

Legal environment and space of civil society organisations in supporting fundamental rights

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1 Five most significant civic space developments in 2020

1.1 Access to information / Civil dialogue / Consultations / Participation in decision-making

In May 2020, the members of the first Council for Civil Society Development (CCSD) (*Съвет за развитие на гражданското общество*, СРГО) were elected.¹ The legislative amendments envisaging the establishment of the council were adopted in 2016 and entered in force on 1 January 2018,² but the rules governing the operation of the council were adopted in 2019³ and the election of the council's first members took place in 2020. The council serves as a consultative body to the government and consists of 15 members: 14 representatives of civil society organisations and the Deputy Prime Minister responsible for the implementation of the national civil society strategy, who is chair of the council but has no right to vote.⁴ The main objective of the council is to facilitate the drafting and implementation of policies in support of the civil society in Bulgaria. The tasks of the council are: to give opinions on all drafts of normative acts, strategies, programmes and action plans, which concern the operation of civil society organisations; to coordinate, monitor, evaluate and contribute to the advancement of the national civil society strategy and the action plans for its

¹ Bulgarian National Radio (*Българско национално радио*) (2020), 'The first Council for Civil Society Development was elected' ([Избраха първия Съвет за развитие на гражданското общество](#)), *Bulgarian National Radio*, 14 May 2020. The 14 civil society organisations represented in the council are: Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право*, БЦНП), Bulgarian Donors Forum (*Български дарителски форум*, БДФ), Workshop for Civic Initiatives Foundation (WCIF) (*Фондация „Работилница за граждански инициативи“*, ФРГИ), Maria's World Foundation (*Фондация „Светът на Мария“*), Bulgarian Fund for Women (BFW) (*Български фонд за жените*, БФЖ), Association of European Journalists – Bulgaria (AEJ Bulgaria) (*Асоциация на европейските журналисти – България*, АЕЖ – България), Teach for Bulgaria Foundation (*Фондация „Заедно в час“*), Bulgarian Red Cross (BRC) (*Български червен кръст*, БЧК), Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК), For Our Children Foundation (*Фондация „За нашите деца“*), Association of Parks in Bulgaria (APB) (*Асоциация на парковете в България*, АПБ), Bulgarian Association for Alternative Tourism (BAAT) (*Българска асоциация за алтернативен туризъм*, БААТ), Association of Parents (*Асоциация „Родители“*), and Karin dom (*Карин дом*).

² Bulgaria, Non-Profit Legal Entities Act ([Закон за юридическите лица с нестопанска цел](#)), 6 October 2000 (last amended 18 December 2020), Article 4.

³ Council of Ministers (*Министерски съвет*) (2019), Rules on the organisation and activity of the Council for Civil Society Development ([Правилник за организацията и дейността на Съвета за развитие на гражданското общество](#)), 10 September 2019.

⁴ Council of Ministers (*Министерски съвет*) (2012), Strategy for Supporting the Development of Civil Society Organisation in the Republic of Bulgaria for the Period 2012-2015 ([Стратегия за подкрепа на развитието на гражданските организации в Република България за периода 2012-2015](#)), 5 September 2012. The strategy covers the period 2012 – 2015 and has neither been revised nor replaced by a new one after the expiration of its implementation period.

implementation; to gather information about the public funding of civil society organisations, to define priority areas for development and to make suggestions for allocation of public funding to projects in public interest and benefit; to facilitate the cooperation between the central and local government, on the one side, and the civil society sector, on the other; and to prepare annual reports on the achievements, needs and challenges of civil society organisations in Bulgaria. In June 2020, the anti-corruption commission submitted a proposal to the government suggesting revisions to the rules governing the operation of the council. In the justification of the proposal, the anti-corruption commission pointed out that the rules were not in compliance with the principles of transparency and publicity and there were no sufficient guarantees for the equal representation of organisations from different thematic fields and for prevention of conflict of interest. In particular, the anti-corruption commission claimed that the participation of the council in the selection of projects receiving public funding may be a prerequisite for conflict of interest, as the organisations represented in the council may select mostly projects in their own areas of work.⁵ A number of civil society organisations expressed concerns that the proposal was actually aimed to invalidate the election of the council and was motivated by the fact that many of the council's members were regularly criticising the government.⁶ The Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право*, БЦНП), which received the highest number of votes in the election, published a statement justifying the publicity and transparency of the election procedure and calling on the government to confirm its commitment to support civil society in Bulgaria.⁷

