

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

Bulgaria

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1. Civic space developments in 2022

1.1. Government establishes the Council for Civil Society Development

| | |
|--------|---|
| Area | Participation and cooperation with authorities |
| Topic | Civil dialogue (dialogue/cooperation between authorities and civil society organisations); and Access to consultations / participation in decision-making |
| Impact | Major |

In Bulgaria, on 16 February 2022, the government officially established the Council for Civil Society Development (CCSD) (*Съвет за развитие на гражданското общество, ЦРГО*).¹ This development has been long-awaited by the civil society sector following several years of delays and difficulties. The legislative amendments envisaging the establishment of the CCSD were adopted in 2016 and entered into force on 1 January 2018,² the guidelines for the council's organisation and activities were adopted in 2019,³ its secretariat was constituted in January 2020,⁴ and the procedure for electing the

¹ Bulgaria, Council of the Ministers (*Министерски съвет*) (2022), Decision No 74 of 16.02.2022 determining the composition of the Council for Civil Society Development Council ([Решение № 74 на Министерския съвет от 16.02.2022 г. за определяне състава на Съвета за развитие на гражданското общество](#)), 16 February 2022.

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 Bulgaria, Council of Ministers (*Министерски съвет*) (2019), Guidelines 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 Bulgaria, Council of Ministers (*Министерски съвет*) (2020), Order No V-14 of 22.01.2020 on the appointment of the Secretariat of the Council for Civil Society Development (CSDC) ([Заповед](#)

council's members concluded in June 2020.⁵ The CCSD serves as a consultative body to the government with the general purpose to participate in the drafting and implementation of laws and policies concerning civil society in Bulgaria. It comprises 15 members: 14 representatives of civil society organisations and the Deputy Prime Minister responsible for the implementation of the national civil society strategy⁶ (who chairs the council). In September 2022, after a caretaker government stepped into office, the chairperson of the CCSD was changed by a decision of the new government.⁷ The appointment was in line with the law providing that the chairperson is at all times the serving Deputy Prime Minister in charge of the abovementioned strategy.⁸

The CCSD assembled for the first time on 8 March 2022 and since then has held a total of ten meetings. At the first meeting, the council adopted its work programme for 2022 defining its goals in three thematic priority areas: (1) volunteering, civic participation, dialogue and partnership (including the tasks to conduct a needs assessment leading to a proposal for a national law on volunteering, to improve the dialogue between the public authorities and civil society by refining the existing public consultations mechanisms, and to initiate the adoption of a new national strategy for supporting CSOs to replace the current one which expired in 2015), (2) funding to the civic sector (including the tasks to facilitate the CSOs' access to public funding, to develop clear criteria for allocation of government grants to CSOs, and to determine the priorities for funding projects of public interest of CSOs), and (3) CCSD as a communication platform

[№ В-14 от 22.01.2020 г. за определяне поименния състав на Секретариата на Съвета за развитие на гражданското общество \(СРГО\)](#), 22 January 2020.

⁵ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Decision determining the composition of the Council for Civil Society Development (*Решение за определяне състава на Съвета за развитие на гражданското общество*), 16 February 2022 (not available online).

⁶ Bulgaria, Council of Ministers (*Министерски съвет*) (2012), Strategy for Supporting the Development of Civil Society Organisations 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.

⁷ Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Decision No 629 of 1.09.2022 for amending Decision No 74 from 2022 determining the composition of the Council for Civil Society Development (*Решение № 629 на Министерския съвет от 1.09.2022 г. за изменение на Решение № 74 на Министерския съвет от 2022 г. за определяне състава на Съвета за развитие на гражданското общество*), 1 September 2022 (not available online).

⁸ Bulgaria, Non-Profit Legal Entities Act ([Закон за юридическите лица с нестопанска цел](#)), 6 October 2000 (last amended 18 December 2020), Article 4 (3).

