

# **Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law**

**Bulgaria**

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# 1 Civic space developments in 2021

<b>1.1 CSOs urging for the official establishment of the Council for Civil Society Development</b>	
Area	Participation and cooperation with authorities
Topic	Access to consultations / Participation in decision-making
Impact	Minor

In May 2021, the members of the Council for Civil Society Development (CCSD)<sup>1</sup> (*Съвет за развитие на гражданското общество*, СРГО) published a joint open letter addressing the President and the Prime Minister of Bulgaria to alert that the council has been practically unable to start operating since its establishment, as the Council of Ministers had not adopted a decision which should officialise its composition.<sup>2</sup> The council was established through legislative amendments, which entered into force on 1 January 2018,<sup>3</sup> while the rules governing the operation of the council were adopted in 2019.<sup>4</sup> The election of the council's first members took place on 14 May 2020.<sup>5</sup> The CCSD is envisaged to serve as a consultative body to the government and consists of 15 members: the Deputy Prime Minister responsible for the implementation of the national civil society strategy and 14 civil society organisations elected through a transparent public procedure. According to the applicable legal framework, the Council of Ministers assigns the

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<sup>1</sup> The 14 civil society organisations elected as members of the council in 2020 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*).

<sup>2</sup> Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2021), 'Open letter from the members of the Council for Civil Society Development' (*Отворено писмо от членовете на Съвета за развитие на гражданското общество*), press release, 14 May 2021.

<sup>3</sup> Bulgaria, Non-Profit Legal Entities Act (*Закон за юридическите лица с нестопанска цел*), 6 October 2000 (last amended 18 December 2020), Article 4.

<sup>4</sup> 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.

<sup>5</sup> 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.

members for a 3-year term by issuing a decision after the public procedure for electing members is closed. In the letter, however, the elected members note that such a decision has not been adopted, thereby the work of the council cannot begin.

The main purpose of the council is to facilitate and participate in the drafting and implementation of policies in support of civil society development in Bulgaria. More precisely, 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 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.<sup>6</sup>

In the open letter, the 14 members claimed that they have not been able to perform any activity over the past year and urged the then-in-power Prime Minister of the caretaker government to take the necessary measures that would allow the long-awaited consultative body to begin operating legitimately. The authors pointed out examples of common initiatives executed by Bulgarian civil society organisations in 2021 to demonstrate the active engagement of civil society with some of the most pressing issues. Among the examples was noted the organization of donation campaigns in support of hospitals, social service providers, and vulnerable people and families most affected by the COVID-19 crisis; the participation of civil society organisations in the legislative process by providing official positions regarding proposals for legislative amendments concerning the civil society space, including draft laws that aimed at decreasing the range of functions of the CCSD.<sup>7</sup>

As of the beginning of January 2022, there was neither an official response to the letter nor a decision of the Council of Ministers validating the elected members.

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

<sup>7</sup> Bulgarian Center for Not-for-Profit Law ([Български център за нестопанско право](#)) (2021), 'Open letter from the members of the Council for Civil Society Development' (['Отворено писмо от членовете на Съвета за развитие на гражданското общество'](#)), press release, 14 May 2021.

## 1.2 LGBT+ community centre attacked by far-right political figures

Area	Safe space & protection
Topic	Physical attacks on people and property
Impact	Major

In October 2021, the LGBT+ community centre Rainbow Hub was stormed and vandalised by a group of approximately ten people identified as alleged supporters of the far-right nationalist political party Bulgarian National Union Edelweiss (BNUЕ) (*Български национален съюз – Еделвайс*, БНСЕ), including the political leader. The attackers caused serious damage to the property of the centre that has been a popular venue for LGBT-related events in Sofia. The attackers ransacked the premises of Rainbow Hub, and images of smashed furniture, sprayed walls and broken equipment were disseminated by the media.<sup>8</sup> Furthermore, a female activist promoting LGBT+ rights, who was working in the centre at the time of the incident, was physically injured and claimed she was threatened with a knife by one of the attackers.<sup>9</sup>