1.2 Financing of civil society work / Taxation / Charitable or public benefit status / Foreign funding

In July 2020, a group of Members of Parliament from the parliamentary group of the United Patriots (*Обединени патриоти*) submitted to parliament a draft law for amending the Not-for-Profit Legal Entities Act (*Закон за юридическите лица с нестопанска цел*). The draft suggested introduction of obligation for all non-profit organisations to declare their funding from foreign sources (excluding the EU) exceeding BGN 1,000 (approximately €500), establishment of a register of non-profit legal entities financed from abroad, authorisation of the Minister of Finance to conduct financial inspection of civil society organisations, and procedure for

⁵ Anti-Corruption and Illegal Asset Forfeiture Commission (*Комисия за противодействие на корупцията и за отнемане на незаконно придобито имущество*) (2020), 'The Anti-Corruption and Illegal Asset Forfeiture Commission sent a proposal to the Council of Ministers for amendments to the Rules on the organisation and activity of the Council for Civil Society Development (['КПКОНПИ отправя предложение до Министерски съвет за приемане на изменения в Правилника за организацията и дейността на Съвета за развитие на гражданското общество'](#))', press release, 10 June 2020.

⁶ Dachkova, D. (2020), 'Are the authorities afraid from the citizens?' (['Страхува ли се властта от гражданите?'](#)), *Sega.bg*, 30 June 2020.

⁷ Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2020), 'The Anti-Corruption and Illegal Asset Forfeiture Commission wants revision of the Rules of the Council for Civil Society Development' (['КПКОНПИ иска промяна в Правилника за Съвета за развитие на гражданското общество'](#)), 10 June 2020.

permanently or temporarily suspending the public benefit status of organisations, which fail to declare their foreign funding. The draft also suggested restrictions to the powers of the Council for Civil Society Development (CCSD) (*Съвет за развитие на гражданското общество*, СРГО) to participate in the allocation of funding to civil society organisations and discontinuing the public funding of non-governmental organisations through the state budget.⁸ In an open letter to the EU institutions, over 300 Bulgarian civil society organisations expressed their concern that the proposed amendments were further shrinking the civic space in the country.⁹ In a similar letter, sent to the national authorities, including the parliament, the government and the Ombudsman, civil society organisations demanded the draft to be rejected, describing it as discriminatory, stigmatising, unjustified and disproportionate.¹⁰ As of the beginning of March 2021, the parliament had not discussed the draft amendments yet. According to Bulgarian law, a legislation process consists of three main stages – submission of draft legislation to parliament, allocation to relevant committees and two rounds of voting by MPs. The draft legislation at hand was submitted and assigned to parliamentary committees, but had not been subject to debates in plenary, neither to voting. In view of the upcoming parliamentary elections, scheduled to take place in the beginning of April 2021, it is unlikely that the draft will pass through all the remaining stages before the parliament is dismissed. In order to be discussed by the next parliament, the draft law will have to be re-submitted.