(including the tasks to facilitate the collaboration between CSOs and to develop a mechanism for knowledge exchange between CSOs and government institutions).⁹

In July 2022, the CCSD published a semi-annual activity report covering the period February – July 2022.¹⁰

In 2022, the CCSD engaged in several activities to support the refugees fleeing the war in Ukraine, including the adoption of standards for verifying the information published on the national portal *Bulgaria for Ukraine* about CSOs providing support to Ukrainian refugees¹¹ and the establishment of a working group to coordinate the activities of CSOs and state institutions supporting Ukrainians in Bulgaria (the working group consulted the draft amendments for improving the legal framework of temporary protection and created a coordination mechanism for resolving humanitarian problems arising on the ground).¹² In the area of funding, the CCSD formed a working group to develop a financial mechanism for supporting projects of public interest proposed by CSOs.¹³ The work is carried out in cooperation with the Council of Ministers' administration and as of the end of 2022 has not yet been completed.¹⁴ Public consultations on the priorities for funding CSO-led projects in public interest were also carried out.¹⁵ In the field of

⁹ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Work programme 2022 (*Работна програма 2022 г.*), 8 March 2022.

¹⁰ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), CCSD report – February – July 2022 (*СРГО отчет – февруари – юли 2022 г.*), 21 July 2022.

¹¹ For more information, see the [Bulgaria for Ukraine website](#).

¹² Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), CCSD report – February – July 2022 (*СРГО отчет – февруари – юли 2022 г.*), 21 July 2022.

¹³ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), CCSD report – February – July 2022 (*СРГО отчет – февруари – юли 2022 г.*), 21 July 2022.

¹⁴ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Summary of the decisions taken on the meeting of the Council for Civil Society Development on 1 November 2022 (*Резюме от взетите решения на заседанието на Съвета за развитие на гражданското общество, провело се на 1 ноември 2022 г.*), 1 November 2022.

¹⁵ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Funding priorities for projects of public interest of civil society organisations (*Приоритети за финансиране на обществено значими проекти на граждански организации*), 2 December 2022.

lawmaking, the CCSD provided critical opinions on several draft laws concerning civil society, including the Draft Volunteering Act (*Законопроект за доброволчеството*) (criticised for not corresponding to the latest developments in the field of volunteering)¹⁶ and the controversial Draft Foreign Agents Registration Act (*Законопроект за регистрацията на чуждестранните агенти*) (criticised for affecting civil and political rights, and the freedom of expression, and for contradicting the Constitution, EU law and the international treaties to which Bulgaria is a party).¹⁷

1.2. Draft law on “foreign agents” threatens the rights of civil society organisations

| | |
|--------|---------------------|
| Area | Financing framework |
| Topic | Foreign funding |
| Impact | Minor |

In Bulgaria, in October 2022, the far-right political party Vazrazhdane (*Възраждане*) submitted to the parliament a controversial Draft Registration of Foreign Agents Act (*Законопроект за регистрацията на чуждестранните агенти*)¹⁸ aiming to regulate the registration of and disclosing information about the foreign funding received by individuals and legal entities in Bulgaria. The explanatory report to the draft claims that

¹⁶ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Opinion of the Council for Civil Society Development on the Draft Volunteering Act ([Становище на Съвета за развитие на гражданското общество относно Законопроект за доброволчеството](#)), 24 March 2022.

¹⁷ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Opinion of the Council or Civil Society Development on the Draft Registration of Foreign Agents Act ([Становище на Съвета за развитие на гражданското общество относно Законопроект за регистрацията на чуждестранните агенти](#)), 28 November 2022.

¹⁸ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Registration of Foreign Agents Act ([Законопроект за регистрацията на чуждестранните агенти](#)), 27 October 2022.

proposed provisions would enhance transparency and shed light on organisations that act as agents of foreign political and business interest in the country.

According to the draft, all individuals and legal entities receiving financial or material support amounting to a total of BGN 1,000 (approximately €500) per fiscal year, excluding commercial transactions and gambling, from any foreign donor (including governmental institutions, non-governmental organisations, and commercial companies) qualify as foreign agents. Moreover, the draft defines as “individuals connected to foreign agents” all founders, managers and employees of legal entities categorised as foreign agents as well as any other connected persons such as donors and volunteers. According to the draft, all individuals and legal entities should declare the funding received from abroad and the data from these declarations should be filed in a public registry administered by the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП). The suggested provisions raised significant concerns related to fundamental rights because they not only provide for persons qualifying as “foreign agents” to be labelled as such in a public database but also prohibit them to exercise a wide range of activities such as education, creative work, participation in public procurement, any political activity, publishing and dissemination of products (e.g., leaflets, magazines, brochures, cards, promotional materials, and others) unless there is an explicit disclaimer on the cover that the author is a foreign agent. The suggested financial sanctions range from BGN 1,000 (approximately €500) to BGN 20,000 (approximately €10,000).