The Rainbow Hub had been established in 2018 within a project implemented by three Bulgarian civil society organisations devoted to the promotion of LGBT+ rights, namely Bilitis Foundation (*Фондация „Билитис“*), GLAS Foundation (*Фондация „ГЛАС“*) and the Youth LGBT organisation Deystvie (*Младежка ЛГБТ организация Действие*). The overall objective of the project is to contribute to capacity-building and to provide training to self-support LGBT+ groups as well as to enhance the reporting of hate crimes.<sup>10</sup>

The incident in October occurred during an event of a self-support group with members of the transgender community. At the time of the incident, the political leader who participated in the attack was a presidential candidate and as such enjoyed immunity from criminal prosecution. However, shortly after the incident, upon request of the Prosecutor-General, the Central Electoral Commission (CEC) (*Централна избирателна комисия*, ЦИК) waived his immunity.<sup>11</sup> The person was charged with hooliganism and inflicting bodily injury, arrested, and later released on bail. Initially, the amount of the bail was BGN 1,000 (approximately €500). It was later increased to BGN 5,000 (approximately €2,500), because, according to

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<sup>8</sup> Chadwick, L. (2021), '[Bulgarian presidential candidate charged after attacking LGBT+ centre](#)', *Euronews.com*, 3 November 2021.

<sup>9</sup> Simeonova, E. (2021), 'They hit me and continued their way. How an LGBT club was ransacked in two minutes', (['Удари ме и си продължи по пътя. Как клуб на ЛГБТ беше потрошен за две минути'](#)), *Svobodna Evropa*, 1 November 2021.

<sup>10</sup> Bulgaria, Bilitis Foundation (*Фондация „Билитис“*) (2021), '[Bilitis Foundation presented the Rainbow Hub project](#)', press release, 19 December 2019.

<sup>11</sup> Bulgaria, Central Electoral Commission (*Централна избирателна комисия*) (2021), Decision 843-PVR ([Решение №843-ПВР](#)), 1 November 2021.

the court, the person had previous convictions and his actions represented a significant disturbance of public order. The criminal proceedings are still pending.

The attack on Rainbow Hub was condemned by a number of governmental and non-governmental actors at both national and international levels. The non-governmental organisations operating the Active Citizens Fund (Фонд „Активни граждани“) released a joint public statement expressing their strong disapproval of the prejudice-motivated and hatred-based physical assault which, in their words, “not only hurt the immediate victims of the crime but also send a message of intimidation, incite hatred and disregard for the human rights of the entire affected community.”<sup>12</sup> On 1 October 2021, a day after the incident, eight NGOs advocating for LGBT+ rights in Bulgaria, including Sofia Pride (София Прайд), Bilitis Foundation (Фондация “Билитис”), and GLAS Foundation (Фондация „ГЛАС“), organised a protest under the slogan “No to Hate” in front of the Palace of Justice in Sofia.<sup>13</sup> The protesters demanded justice to be served and convictions to the perpetrators of the violent act. The Prosecutor General also announced that the prosecutor’s office was planning to propose amendments to the Criminal Code (Наказателен кодекс) aimed to strengthen the criminal prosecution of hate crime. The announcement was made during a meeting between senior representatives of the prosecutor’s office and members of LGBT+ organisations, held after the attack.<sup>14</sup>

The incident took place several months after the Bilitis Foundation (Фондация „Билитис“) had launched a petition for introducing heavier penalties for hate crime based on sexual orientation and gender identity in February 2021. The petition was addressed to the Ministry of Justice (MoJ) (Министерство на правосъдието, МП) and called for changes in the Criminal Code (Наказателен кодекс) to make sexual orientation and gender identity-related motivation an aggravating factor for certain crimes.<sup>15</sup> The violent act against the LGBT+ community center was strongly condemned by representatives of foreign diplomatic missions in Bulgaria, particularly the Embassies of the USA, Australia, Belgium, Denmark, Spain, Canada, United Kingdom, Portugal, Ireland, and France. In a joint public

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<sup>12</sup> Open Society Institute – Sofia (Институт Отворено Общество – София), (2021), ‘Active Citizens Fund – Bulgaria strongly condemns the attack against Rainbow Hub’ ([Фонд Активни граждани България остро осъжда нападението срещу Рейнбоу хъб](#)), press release, 4 November 2021.

