guarantees that incomes and support for people with disabilities will move in step with the overall growth of incomes.

In 2020, the Council of Ministers of Bulgaria adopted the national strategy for people with disabilities 2021-2030, along with a comprehensive action plan for the period 2021-2022 outlining further steps for ensuring better protection of the rights and well-being of people with disabilities, in furtherance of what has already been achieved with the reform of the sector.

In Bulgaria, 2021 was marked by a severe political crisis and three subsequent parliamentary elections, which caused some delays in implementing the comprehensive reform of the disability income scheme envisaged in the strategic documents adopted by the government. However, with a new regular cabinet in place as of mid-December 2021 it is safe to assume that, in 2022, certain reforms in the field of disability-related social protection will be continued.

The main remaining gaps in the Bulgarian system of social protection for people with disabilities are related to housing. The system of housing benefits in Bulgaria is so limited that it has no practical importance for people with disabilities. Incentives and support for labour market participation need to be strengthened. Some aspects of the disability assessment framework are criticised for actually hampering labour market participation by restricting access to certain occupations on the basis of a standardised medical diagnosis instead of a personalised assessment of capabilities. Social benefits also lack the necessary flexibility that would provide incentives for labour market participation and protect people with disabilities from in-work poverty.

1 Access to disability-specific income support

1.1 Disability-specific benefits/pensions available to working-age people

1.1.1 *Месечна финансова подкрепа за хора с увреждания (Monthly financial support for people with disabilities)*

The monthly financial support for people with disabilities is the main non-contributory disability assistance scheme currently operational in Bulgaria. The scheme is administered by the Agency for Social Assistance (ASA), following a complex application procedure also involving other agencies, as described in the section below on the disability assessment framework. The ASA under the Ministry of Labour and Social Protection is the main body in Bulgaria administering non-contributory assistance schemes for all types of beneficiaries.

a) Eligibility conditions

Disability-related qualifying criteria: Reduced work capacity. The main factor in determining the degree of reduced work capacity is the expert assessment of the functional deficit caused by the disease. Various diseases, stages of development of the latter and relevant functional deficit level are regulated under Annex No 1 to Article 63, paragraph 1 of the Ordinance on Medical Expertise. The percentage of disability/"incapacity" for work is determined at three levels as follows: from 50% to 70.99%; from 71% to 90%; and over 90%.

Age: People over 18, with no maximum age limit.

Nationality and/or residency: Bulgarian nationals and people granted equivalent status are eligible. Claimants should be living in Bulgaria¹. When they move abroad the benefit stops.

Waiting period: The assessment of individual needs has to be completed by the end of the month following the month in which all requisite documents have been submitted. The process of submission of documents is complicated and can take an indefinite time. The individual needs assessment is issued for the period specified in the expert decision for determining the percentage of permanently reduced working capacity or the type and degree of disability.

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: Monthly assistance is granted on the basis of an individual assessment of the needs of the person with disabilities related to their health and the presence of barriers to daily and other activities. The logic of the benefit is to cover any additional costs stemming from specific disability-related needs. Therefore, no means tests are applied.

Other: None.

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit. The benefit, however, is rather new and early evidence suggests a positive aggregate effect on total expenditure on the social support of people with disabilities. Following the reform that started with the adoption of new legislation in 2019, the total resource allocated per year to people with disabilities grew by nearly 45%. The scope of this social programme is extremely wide and in practice covers 11.5% of the total population aged over 19 in Bulgaria (IME, 2021). There is no evidence, however, on the effect of the benefit on specific groups of people with

¹ These conditions apply to EU and non-EU nationals, people with refugee status, and any other non-Bulgarian nationals defined in an international treaty.

disabilities or on its effectiveness in protecting the incomes of people with disabilities in the context of fast inflation and economic crisis such as the one caused by COVID-19.

b) Disability assessment framework

Type of assessment: The assessment of the disability is based on a medical assessment.

Responsible authority: The National Expert Medical Commission (NEMC) is a legal entity working under the Ministry of Health. The NEMC is the body before which the expert decisions issued by the Territorial Expert Medical Commissions (TEMCs) are appealed, which certify people as having a permanent incapacity for work and the type and degree of disability. The medical files are submitted to the NEMC through the regional medical examinations files. The number of TEMCs in the country is 71. The ASA is responsible for providing monthly financial support to people with disabilities.