1.3 Intimidation / Negative narrative / Smear campaigns

In the beginning of 2020, a negative public campaign was launched against civil society organisations on the occasion of the debate on postponing the entry into force of the new Social Services Act (*Закон за социалните услуги*). The campaign took place mainly online and on social media with no clearly identified organisers. In an effort to draw the attention of the EU to the ongoing campaign, a group of 62 Bulgarian non-governmental organisations sent a letter to several EU institutions calling for particular actions to be taken. According to the letter, the campaign disseminated false messages that civil society organisations, operating as service providers, were profiting financially from destabilising Bulgarian families and taking away their children, that the new social services legislation was aimed at enabling civil society organisations to promote purportedly malicious foreign policies and anti-Bulgarian attitudes with a destructive effect on traditional Bulgarian family values, and that civil society organisations were advocates of foreign interests due to their funding from abroad. The letter also noted that this particular campaign was part of a series of such campaigns, which started in early 2018 during the debates on the ratification of the Istanbul Convention and

⁸ National Assembly (*Народно събрание*), Draft Amendment to the Non-Profit Legal Entities Act ([Законопроект за изменение и допълнение на Закона за юридическите лица с нестопанска цел](#)), 1 July 2020.

⁹ European Citizen Action Service (ECAS) (2020), ['Bulgarian CSOs express concern over shrinking civic space in the country'](#), 17 July 2020.

¹⁰ Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2020), 'Over 300 civil society organisations in defense of the freedom of association' (['Над 300 граждански организации в защита на свободата на сдружаване'](#)), press release, 20 July 2020.

continued during the debates on the new child protection strategy. In conclusion, the letter called to EU institutions to make a public statement and to urge the Bulgarian government to protect civic space by explicitly condemning such defaming campaigns that aim to decrease public trust in civil society organisations.¹¹

1.4 Access to information / Civil dialogue / Consultations / Participation in decision-making

In 2020, Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*) won two consecutive lawsuits against the Prosecutor's Office concerning the refusal of the institution to disclose publicly the list of its internal acts, which contained mandatory instructions of the Prosecutor General to all prosecutors. After the first lawsuit ended with a decision obliging the Prosecutor General to disclose the requested information, the institution provided a link to its website, which, however, did not lead to the requested information. As a result, a second lawsuit was launched, which also ended with a decision obliging the Prosecutor's Office to provide access to the requested list of legal acts. Finally, in the beginning of 2021, the list was officially disclosed and published on the website of the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*).¹² Despite the successful lawsuits, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет, БХК*) noted that the Prosecutor General had not responded to any of the organisation's other requests for access to public information sent in 2020, most of which were aimed to obtain evidence in support of the public statements made by Prosecutor General before the media.¹³

¹¹ Animus Association Foundation, Access to Information Programme and others (2020), [Letter from Bulgarian civil society organisations regarding attack against civil society organisations and pro-European policies](#), 15 January 2020.

¹² Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2021), 'The BHC forced the Prosecutor General to publish the list of applicable acts' (*БХК принуди главния прокурор да публикува списъка на действащите актове*), press release, 19 January 2021.

¹³ Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2020), 'In the past year the Prosecutor General has not provided BHC with access to information in response to any of the requests made by the organisation' (*За една година главният прокурор не е предоставил на БХК достъп до информация по нито едно искане на организацията*), press release, 17 December 2020.

1.5 Freedom of expression / Academic freedom / Artistic freedom / Media freedom / Censorship / Defamation / Blasphemy or insults

The leader of the civil society organisation BOEC – Bulgaria United by One Goal (*БОЕЦ – България Обединена с Една Цел*) complained he was prosecuted for criticising the government for their response to the COVID-19 outbreak. In April 2020, in a Facebook post, he claimed that persons who had been in contact with infected individuals as well as the medical staff in the hospital in Vidin were not tested for COVID-19 by the local health authorities contrary to the protocols applicable at the time. He was later accused and brought to trial for inciting panic and disseminating misleading information. The court, however, found the defendant not guilty, arguing that the person was exercising his constitutional right to seek, obtain and disseminate information and this right, as clarified by the Constitutional Court, could not be made conditional on the type of the information, i.e., on whether it is favourable or disturbing. After the decision, the defendant commented that the goal of the prosecution was to silence any criticism against the actions of the government and that the court decision was important in view of similar prosecutions in the future against civil society activists and non-governmental organisations.¹⁴

2 Examples of promising practice

In 2020, the public authorities in Bulgaria did not undertake any specific measures aimed at advancing or preserving civic space.