<sup>13</sup> Veselinova, Y. (2021), ‘Dozens of people on the protest “No to Hate” in front of the Palace of Justice’ ([Десетки на протест ‘Не на омразата’ пред Съдебната палата](#)), *Offnews.bg*, 1 November 2021.

<sup>14</sup> Prosecutor’s Office of the Republic of Bulgaria (Прокуратура на Република България) (2021), ‘The management of prosecutor’s office discussed with representatives of the Rainbow Hub project the need for legislative reforms to prosecute hate crimes’ ([Ръководството на прокуратурата обсъди с представители на проекта „Рейнбоу Хъб“ необходимостта от законодателни реформи за преследване на престъпленията от омраза](#)), press release, 11 November 2021.

<sup>15</sup> Bilitis Foundation (Фондация „Билитис“) (2021), [Bulgaria: criminalise hate crimes!](#), 16 August 2021.

statement, they expressed their solidarity with the organisations managing the hub as well as the whole LGBT+ community in Bulgaria and called for tolerance and enhanced protection of their rights.<sup>16</sup> In addition, the Council of Europe's Commissioner for Human Rights Dunja Mijatovic commented on social media that the attack on Rainbow Hub constituted "another worrying example of mounting threats against NGOs working for equal rights for the LGBTI community".<sup>17</sup>

<b>1.3 Draft laws to allow NGOs' Managerial Boards to work remotely</b>	
Area	Safe space & protection
Topic	Use of technology or artificial intelligence
Impact	Minor

In 2021, Members of Parliament submitted two draft laws for amending the Not-for-Profit Legal Entities Act (*Закон за юридическите лица с нестопанска цел*). Both draft laws proposed the introduction of provisions that would allow the management bodies of non-profit organisations to hold meetings and adopt decisions remotely through electronic and digital means of communication. The first draft law was submitted to the 45<sup>th</sup> National Assembly in April 2021,<sup>18</sup> and the second was submitted to the 46<sup>th</sup> National Assembly in August 2021.<sup>19</sup>

The explanatory report to the April draft law states that the existing legislation does not provide an opportunity for the management bodies of civil society organisations to convene and take decisions online, which is particularly problematic given the state of emergency and the measures for social distancing imposed due to the COVID-19 pandemic. It also claims that over 97 % of the Bulgarian non-profit organisations are affected as they have been unable to perform their activities and meet their legal obligations during a state of emergency. Moreover, it is argued that the lack of legal provisions allowing the use of digital means for holding general meetings of the management boards blocks the working process and the adoption of important decisions, which may lead to various negative consequences, such as delays in reporting and administrative issues. The explanatory report notes that the opportunity for

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<sup>16</sup> U.S. Embassy in Bulgaria, (2021), 'Statement regarding the attack against Rainbow Hub' (*Изявление по повод нападението срещу „Рейнбоу хъб“*), press release, 3 November 2021.

<sup>17</sup> Chadwick, L. (2021), '[Bulgarian presidential candidate charged after attacking LGBT+ centre](#)', *Euronews.com*, 3 November 2021.

<sup>18</sup> Bulgaria, 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](#)), 28 April 2021.