Method: The individual needs assessment of a person with a disability is prepared on the basis of information on: a self-assessment by them regarding limitations felt at home and outside; the disability or health condition; the types of need; the degree of limitations experienced; the degree of inclusion in their social environment; mobility in their social environment and barriers encountered outside the home; and other circumstances. The method encompasses both personal interaction and documentary evidence. The expert assessment of permanently reduced working capacity is performed by the TEMC and the NEMC. Assistance to people with disabilities appearing before the TEMCs is provided by their personal physician. The latter prepares the necessary medical documents, examinations, consultations and tests that the person needs, and also gives them a medical referral to the TEMC applicable to their place of residence. The TEMC then conducts an evaluation of whether they have a permanently reduced working capacity or not.

The documents related to the needs assessment which have to be submitted to the ASA are rather complicated – especially the self-assessment form, which is a nine-page questionnaire with many open-ended questions. Neither the main application form nor the self-assessment questionnaire appears to be available in any format facilitating their completion by people with different disabilities. Nor is there any guidance on the ASA website concerning possible support for doing so².

Supporting evidence: Medical documentation, which is prepared based on referrals by the person's GP. The documentation varies according to the preliminary diagnosis and may include items such as print-outs of various medical tests and medical imagery, accompanied by medical assessment and statements by relevant specialists.

Assessor: Medical doctors including the person's GP and members of a specialised body of medical experts. Procedural details are provided in the section on the method of assessment.

Decision-maker: Commission of medical professionals. The expert assessment of permanently reduced working capacity is performed by the TEMCs and by the regional expert medical commissions. People with disabilities are prepared for their appearance before the commissions by their personal physician. The latter determines the necessary medical documents, examinations, consultations and tests that the person needs, and also gives them a "medical referral" (a document recommending a medical examination by a specialist in a relevant field of medicine depending on the preliminary diagnosis). Medical specialists are typically located in medical centres or similar services within out-patient care. After all necessary medical examinations have been completed the patient appears before the commission relevant to their place of residence. There

² <https://asp.government.bg/bg/deynosti/sotsialno-podpomagane/podkrepa-na-horata-s-uvrezhdaniya/pravo-na-mesechna-finanova-podkrepa>

is no information on the typical timing of such examinations, but it should be noted that Bulgaria typically does not have waiting lists, especially if a patient does not insist on being examined by a qualified doctor.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: The monthly financial support for people with disabilities in Bulgaria is computed as a percentage of the poverty line, which is updated annually. Decree No 286 of the Council of Ministers of 19 August 2021 determined the poverty line for the country for 2022 to be 413 BGN (around €211) per month. In 2022, people over the age of 18 with permanent disabilities are entitled to monthly financial support as follows: 1) from 50% to 70.99% degree of disability – 7% of the poverty line, equal to 28.91 BGN (€14.78); 2) from 71 to 90% degree of disability – 15%, or 61.95 BGN (€31.67); 3) over 90% degree of disability – 25%, or 103.25 BGN (€52.79); 4) over 90% degree of disability with assistance provided, and receiving a disability pension due to a general illness, accident at work or occupational disease – 30%, or 123.90 BGN (€63.35); and 5) over 90% degree of disability with assistance provided, and receiving a social disability pension – 57%, or 235.41 BGN (€120.36). With the new poverty line from 2022, the benefit of about 670,000 people with disabilities has increased by between 3 BGN and 25 BGN (€1.53-€12.78) per month.

Duration of the benefit: The duration of the benefit depends on the conclusions from the individual needs assessment, which is valid for five years (LPD, art. 26), after which a new assessment has to be carried out following the same procedure. The benefit can be discontinued at any time due to a “change of circumstances”, which can be determined by the ASA or reported by people with disabilities. Benefits received after circumstances have changed without being established or duly reported can be reclaimed by the ASA. The term “change of circumstances” does not have a precise definition in law and by-laws, but apparently includes any change that could make the benefit not necessary or justified.

Interactions with other income or other income-related benefits: Other benefits can be received together with the benefit, with the exception of a monthly child benefit for children with disabilities, which can be received by the parents of people with disabilities aged 18-20 if they are still at school. The benefit is not means-tested and not subject to other conditionalities apart from meeting the requirements set by the disability assessment framework; hence it is not expected to interact with other income. In particular, it may not be a discouraging factor in seeking employment and higher income from wages or other sources.

Challenges: No evidence was identified on adequacy challenges related to this benefit.

1.1.2 Пенсия за инвалидност поради общо заболяване (Disability pension due to general illness)

The disability pension due to general illness is defined as a contributory benefit, but essentially it can be considered to be a mixed benefit having contributory and non-contributory components. It is managed by the National Social Security Institute (NSSI) – the body responsible for the mandatory public pension schemes in Bulgaria. Some categories of people with disabilities can actually access the benefit without any contributory history and the contributory requirements set for other categories are rather symbolic. As reported by the NSSI, in December 2021 the total number of pensioners granted disability pensions was about 435,000.

a) Eligibility conditions

Disability-related qualifying criteria: People with at least 50% reduced working capacity.