The draft provoked a public outcry and numerous civil society organisations presented statements against it. A group of 180 civil society organisations submitted a joint statement expressing their concerns that the draft poses significant threat to civil society development, serves as a smear campaign against human rights NGOs, and contradicts the democratic principles of good governance, pluralism, and rule of law.¹⁹ The Council for Civil Society Development (CCSD) (*Съвет за развитие на гражданското общество*, СРГО) submitted a separate position stating that the draft proposes a serious restriction and violation of the constitutionally guaranteed civil and political rights of Bulgarian citizens, in particular the freedom of expression and the right of association, contravenes Articles 10, 11 and 14 of the European Convention on Human Rights, and is in breach of EU law on the freedom of movement of capital and

¹⁹ Bulgaria, National Assembly (*Народно събрание*) (2022), Opinion of Civic Organisations on the Draft Registration of Foreign Agents Act ([*Становище на граждански организации относно Законопроект за регистрация на чуждестранните агенти*](#)), 22 December 2022.

the rights to protection of personal data, the freedom of association, and the right to private and family life guaranteed by the EU Charter of Fundamental Rights.²⁰

A number of state institutions also urged for substantial revisions or withdrawal of the draft. Particularly, the ministries of culture,²¹ finance,²² the interior,²³ and justice²⁴ submitted individual opinions on the draft in relation to the legal provisions affecting their area of competency.

As of the end of 2022, the draft has not been discussed either in the relevant parliamentary committees or in plenary.

²⁰ Bulgaria, Council for Civil Society Development (*Съвет за развитие на гражданското общество*) (2022), Opinion of the Council or Civil Society Development on the Draft Registration of Foreign Agents Act ([Становище на Съвета за развитие на гражданското общество относно Законопроект за регистрация на чуждестранните агенти](#)), 28 November 2022.

²¹ Bulgaria, Ministry of Culture (*Министерство на културата*) (2023), Opinion of the Ministry of Culture on the Draft Registration of Foreign Agents Act ([Становище на Министерство на културата относно законопроект за регистрация на чуждестранните агенти](#)), 9 January 2023.

²² Bulgaria, Ministry of Finance (*Министерство на финансите*) (2022), Opinion of the Ministry of Finance on the Draft Registration of Foreign Agents Act ([Становище на Министерство на финансите относно законопроект за регистрация на чуждестранните агенти](#)), 1 December 2022.

²³ Bulgaria, Ministry of Interior (*Министерство на вътрешните работи*) (2022), Opinion of the Ministry of Interior on the Draft Registration of Foreign Agents Act ([Становище на Министерство на вътрешните работи относно законопроект за регистрация на чуждестранните агенти](#)), 12 December 2022.

²⁴ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2022), Opinion of the Ministry of Justice on the Draft Registration of Foreign Agents Act ([Становище на Министерство на правосъдието относно законопроект за регистрация на чуждестранните агенти](#)), 7 December 2022.

1.3. Bulgaria fails to adopt whistleblowing law transposing the EU Directive 2019/1937

| | |
|--------|---|
| Area | Safe space & protection |
| Topic | Other, please specify: Protection of whistleblowers |
| Impact | Minor |

In Bulgaria, the authorities have made several unsuccessful attempts to pass legislation to transpose the EU Directive on whistleblowers protection after the European Commission initiated an infringement procedure against Bulgaria regarding the failure to fully transpose Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law by the deadline of 17 December 2021.²⁵ The adoption of the legislation was hindered by the political turmoil that came after the resignation of the government in June 2022, followed by the appointment of a caretaker government and the holding of general elections in October 2022. Nevertheless, several legislative initiatives took place in 2022, laying the foundation for the future adoption of a national law on the protection of whistleblowers. The Directive aims, *inter alia*, to enhance the protection against retaliation as a means of safeguarding the fundamental rights of all persons who report information about acts or omissions and to persons who make such information available in the public domain, including civil society organisations.²⁶

In April 2022, the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП) presented for public consultation a Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act (*Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения*) regulating the whistleblower protection and transposing the EU Directive

²⁵ European Commission (2022), [Letter of formal notice Article 258 TFEU - Article 260\(3\) TFEU on INFR\(2022\)0021](#), Brussels, 27 January 2022.

²⁶ [Council Directive 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law](#), OJ 2019 L 305, (*Whistleblowers Directive*).