<sup>19</sup> Bulgaria, 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](#)), 26 August 2021.

assembling remotely has been legally provided to the management bodies of other types of entities, such as commercial companies and public authorities and institutions on the national and local level that can carry out meetings, vote, and take decisions through direct and virtual participation. The deprivation of non-profit organisations of this option constitutes unequal treatment and is affecting the right to association. The explanatory report to the draft law submitted in August refers to the results of a survey, conducted in 2020 among 45 non-profit organisations in Bulgaria, in which 98 % of the organisations responded that the inability of their management boards to convene virtually hindered their work and created obstacles for the adoption of urgent managerial decisions. The Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право, БЦНП*)<sup>20</sup> and the YOUTHub Association<sup>21</sup> submitted positions to the parliament in support of the proposed amendments.

Eventually, both draft laws were assigned to parliamentary committees, but none became subject to debates in plenary, neither to voting. The reason is the short-lived 45<sup>th</sup> and 46<sup>th</sup> National Assemblies, which failed to form a government that in turn led to their premature dissolution. The newly elected 47<sup>th</sup> National Assembly started working in early December 2021 and by the end of the year, no bills tackling the issue at hand were submitted.

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<sup>20</sup> Bulgaria, National Assembly (*Народно събрания*) (2021), Position of Bulgarian Center for Not-for-Profit Law on the Draft Amendment of the Not-for-Profit Legal Entities Act, No 46-154-01-46, submitted by Tsetska Georgieva Bachkova and a group of Members of Parliament on 26.08.2021 ([Становище на Български център за нестопанско право относно законопроект за изменение и допълнение на Закона за юридическите лица с нестопанска цел, № 46-154-01-46, внесен от Цеца Георгиева Бачкова и група народни представители на 26.08.2021 г.](#)), 7 September 2021.

<sup>21</sup> Position of YOUTHub Association on the Draft Amendment of the Not-for-Profit Legal Entities Act, No 46-154-01-46, submitted by Tsetska Georgieva Bachkova and a group of Members of Parliament on 26.08.2021 ([Становище на Сдружение ЮтХъб относно законопроект за изменение и допълнение на Закона за юридическите лица с нестопанска цел, № 46-154-01-46, внесен от Цеца Георгиева Бачкова и група народни представители на 26.08.2021 г.](#)), 7 September 2021.



## 2 Examples of civil society contributions to the rule of law

<b>2.1 Extended public consultations on the Draft Strategy for Roma Equality, Inclusion and Participation 2021-2030</b>	
Topic	Contributing to law and policymaking (including involvement in public consultations)

In 2021, the public consultations on the National Strategy for Roma Inclusion and Participation 2021-2030 of the Republic of Bulgaria (*Национална стратегия на Република България за приобщаване и участие на ромите 2021-2030*),<sup>22</sup> and the Action Plan for its implementation, were extended in response to the strong interest on the part of civil society organisations. The extension aimed to ensure sufficiently broad public debate on the process.

The strategy was prepared by the Secretariat of the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (*Националният съвет за сътрудничество по етнически и интеграционни въпроси, НССЕИВ*) involving representatives of the government and civil society organisations. Meanwhile, interested parties were invited to join the dialogue by submitting their suggestions and positions within a consultation procedure initially opened from 10 December 2020 to 9 January 2021. Due to the active engagement of stakeholders in the process, the National Council for Cooperation on Ethnic and Integration Issues (NCCEII) (*Национален съвет за сътрудничество по етническите и интеграционните въпроси, НССЕИВ*) announced that the public consultations on the strategy would continue until 31 January 2021 upon request of a group of civil society organisations.<sup>23</sup>

The strategy received many critical statements, including by Roma organisations such as Integro Association (*Асоциация Интегро*),<sup>24</sup> the Center for Interethnic

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<sup>22</sup> Council of Ministers (*Министерски съвет*) (2021), Draft National Strategy for Roma Inclusion and Participation 2021-2030 of the Republic of Bulgaria ([Проект на Националната стратегия на Република България за приобщаване и участие на ромите 2021-2030](#)), 19 January 2021.