Age: No age limits are set for the disability pension. In terms of eligibility, specific age groups are defined only in interaction with contributory history, as described in the section below on contributory history.

Nationality and/or residency: Bulgarian nationals and all people given equivalent status. The specific rules for granting equivalent status are defined in a special Law on Foreigners in the Republic of Bulgaria and may include additional conditionalities such as permanent residency.

Waiting period: The person is entitled to the benefit from the date when the disability arises. Special rules apply to people with visual impairments: they are entitled to the benefit either from birth or before starting work, and the benefit is granted from the date of application.

Contributory history: In order for a person to acquire the right to a disability pension due to a general illness, they must have a certain period of insurance before incurring the disability. The period of insurance required to receive this disability pension is as follows:

- up to age 20, for people who were blind at birth, and for those who lost their sight before starting work – none;
- up to 25 – 1 year;
- up to 30 – 3 years;
- over 30 – 5 years.

Level of financial resources: Granting the benefit does not involve any means tests or criteria related to wealth or possessions.

Other: None.

Gaps and/or obstacles: No evidence was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment. The medical component of the assessment procedure is identical to the one applicable to the monthly financial support for people with disabilities, as described in Section 1.1.1 above. An additional component relevant to this benefit is related to the involvement of the NSSI.

Responsible authority: TEMC and NSSI.

Method: The method is based upon documentary evidence.

Supporting evidence: Medical documentation.

Assessor: Medical doctor.

Decision maker: TEMC and NSSI.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: From 25 December 2021 the following minimum amounts per month³ of disability pensions apply:

³ These amounts are defined as percentages of the minimum pension, so they change in step with the overall indexation of pensions.

- people with over 90% loss of work capacity – a minimum of 425.50 BGN (€217.56) (i.e. not less than 115% of the minimum pension) and a maximum of 1,500 BGN⁴ (€767);
- people with a loss of work capacity from 71% to 90% – a minimum of 388.50 BGN (€198.64) (i.e. not less than 105% of the minimum pension) and a maximum of 1,500 BGN (€767); and
- people with a loss of work capacity from 50% to 70% – a minimum of 314.50 BGN (€160.80) (i.e. not less than 85% of the minimum pension) and a maximum of 1,500 BGN (€767).

There are no differences in the level of the benefit according to the type and duration of disability.

Duration of the benefit: People born with a disability and people who have incurred a disability before starting work are entitled to a disability pension after one year of insurance. The disability pension is granted for the term of the disability determined by the TEMC but can be extended after reassessment. The disability pension is granted for life when the person with disabilities reaches retirement age (Kukova, 2019).

Interactions with other income or other income-related benefits: In addition to the disability pension due to general illness, the state social security system also provides pensions for civil or military disability. People injured while assisting the Bulgarian armed forces or assisting those who have lost their lives during military service in operations or missions abroad are also entitled to this pension. The benefit is not means-tested or subject to other conditionalities, apart from meeting the requirements set by the disability assessment framework; hence it is not expected to interact with other income. People receiving this benefit can work and gain work-generated income without this affecting the benefit.

Challenges: No evidence was identified on adequacy challenges related to this benefit.

1.1.3 Добавка за чужда помощ ([Pension] supplement for [hiring] personal assistants⁵)

Pensioners who have lost more than 90% of their capacity to work receive a pension supplement equal to 75% of the social pension. The supplement can be granted to people receiving either disability pensions or old-age pensions. This benefit is granted as a supplement to a contributory pension but does not itself depend on the amount of the pension received (i.e. on any contributory history).

a) Eligibility conditions

Disability-related qualifying criteria: Pensioners with a type and degree of disability over 90%, who need assistance on a permanent basis.

Age: Over 18 for those who receive a disability pension, and statutory retirement age for those receiving an old-age pension (approximately half of the beneficiaries).

Nationality and/or residency: All pensioners can receive the benefit. The benefit does not introduce any criteria related to nationality or residence other than those that apply to the specific type of pension. Everybody who qualified for a pension in Bulgaria and met the disability-related qualifying criteria is therefore entitled to the benefit. The question about nationality and residence then refers to the overall rules and regulations

⁴ Unlike the minimum, the maximum disability pension is not defined in legislation. It can be theoretically equal to the maximum pension if a person has a long enough contributory history.