In December 2020, the Workshop for Civic Initiatives Foundation (WCIF) (*Фондация „Работилница за граждански инициативи“*, ФРГИ), in consultations with other civil society organisations, developed a set of standards for good governance of civil society organisations. The document is an expanded and updated version of the good governance standards for non-governmental organisations published in 2010 and consists of 17 standards in three areas: transparency, accountability and control (seven standards), human resources (three standards) and conflict of interest (seven standards). The standards are a form of self-regulation of the civil society organisations in Bulgaria and are open for accession to all organisations committed to comply with them in their activities. As of December 2020, sixteen organisations had accepted and signed the good governance standards.¹⁵

¹⁴ Mitov, B. (2020), 'His claims are not "misleading": why the court acquitted Georgi Georgiev from BOEC for inciting panic' (["Твърденията му не са „заблуждаващи“. Защо съдът оправда Георги Георгиев от БОЕЦ за всяване на паника"](#)), *Free Europe Bulgaria*, 11 September 2020.

¹⁵ Workshop for Civic Initiatives Foundation (*Фондация „Работилница за граждански инициативи“*) (2020), 'Standards for good governance of a civil society organisation' (["Стандарти за добро управление на гражданска организация"](#)), press release, 1 December 2020.

For the sixth consecutive year the private telecommunications company VIVACOM, in cooperation with the Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право*, БЦНП), implemented the VIVACOM Regional Grant programme. The programme supports projects of civil society organisations focused on finding a solution to a specific community problem. The support is provided in the form of grants of up to BGN 5,000 (approximately €2,500). The budget allocated for the 2020/2021 round was BGN 60,000 (approximately €30,000) and applications were accepted until 19 January 2021. In the previous five rounds, a total of 68 projects of 64 organisations received funding to a total amount of BGN 313,000 (approximately €156,000).¹⁶ In December 2020, the VIVACOM Regional Grant programme was awarded the prize in the category “The Most Successful Partnership” of the annual Biggest Corporate Donor Awards of the Bulgarian Donors Forum (BDF) (*Български дарителски форум*, БДФ).¹⁷

3 Any other developments

The Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право*, БЦНП) published the results of two studies related to civil society organisations in Bulgaria. The first study explored the impact of the COVID-19 outbreak on the operation of civil society organisations.¹⁸ The survey was conducted between 21 April and 5 May 2020 among 53 organisations. According to the survey report, 75.5 % of the surveyed organisations admitted that they had to reduce their staff and 50 % shared the opinion that the reduction of their staff was putting their sustainability at risk. The surveyed organisations pointed out as major problems the lack of funding to respond to the increased social needs, the lack of resources to adapt their operations, and the lack of coordinated actions with the central and local authorities. The second study explored the public attitudes towards civil society organisations.¹⁹ The survey was conducted between 15 and 30 June 2020 with a sample of 1,025 adult respondents (national representative survey for the adult population of the country) and its results were compared to a similar survey conducted in 2018. The survey results showed an overall positive trend in public attitudes towards civil society organisations, registering an increase in public support (from 44.5 % in 2018 to 49.7 % in 2020), in public trust (from 24.7 % to 31.3 %) and in the readiness to approach such organisation for assistance or support (from 29.0 % to 38.9 %).

¹⁶ VIVACOM Fund (2020), VIVACOM Regional Grant: General information ([VIVACOM Регионален грант: обща информация](#)).

¹⁷ Bulgarian Donors Forum (*Български дарителски форум*) (2020), ‘BDF announced the biggest corporate donors’ ([БДФ обяви най-големите корпоративни дарители](#)), press release, 8 December 2020.

¹⁸ Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2020), The civic sector after the beginning of the COVID-19 crisis ([Гражданският сектор след началото на кризата с COVID-19](#)), 11 May 2020.

¹⁹ Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2020), Public attitudes to the civil society organisations ([Обществени нагласи към гражданските организации](#)), 21 September 2020.