<sup>23</sup> National Council for Cooperation on Ethnic and Integration Issues (*Национален съвет за сътрудничество по етническите и интеграционните въпроси*) (2021), 'The deadline for public consultations on the draft National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021-2030 is extended until 31.01.2021' (['Срокът за провеждане на обществените консултации по проект на Националната стратегия на Република България за приобщаване и участие на ромите 2021-2030 \\* се удължава до 31.01.2021 г.'](#)), press release, 19 January 2021.

<sup>24</sup> Bulgaria, Integro Association (*Асоциация Интегро*) (2021), Opinion on the draft National Strategy of the Republic of Bulgaria for Roma Inclusion and Participation 2021-2030 ([Становище по проекта на Национална Стратегия на Република България за приобщаване и участие на ромите 2021-2030](#)), 11 January 2021.

Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*)<sup>25</sup> and others.

In February, the deadline was further prolonged to 4 March 2021 based on similar motives related to the broad discussion surrounding the strategy.<sup>26</sup> A significant number of suggestions for refinement of the strategy were proposed within the expanded public consultations.

As a result, a revised version of the strategy was published on 29 March 2021 with an altered title "National Strategy for Roma Equality, Inclusion and Participation 2021-2030 of the Republic of Bulgaria" (*Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030*)<sup>27</sup> and another round of public consultation was opened until 12 April 2021.

The strategy is the framework document providing guidance to the policy-making concerning the issues of the social inclusion of Roma until 2030. It builds on the achievements of the prior National Roma Integration Strategy of the Republic of Bulgaria (*Национална стратегия на Република България за интегриране на ромите*)<sup>28</sup> covering the period of 2012-2020. According to the draft strategy, it aims to contribute to the goals posed on the European and international agenda enshrined in the EU Roma strategic framework for equality, inclusion and participation for 2020-2030, EU Anti-racism Action Plan 2020-2025, the European Pillar of Social Rights, and the United Nations 2030 Agenda for Sustainable Development.<sup>29</sup>

As of January 2022, no further developments on the adoption of the strategy were announced. A major reason for the stagnation may be the political crisis that occurred in Bulgaria in 2021, particularly the failure of two consecutive parliaments to form a government which left the ruling of the country to caretaker governments that are not authorised to perform the full range of functions of a

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<sup>25</sup> Bulgaria, Center for Interethnic Dialogue and Tolerance "Amalipe" (*Център за междуетнически диалог и толерантност „Амалипе“*) (2021), Statement of Amalipe Center on the National Strategy for Roma Inclusion and Participation ([Становище на Център Амалипе към Националната стратегия за приобщаване и участие на ромите](#)), 9 January 2021.

<sup>26</sup> National Council for Cooperation on Ethnic and Integration Issues (*Национален съвет за сътрудничество по етническите и интеграционните въпроси*) (2021), 'Consultative process on the preparation of the draft National Strategy for Roma Inclusion and Participation (2021-2030) of the Republic of Bulgaria continues' (['Консултативният процес по подготовката на проект на Национална стратегия за приобщаване и участие на ромите \(2021-2030\) продължава'](#)), press release, 2 February 2021.

<sup>27</sup> Council of Ministers (*Министерски съвет*) (2021), Draft National Strategy for Roma Equality, Inclusion and Participation 2021-2030 of the Republic of Bulgaria ([Проект на Национална стратегия на Република България за равенство, приобщаване и участие на ромите 2021-2030](#)), 29 March 2021.

<sup>28</sup> Council of Ministers (*Министерски съвет*) (2012), [National Roma Integration Strategy Of The Republic Of Bulgaria \(2012-2020\)](#), 5 June 2017.

<sup>29</sup> Council of Ministers (*Министерски съвет*) (2021), Draft National Strategy for Roma Equality, Inclusion and Participation 2021-2030 of the Republic of Bulgaria , 29 March 2021.

regular government, as its paramount responsibility is to ensure the proper organisation and holding of elections.