⁵ N.B. In Bulgarian the name of this supplement is similar to the name of allowances, which are not related to old age and retirement. Pension supplements are typically distinguished by referring explicitly to the relevant paragraph in the social security code.

for insurance and pensions in Bulgaria, which are rather complicated and may differ for different types of pensions.

Waiting period: No waiting period is defined beyond the usual administrative time for processing documents (i.e. it is granted from the moment the disability is certified).

Contributory history: No specific requirements for the supplement. But beneficiaries must have qualified for a disability pension or an old-age pension, for which the relevant requirements for contributory history apply.

Level of financial resources: There are no eligibility conditions related to financial resources.

Other: None.

Gaps and/or obstacles: No evidence was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Same as for the disability pension (see Section 1.1.2).

c) Benefit entitlements

Level of the benefit: 75% of the social pension, equal to 127.50 BGN (€65.19) per month, since 25 December 2021.

Duration of the benefit: No specific time limit for the pension supplement. Once granted it is received for as long as the corresponding pension is received.

Interactions with other income or other income-related benefits: The supplement can be combined with other benefits. The supplement is not taken into account when assessing the eligibility for means-tested benefits. We could not identify any published research on the enabling or discouraging effects of disability-related benefits on employment and the efforts of people with disabilities to generate income from the labour market. We can just make some theoretical assumptions based on stylised facts about the way the benefit is granted. The pension supplement is not expected to have any impact on the activity of the recipients other than the behavioural economic effects of receiving additional income: quantifying those effects is a matter of special research, which is not available. The benefit is not means-tested, so it is not in danger of being withdrawn if the recipient receives additional income generated from the labour market (i.e. the benefit cannot be expected to discourage people from seeking employment).

Challenges: No evidence was identified on adequacy challenges related to this benefit. We may note, however, that the benefit amounts to 75% of the social pension given in addition to the pension received by the beneficiary, meaning that beneficiaries would typically receive an income of more than twice the basic minimum granted to pensioners without a sufficient contributory history, while recipients retain their right to claim other disability-related benefits. This benefit can therefore hardly be considered inadequate *in relative terms* (i.e. in comparison with the typical level of adequacy of pensions in Bulgaria). Unfortunately, there are no data available to assess the adequacy of the benefit in absolute terms (i.e. its effectiveness in lifting beneficiaries above the official poverty line).

1.1.4 Пенсия за гражданска инвалидност (Civil disability pension)

People who have lost their capacity to work during the performance of a civic duty are entitled to a civil disability pension – for instance, if they are injured while volunteering to fight a natural disaster. People who have suffered injury or fallen ill accidentally as a result of the actions of state/municipal authorities in the performance of their official duties are also entitled to this pension.

a) Eligibility conditions

Disability-related qualifying criteria: Pensioners with reduced working capacity of 50% or more, who need assistance on a permanent basis.

Age: Over 18.

Nationality and/or residency: Bulgarian nationals and all people given equivalent status as defined in the Law on Foreigners in the Republic of Bulgaria.

Waiting period: No waiting period is defined beyond the usual administrative time for processing documents (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The benefit does not involve any means test and is granted solely on the grounds of disability-related criteria.

Other: None.

Gaps and/or obstacles: No evidence was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authority: TEMC and NSSI.

Method: The circumstances must be certified by a document from the mayor, an authorised person, or (in the second scenario above) from the head of the body responsible for the injury/illness.

Supporting evidence: Medical documents.

Assessor: Doctor.

Decision maker: TEMC and NSSI.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit:

From 25 December 2021 the following minimum amounts per month⁶ of disability pension apply, established as a percentage of the social pension:

- people with over 90% loss of work capacity – 223,07 BGN (€114.05), equivalent to 150% of the social pension;
- people with a loss of work capacity from 71% to 90% – 208.19 BGN (€106.45), equivalent to 140% of the social pension; and
- people with a loss of work capacity from 50% to 70% – 171.02 BGN (€87.44), equivalent to 115% of the social pension.

⁶ These amounts are defined as percentages of the minimum pension, so they change in pace with the overall indexation of pensions.

Duration of the benefit: People born with a disability and people who incurred a disability before starting work are entitled to a disability pension after one year of insurance.

Interactions with other income or other income-related benefits: The pension can be combined with other benefits.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.2 Disability-specific old-age pension schemes

Bulgaria has no disability-specific old-age pension schemes. Recipients of old-age pensions are eligible for a pension supplement supporting pensioners who have lost more than 90% of their work capacity, but they are not the only beneficiaries. Recipients of disability pension are also eligible. The supplement is described in Section 1.1.3.

1.3 Income support aimed at covering disability-related healthcare and housing expenses

In Bulgaria there is no specific support covering the disability-related costs of healthcare. The only exception is an entitlement to spa treatment once a year for people with over 90% reduced work capacity if it is prescribed by a medical doctor. People with disabilities with over 70% reduced work capacity, among other groups of patients, are exempt from a co-payment due for every visit to a GP; this cannot be regarded as a disability-related concession.

Bulgaria does not provide any disability-related housing allowances, with the exception of a very limited number of allowances for covering the rent of those on a very low income living in municipal housing. In Bulgaria there are some 1,000 people who receive this benefit on a long-term basis. There is no information on how many of the beneficiaries are people with disabilities.

People with more than 90% permanently reduced working capacity who use a wheelchair are entitled to targeted assistance to adapt their housing. The targeted assistance is up to twice the amount of the poverty line for the respective year (i.e. BGN 826, or €422.33, for 2022). In 2020 an average of 23 people per month received this type of benefit (i.e. fewer than 300 people for the whole year) (ASA, 2021).

2 Access to some key general social protection cash benefits

The present section describes the situation regarding access by people with disabilities to social protection benefits for risks other than disability, focusing on eligibility conditions, disability assessment and entitlement to benefits. The focus is on the most important/relevant old-age benefits (Section 2.1), unemployment benefits (Section 2.2), and guaranteed minimum income schemes and other social assistance benefits (Section 2.3).

2.1 Old-age benefits

2.1.1 *Пенсии за осигурителен стаж и възраст (Insurance and old-age pensions)*

This is the main type of contributory pension granted in Bulgaria.

a) Eligibility conditions

People with disabilities participate in the pension system and receive old-age benefits in the same way as all other people. People with disabilities of all ages are eligible for

the usual old-age pensions or disability pension if they meet certain criteria (see Section 1.1.2 for details). No specific eligibility conditions apply.

b) Additional amount/compensation included and adequacy issues

There are no additional amounts/compensation for people with disabilities other than a pension supplement (see Section 1.2.3 for details), which applies to people with disabilities of all ages who receive either a disability pension or an old-age pension. Regular old-age pensions cannot be combined with disability pensions.

c) Gaps/obstacles

In 25 December 2021, important changes to pension legislation came into force, which affected the amount of labour pensions, including disability pensions. The changes put an increased weight on the contribution record (i.e. they favour people with a longer employment record; and, conversely, they negatively affect those who acquired a disability earlier in their life, or who for any reason did not participate for a long period in the labour market). Before the amendment, a pension of 1.2% for each year of insurance was applied; from 25 December 2021, it was increased to 1.35%. The NSSI, applying the new rate, recalculated *ex officio* more than 2,000,000 pensions and allowances (including pensions by length of service and age, disability pensions, and survivors' "pensions and widows" allowances). There are still no official data on how this reform might have affected basic indicators related to disability pensions (averages, spreads etc.). Such information is likely to become available in the next yearly NSSI report. The reform, benefiting those who spent more time in the labour market, can be expected to make it more difficult for most people with disabilities – other than those affected by disability at an advanced stage of their professional/contributory careers – to qualify for a regular old-age pension. They will have to increasingly rely on disability pensions or social pensions in old age.

2.2 Unemployment benefits

In Bulgaria there is no reference to disability within the rules concerning mainstream unemployment benefits.

2.3 Guaranteed minimum income schemes and other social assistance benefits (GMIs)

2.3.1 Месечни социални помощи (Monthly social assistance allowances)

a) Eligibility conditions

The monthly social assistance is based on a means test, which varies according to the group concerned.

In Bulgaria, the basic GMI is multiplied by a co-efficient set in percentage terms to derive a specific amount for different groups of beneficiaries, called differentiated minimum income (DMI). People with disabilities are among the groups enjoying high DMIs, which were further raised in 2022. As of January 2022 the GMI for people with a reduced working capacity of 50-70% was exactly equal to the basic amount of 75 BGN (€38.35) per month; for people with reduced working capacity of 50% it was 10% higher (i.e. 82.50 BGN, or €42.18); and for people with reduced working capacity of more than 70% the amount was 38% higher (i.e. equal to 103.50 BGN, or €52.97 per month).