<b>2.2 Bulgarian civil society organisation supports a same-sex family in a legal dispute</b>	
Topic	Monitoring the legality and proportionality of laws, measures, and practices; triggering the judicial review of laws, measures, and practices, and the enforcement of rulings; strategic litigation

In 2021, the Youth LGBT organisation Deystvie (*Младежка ЛГБТ организация Действие*) provided legal assistance to a same-sex family in a legal dispute on a refused birth certificate, which became known as the “Baby Sara” case. The case concerned the refusal of Bulgarian authorities to issue a birth certificate to a child, whose both parents are women. The mothers of the child, a Bulgarian citizen and a citizen of the United Kingdom, applied for obtaining a Bulgarian birth certificate for their child. The child was born in Spain and already holds a Spanish birth certificate. Their application was rejected because the parents refused to provide the Bulgarian authorities with information revealing the identity of the child’s biological mother. The mothers appealed the refusal before a Bulgarian court and the Bulgarian court requested a preliminary ruling from the Court of Justice of the European Union. The Bulgarian lawyer, a founder of the Youth LGBT organisation Deystvie (*Младежка ЛГБТ организация Действие*), represented the family before the European Union Court of Justice.

On 14 December 2021, the European Union Court of Justice delivered its judgment ruling that Article 4(2) TEU, Articles 20 and 21 TFEU and Articles 7, 24 and 45 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 4(3) of Directive 2004/38/EC, must be interpreted as meaning that, in the case of a child, being a minor, who is a Union citizen and whose birth certificate, issued by the competent authorities of the host Member State, designates as that child’s parents two persons of the same sex, the Member State of which that child is a national is obliged (i) to issue to that child an identity card or a passport without requiring a birth certificate to be drawn up beforehand by its national authorities, and (ii) to recognise, as is any other Member State, the document from the host Member State that permits that child to exercise, with each of those two persons, the child’s right to move and reside freely within the territory of the Member States.<sup>30</sup>

Parallel to the case, the Youth LGBT organisation Deystvie (*Младежка ЛГБТ организация Действие*) initiated several actions in support of the legal regulation of the rights of same-sex couples. In August 2021, the organisation issued a public statement claiming that the COVID-19 measures, introduced by the government, disproportionately affected the families of LGBT+ Bulgarians entering the country. The statement noted that in the absence of explicit regulation of same-sex

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<sup>30</sup> Court of Justice of the European Union (CJEU), C-490/20, [V.M.A. v Stolichna obshtina, rayon 'Pancharevo' \(Sofia municipality, Pancharevo district, Bulgaria\)](#), 14 December 2021.

marriages and/or partnerships and cohabitation in Bulgaria, same-sex spouses and/or partners of Bulgarian nationals traveling to Bulgaria could not benefit from the rules excluding the family members of Bulgarians from the scope of application of entry restrictions (particularly when arriving from countries in a red zone). According to the organisation, this situation created 'additional difficulties for Bulgarian citizens and their foreign spouses and/or partners who want to visit our country for summer holidays, family and family reunions or to return to their home country permanently'.<sup>31</sup> The organisation also launched a petition calling for the adoption of legislative changes recognising the rights of same-sex couples. According to the petition, the lack of legal rules allowing same-sex partners to register their family relationship is a barrier for exercising some of their rights related to, among others, taxation, residence permits, hospital visits, inheritance, etc.<sup>32</sup>

### **2.3 Monitoring and analysis of the controlled and bought vote in the parliamentary elections in Bulgaria**

Topic	Keeping the national anti-corruption framework operational (incl. whistle-blowers and their protection etc.)
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The 2021 European Commission's annual rule of law report on Bulgaria indicated that corruption is among the most persisting and alarming problems in the country.<sup>33</sup> In March 2021, the government adopted a new framework document in the area of anti-corruption, namely the National Strategy for Preventing and Combatting Corruption in the Republic of Bulgaria 2021-2027 (*Национална стратегия за превенция и противодействие на корупцията 2021 - 2027 г.*).<sup>34</sup> The strategy envisages the adoption of sets of measures, categorised into seven thematic priority areas. One of the priority tasks is the creation of an environment for public intolerance to corruption through various activities, among which actions focused on the prevention and minimising the levels of "electoral corruption" characterised with controlled and bought vote.<sup>35</sup>