Apart from the basic means test, there are also some additional eligibility conditions that are more favourable to people with disabilities. For example, the requirement not

⁷ <https://pomosti.com/socialni-pomosti/>

to possess any movable assets or real estate that can be used to generate income does not hold for certain families, including families who have a member with a reduced working capacity of 50% or more.

b) Additional amount/compensation included and adequacy issues

People with disabilities do not get an additional amount/compensation within this scheme.

c) Gaps/obstacles

The monthly social assistance allowances are quite limited in both scope (the number of beneficiaries) and adequacy (the amount of the benefits). On an annual basis, beneficiaries (people who received a monthly social benefit for at least one month during the year) represent roughly 1-1.5% of the adult population; in any given month beneficiaries typically represent less than 0.5% of the adult population, against the background of an official poverty rate hovering at around 23% in recent years. No breakdown by disability status is available; but even if the majority of beneficiaries were people with disabilities – a very unlikely assumption – the coverage even of that specific group would be quite small⁸.

The GMI continues to serve as the basis for the calculation of monthly social assistance allowances, even though it does not correspond to the economic situation in the country. In the course of the present study, an interview was conducted with the Deputy Minister of Labour and Social Policy, who indicated that serious work was being carried out within the ministry on the replacement of GMI with alternative indicators such as the official poverty line.

Furthermore, the eligibility criteria for monthly social assistance allowances continue to be utterly restrictive, and the labour market activation and supplementary social services offered to recipients of GMI continue to be unclear and non-systematic. According to the ASA, an average of 63,000 people per year currently receive monthly social allowances. In 2019 the average was 23,699 per month, and in 2020 it was 23,702. Thus, monthly social assistance allowances currently fail to achieve the desired results of improving labour market inclusion and reducing poverty significantly.

3 Provision of assistive technology and personal assistance

Article 28(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD) urges countries to take steps so that people with disabilities have access to “...*appropriate and affordable services, devices and other assistance for disability-related needs...*”. The Bulgarian Act on People with Disabilities regulates the right of people with disabilities to targeted benefits, including the provision of assistive technology (including devices) and personal assistance.

People with disabilities are entitled to targeted assistance for aids, devices, equipment and medical devices, based on an application and declaration in a form approved by the ASA. People with permanent disabilities, with limited mobility, are entitled to targeted assistance for the purchase of a personal motor vehicle at up to four times the poverty line at the time of the purchase – 1,652 BGN (€844.65) for 2022, based on a poverty line of 413 BGN (€211.16) per month.

People with more than 90% permanently reduced working capacity or degree of disability, who travel in a wheelchair, are entitled to targeted assistance to adapt their housing;

⁸ Media publications quoting government sources indicate that in 2020 the number of people with disabilities receiving monthly social benefits was as small as 3,054, out of a total of about 63,000. See for example: <https://www.segabg.com/hot/category-bulgaria/pravitelstvoto-opitva-da-vdigne-pomoshtite-za-bedni-i-hora-uvrezhdaniya>.

double the poverty line for the year when the adaptation is carried out – 826 BGN (€422.33) for 2022.

The last comprehensive reviews of technical aids and medical appliances were done prior to the substantive legislative changes in 2018. The main conclusion was that the mechanism for providing people with disabilities with technical aids, devices and medical appliances “*failed to ensure modern, decent and affordable aids to everyone who needs them*” (Kukova, 2019). In practice, it appears that people with disabilities in Bulgaria continue to face challenges in access to the mobility aids and medical devices they need. Among the persistent problems identified are: the excessively long period of use of the medical devices, and their low quality.

People who need individual assistance are entitled to help to cover the costs of one assistant, if they use one, up to 80% of the poverty line for the year. To be eligible, people need to have a permanent disability (of an established type and degree) or permanently reduced working capacity (Article 8 of the Personal Assistance Act). Pensioners with over 90% disability who need someone else's support receive a supplement of 75% of the old-age social pension. For 2021 the supplement was 106.22 BGN per month (€54.31). In addition, the attendant is entitled to two free journeys on Bulgarian state railways each year.

The beneficiaries of personal assistance are:

- people with permanent disabilities; and
- people with a certain degree of disability or permanently reduced working capacity who are entitled to personal assistance.

Personal assistance can be combined with other community-based social services, but is discontinued during the time spent in residential care if it exceeds one month.

Personal assistance is provided on the basis of an individual needs assessment and a recommendation (guideline) for providing this support. The relevant local social assistance directorate will assess the individual needs of those who have expressed an interest in using personal assistance.

The number of hours of personal assistance is determined by the individual assessment, based on four levels of dependence on intensive support defined in the Personal Assistance Act:

- first level – up to 15 hours per month;
- second level – up to 42 hours per month;
- third level – up to 84 hours per month; and
- fourth level – up to 168 hours per month.

The funds intended for the payment of hours worked under the personal assistance mechanism include:

- a co-efficient of 1.4 regarding the amount of the minimum hourly wage established in the country for the respective year⁹;
- additional remuneration for work experience and professional experience; and
- social security and health insurance contributions on behalf of the employer.