In this respect, the Anti-Corruption Fund (ACF) (*Антикорупционен фонд, АКФ*) launched a project on the impact of controlled and bought votes in Bulgaria's political elections. The initiative aims to shed light on the irregularities in the

<sup>31</sup> Bulgaria, LGBT Youth Organisation Deystvie (*Младежка ЛГБТ организация Действие*) (2021), '[COVID measures and disproportionate impact on families of LGBTI Bulgarians entering the country](#)', press release, 6 August 2021.

<sup>32</sup> Bulgaria, LGBT Youth Organisation Deystvie (*Младежка ЛГБТ организация Действие*) (2021), Petition for equal treatment of same-sex partners and their families ([Петиция за равно третиране на еднополовите партньори и техните семейства](#)), 16 August 2021.

<sup>33</sup> European Commission (2021), [2021 Rule of Law Report Country Chapter on the rule of law situation in Bulgaria](#), 20 July 2021.

<sup>34</sup> Council of Ministers (*Министерски съвет*) (2021), National Strategy for Preventing and Combatting Corruption in the Republic of Bulgaria 2021-2027 ([Национална стратегия за превенция и противодействие на корупцията 2021 - 2027 г.](#)), 19 March 2021.

<sup>35</sup> Council of Ministers (*Министерски съвет*) (2021), National Strategy for Preventing and Combatting Corruption in the Republic of Bulgaria 2021-2027 ([Национална стратегия за превенция и противодействие на корупцията 2021 - 2027 г.](#)), Priority 6, 19 March 2021.

election process which accompanied the elections held in Bulgaria since 2013. It also strives to assist the Bulgarian authorities to prevent electoral frauds through identifying the polling stations where the risk of controlled and purchased vote is high.<sup>36</sup> For that purpose, the organisation developed a methodology to measure the share of potentially purchased or controlled votes in 1,738 polling stations in Bulgaria. In March 2021, the methodology was presented in a report titled "Broken Legitimacy: prevalence and impact of controlled and purchased voting in Bulgaria".<sup>37</sup> In its core, the methodological approach is based on three models intended to track abnormal behavior of voters reflected in the election results over a predetermined period of time. The model of multicomponent abnormal behavior identifies polling stations that have: (1) an atypically high turnout in a particular polling station compared to the recorded turnout in the municipality; (2) an extremely high result of the leading political party in the polling station compared to the recorded results of the party in the municipality; and (3) an extremely high number of invalid ballots and votes in the polling station. The methodology also involves models for identifying the variation of the turnout and the change of the political leanings in each polling section over a certain period. It was first applied to analyse the parliamentary elections that took place in November 2021. A report published in December 2021 reveals the findings and points at particular municipalities where polling sections showed significantly high rates of potential purchased and controlled votes.<sup>38</sup>

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<sup>36</sup> Anti-Corruption Fund (2021), '[The Anti-Corruption Fund begins research on the voter fraud in Bulgaria](#)', press release, 25 January 2021.

<sup>37</sup> Anti-Corruption Fund (2021), '[Broken Legitimacy: prevalence and impact of controlled and purchased voting in Bulgaria](#)', 29 March 2021.

<sup>38</sup> Anti-Corruption Fund (2021), '[Election fraud: Prevalence and impact in Bulgaria. Parliamentary Election, November 2021](#)', 15 December 2021.

## 3 Other relevant developments

### 3.1 First steps for the establishment of a Coordination Council for the Bulgarian participation in the global initiative 'Open Government Partnership'

In 2021, first steps were undertaken for the establishment of a Coordination council for the participation in the global initiative 'Open Government Partnership' (*Съвет за координация на участието в Глобалната инициатива „Партньорство за открито управление“*, OGP), engaged with the development of national action plans on open government reforms, and the monitoring of their implementation. The members of the coordination council will be representatives of the government and civil society organisations.