⁹ Until 31 December 2021, a co-efficient of 1.2 was applied under point 1 above.

4 National debates, reforms and recommendations

4.1 National debates

The system for diagnosing disability in Bulgaria and its application in determining various benefits and other forms of support has been continuously challenged by activists including the authors of the ANED reports. The criticism focused on the standardising effect of the medical-diagnostic approach, as opposed to an approach based on a personalised needs assessment. This criticism had an increasing impact on policy debates, culminating in substantive reforms that continue to generate controversy. The focus of the reforms was on: pooling benefits; simplifying administrative procedures; and introducing increasingly sophisticated tools for needs assessment (including self-assessment) without dismantling the system of quantified medical assessment, which continues to play a pivotal role. Some activists and NGOs such as the Centre for Independent Living continue to advocate for the full dismantling of the medical disability assessment framework.¹⁰

In the second half of the 2010s personal assistance to people with disabilities was a topic of heated national debates, fuelled by street protests by people with disabilities. The National Ombudsman, NGOs representing people with disabilities, parliamentarians, and several successive ministers of labour and social policy and prime ministers, took part in the debates. These culminated in the adoption in 2018 of a Personal Assistance Act, which has since been subject to several amendments. Debates have not subsided and further amendments are possible, as it is not yet clear whether the mechanisms for providing personal assistance defined in the law will function in the way they were expected – including whether good targeting and a good balance between costs and needs has been achieved. The latest proposals for further amendments presented by members of parliament are from January 2022. There has also been huge uncertainty about the costs related to the provision of personal assistance, as they depend on the number of people who will be defined as eligible. In the early versions of the law, eligibility was defined based on different levels of disability (50%, 70% and 90% reduced working capacity); this approach has led to projections indicating skyrocketing costs of macroeconomic significance. It was also criticised for over-reliance on a standardised medical diagnosis instead of specific personalised needs. Later the approach was changed to a needs-based assessment specifying caps on the number of hours that can be allocated to any person (see details in Section 3).

4.2 Recent reforms and reforms currently in the pipeline

Legislation concerning people with disabilities was subject to intensive public and policy debates throughout the 2010s. The rules for acquiring disability status and access to disability benefits were in the limelight.

Pressure on disability benefits was building in the 2010s due to an increasing number of beneficiaries – people with recognised disability status. This process was driven by multiple factors including the lack of other options for a stable income, and possibly also corruption in medical assessment commissions (Kukova, 2018).

The government response, which started in the second half of 2010s, involved making claims for disability benefits and pensions more difficult, and was criticised (Kukova, 2018). One of the policy's aims was to target corruption in the existing disability assessment system.

In recent years, the Bulgarian state has implemented a reform that allowed an increase in the amount of assistance for people with disabilities. Data on expenditure under the main programmes for supporting people with disabilities show a significant structural change in

¹⁰ www.cid.bg

the period after 2015.¹¹ The costs of integrating people with disabilities grew by nearly two and a half times, and their share doubled from 20.7% in 2015 to 40.3% in 2019.

From 2018, Bulgaria began taking decisive action to reform the social care system in the field of disability rights policy. The main normative act guaranteeing the rights of people with disabilities is the Act on People with Disabilities, effective from 2019¹². This act introduced a new comprehensive legal framework for the exercise of the rights of people with disabilities in the country.

In pursuance of national commitments to implement the requirements of the UN CRPD, in particular Article 33, a National Council for Persons with Disabilities was established in 2019¹³. This is an advisory body to the Council of Ministers, chaired by the deputy prime minister, which includes representatives of the state appointed by the Council of Ministers, nationally representative organisations of and for people with disabilities, nationally representative organisations of employees, nationally representative organisations of employers, and the National Association of Municipalities in the Republic of Bulgaria. This body renders opinions on draft normative acts, strategies, programmes, plans and other acts that affect the rights of people with disabilities.

Furthermore, a supervisory board was established in 2019, comprising nine members – two representatives appointed by the Ombudsman of the Republic of Bulgaria, two by the chairman of the Commission for Protection against Discrimination, four by organisations of and for people with disabilities, and one representative of the academic community, appointed by the Bulgarian Academy of Sciences.

The adoption of the Act on People with Disabilities in 2019 significantly changed the mechanism of the monthly financial support for people with disabilities. In 2019, support was received by an average of 636,000 people per month, and the total budget expenditure exceeded 405 million BGN (€207.07 million). The average amount of the monthly allowance was 53 BGN (€27.10) per recipient. This represented a dramatic increase over 2018, when monthly allowances under the old mechanism were received by an average of 494,000 people per month, and the total cost was 151 million BGN (€77.21 million). With the 2018 transformation of disability pensions paid by the NSSI, the total resources aimed at people with disabilities grew by nearly 45%. The scope of this social programme is extremely broad and practically covers 11.5% of the total population over 18 in Bulgaria.