Bulgaria applied for membership to the OGP in 2011,<sup>39</sup> and effectively became a member in March 2012. Since then, the Minister of Regional Development has been responsible for the coordination of the national participation in the initiative. To this moment, three national action plans were developed in 2012,<sup>40</sup> 2014,<sup>41</sup> and 2016.<sup>42</sup>

Within the public consultations on the fourth national action plan, which started in 2018 and is currently underway, the civil society network Association 'Civil Participation Forum' (*Сдружение „Форум Гражданско Участие“*) and the Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право, БЦНП*) suggested the establishment of a permanent forum for representatives of the government, public authorities, and stakeholders from the civil society sector to convene regularly and discuss jointly the national participation in the initiative in terms of defining the current national objectives laid down in the action plans, contribution to its implementation and assessing the progress and achievements.<sup>43</sup> The coordination mechanism would increase the

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<sup>39</sup> Council of Ministers (*Министерски съвет*) (2011), Decision No 56 on Protocol No 31 of 24 August 2011 ([Решение на Министерския съвет № 56 от Протокол № 31 от 24 август 2011 г.](#)), 24 August 2011.

<sup>40</sup> Council of Ministers (*Министерски съвет*) (2012), First Action Plan of the Republic of Bulgaria to Global Open Government Partnership Initiative ([Първи план за действие по инициативата "Партньорство за открито управление"](#)), 28 August 2012.

<sup>41</sup> Council of Ministers (*Министерски съвет*) (2012), Second Action Plan of the Republic of Bulgaria to Global Open Government Partnership Initiative ([Втори план за действие на Република България по инициативата "Партньорство за открито управление"](#)), 22 July 2014.

<sup>42</sup> Council of Ministers (*Министерски съвет*) (2012), Third Action Plan of the Republic of Bulgaria to Global Open Government Partnership Initiative ([Трети национален план за действие в рамките на инициативата „Партньорство за открито управление“](#)), 12 July 2016.

<sup>43</sup> Association 'Civil Participation Forum' (*Сдружение „Форум Гражданско Участие“*) (2018), Statement on the fourth national action plan for "Open Government Partnership" ([Становище по четвърти национален план за действие за „партньорство за открито управление“](#)), 21 June 2018.

role of civil society in the various activities under the initiative in the field of anti-corruption, civic space, digital governance, justice, right to information, etc.

A revised draft of the fourth national action plan was published in 2021 and envisioned the establishment of such a coordination mechanism.<sup>44</sup> The Association 'Civil Participation Forum' (*Сдружение „Форум Гражданско Участие“*)<sup>45</sup> and the Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право, БНЦП*)<sup>46</sup> provided recommendations on the format and responsibilities of the future coordination council so that it meets the requirements of the global initiative.

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<sup>44</sup> Council of Ministers (*Министерски съвет*) (2021), Draft Decision of the Council of Ministers on coordination of Bulgaria's participation in the global initiative 'Open Government Partnership' ([Проект на ПМС за координация на участието на Република България в глобалната инициатива „Партньорство за открито управление“](#)), 26 February 2021.

<sup>45</sup> Association 'Civil Participation Forum' (*Сдружение „Форум Гражданско Участие“*) (2021), Statement on the Draft Decision of the Council of Ministers on coordination of Bulgaria's participation in the global initiative 'Open Government Partnership' ([Становище относно Проект на ПМС за координация на участието на Република България в глобалната инициатива „Партньорство за открито управление“](#)), 24 March 2021.

<sup>46</sup> Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2021), Statement on the Draft Decision of the Council of Ministers on coordination of Bulgaria's participation in the global initiative 'Open Government Partnership' ([Становище относно Проект на ПМС за координация на участието на Република България в глобалната инициатива „Партньорство за открито управление“](#)), 25 March 2021.