In 2020, the Council of Ministers of Bulgaria adopted the national strategy for people with disabilities for 2021-2030, along with a comprehensive action plan for 2021-2022 outlining further steps for ensuring better protection of the rights and well-being of people with disabilities, in furtherance of what has already been achieved with the reform of the sector. The main priority areas of the strategy cover inclusive education, accessible healthcare, suitable employment, participation in cultural life and sports, adequate social protection and an accessible environment.

In 2021, the much needed comprehensive reform of the Bulgarian minimum income scheme did not become a reality. Social assistance in the country continues to be subject to serious criticism from the European Commission and the local non-governmental sector. In 2021, two caretaker governments managed to initiate certain changes through a series of ministerial decrees. Compensation was envisaged for those who had ceased to qualify for certain targeted aids, such as the targeted heating aid. In August 2021, there was an amendment of the regulation implementing the Social Assistance Act, pursuant to which an increase in the individual percentages which determine the differentiated minimum income was established. The change was aimed at achieving an increase of the threshold and the level of benefits received by the most vulnerable groups of the Bulgarian population

¹¹ https://ime.bg/var/images/Social_assistance_programs_Jan_2021.pdf

¹² <https://www.lex.bg/laws/ldoc/2135491478>

¹³ https://saveti.government.bg/web/cc_11/1

– namely the unemployed, children and older people, along with people with disabilities specifically. The Bulgarian Recovery and Resilience Plan (October 2021 version), submitted to the EU, envisaged a reform of social services, including a gradual increase in the differentiated minimum income up to 30% of the poverty line¹⁴.

4.3 Good practice and recommendations on how to tackle gaps and obstacles

The Act on People with Disabilities, in force from 2019, is unanimously perceived as better than the previous Act on Integration of People with Disabilities, adopted in 2005, which was amended more than 30 times.

The first key change in the new act is the monthly financial support, which compensates for the costs caused by disability and represents a certain predetermined amount, related to the degree of disability. The basis for calculating the amount of support is now the poverty line for the year. This new approach ensures that financial support is indexed annually. In the previous Act on Integration of People with Disabilities, the amount of the monthly allowance for social integration was determined as a percentage of the GMI, which currently remains at 75 BGN (€38.35) per month. The approach introduced by the 2019 law corresponds much better to a dynamically changing economic environment and undoubtedly puts those entitled to support in a better financial position, which is particularly important in a context of the pandemic, rising inflation, chronic political instability, and a large influx of refugees as a result of the Russian invasion of Ukraine.

Despite all reform efforts by the Bulgarian state from 2019 onwards, a lot remains to be done in the field of guaranteeing the rights and well-being of people with disabilities in Bulgaria.

Specific areas where support looks insufficient are the housing conditions of people with disabilities and their access to the labour market.

Access to the labour market for people with disabilities is impeded by a lack of flexibility in combining income from employment with social benefits: means-tested benefits are abruptly withdrawn, reducing incentives to participate in the labour market, and people with disabilities are not exempted. But the main impediments to labour market participation come from the stringent medical aspects of the disability assessment framework, which make some people with disabilities automatically ineligible for jobs they may arguably be willing and able to take. Needs-based assessment gradually entered the field of decisions related to pensions and disability-related benefits, but has yet to influence policies promoting the participation of people with disabilities in the labour market.

All interventions should be tailored to local specifics, which are strongly differentiated, in order to overcome local challenges. In addition, stronger guarantees would be justified for the protection and security of people with disabilities in emergencies, disasters, and accidents, by expanding the available services.

A serious challenge is the implementation of the mainstreaming approach, which calls for good co-ordination between the various institutions, and activating authorities at regional and local level. There continues to be a preponderance of asynchronous work on individual projects in support of people with disabilities, which complicates and hinders the finding of rational solutions for the sustainability of initiatives. A prerequisite for promoting the civic participation of people with disabilities and respect for their rights is the complexity, perseverance and synchronicity of the efforts of all stakeholders involved, including people with disabilities themselves and their communities.

Bulgaria should strengthen data collection mechanisms in line with Article 31 (statistics and data collection) of the UN CRPD provisions. The lack of comprehensive and reliable

¹⁴ <https://ahu.mlsp.government.bg/home/>

data is particularly noticeable in the context of the assessment of the effects of the reforms of disability policies undertaken by the government.

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