2019/1937.²⁷ Several non-governmental organisations submitted official positions on the draft, including Transparency International – Bulgaria (*Прозрачност без граници*),²⁸ and the Center for the Study of Democracy (CSD) (*Център за изследване на демокрацията*, ЦИД) jointly with the Bulgarian Institute for Legal Initiatives (BILI) (*Български институт за правни инициативи*, БИПИ).²⁹ The NGOs expressed a number of concerns, including about the unclear wording of legal provisions and the designation of the Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF) (*Комисия за противодействие на корупцията и за отнемане на незаконно придобитото имущество*, КПКОНПИ) as the external reporting channel to receive and process disclosures. More precisely, the NGOs pointed out the low public trust in the CACIAF,³⁰ an institution with a controversial public image in terms of its effectiveness and administration. NGOs also noted the several attempts of legal amendments

²⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 21 April 2022.

²⁸ Transparency International – Bulgaria (*Прозрачност без граници*) (2022), Opinion of Transparency International – Bulgaria on the Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Становище на Асоциация „Прозрачност без граници“ относно Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 23 May 2022.

²⁹ Center for the Study of Democracy (*Център за изследване на демокрацията*), Bulgarian Institute for Legal Initiatives (*Български институт за правни инициативи*) (2022), Opinion of the Center for the Study of Democracy and the Bulgarian Institute for Legal Initiatives on the Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Становище на Център за изследване на демокрацията и Фондация „Български институт за правни инициативи“ относно Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 23 May 2022.

³⁰ Center for the Study of Democracy (*Център за изследване на демокрацията*), Bulgarian Institute for Legal Initiatives (*Български институт за правни инициативи*) (2022), Opinion of the Center for the Study of Democracy and the Bulgarian Institute for Legal Initiatives on the Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Становище на Център за изследване на демокрацията и Фондация „Български институт за правни инициативи“ относно Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 23 May 2022.

envisioning structural reforms of the anti-corruption body over the year,³¹ and the unsuccessful appointment of a chairperson after the preceding one resigned in early 2022.³² These developments were interpreted as an alarming sign of unpredictability and instability, hence the designation of CACIAF as a reporting channel may pose a risk to whistleblowers.

The public consultations resulted in the creation of two separate draft laws that were nearly identical – one developed by the ex-Minister of Justice and another by the Minister of Justice of the caretaker government. The first draft was submitted to the parliament by a group of MPs on 19 October 2022 and the government presented their draft five days later, on 24 October 2022.³³ In November 2022, the Parliamentary Committee on Legal Affairs approved both drafts.³⁴ Both bills were subject to heated discussions in parliament and MPs pointed out that the proposed legislation had not been synchronised with the relevant existing law, among other arguments.³⁵ On 14 December 2022, the drafts were debated in plenary and both were rejected at first

³¹ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Anti-Corruption Act ([Законопроект за противодействие на корупцията](#)), 9 June 2022; Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Anti-Corruption Act ([Законопроект за противодействие на корупцията](#)), 19 October 2022; Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Anti-Corruption Among High-Ranked Public Officials Act ([Законопроект за противодействие на корупцията сред лица, заемащи висши публични длъжности](#)), 1 November 2022.

³² Sofia Globe (2022), '[Head of Bulgaria's anti-corruption body submits resignation](#)', 17 January 2022.

³³ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 24 October 2022.

³⁴ Bulgaria, National Assembly (*Народно събрание*) (2022), Report of session of the Parliamentary Committee on Legal Affairs on 09.11.2022 ([Доклад от заседание на Комисията по правни въпроси от 09.11.2022 г.](#)), 9 November 2022.

³⁵ Bulgaria, National Assembly (*Народно събрание*) (2022), Transcript of forty-eighth National Assembly, twenty-third session, Sofia, Wednesday, 14 December 2022 ([Стенограма от четиридесет и осмо народно събрание, двадесет и трето заседание, София, сряда, 14 декември 2022 г.](#)), 14 December 2022.

reading and did not pass.^{36,37} Shortly after, Transparency International – Bulgaria (*Прозрачност без граници*) published an open letter to the Prime Minister calling for the draft law to be resubmitted to the parliament without revision and for the transposition of the Whistleblowers Directive without further delay.³⁸ The adoption of the relevant legislation, however, did not happen before the end of 2022.

³⁶ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 19 October 2022.

³⁷ Bulgaria, National Assembly (*Народно събрание*) (2022), Draft Protection of Persons Submitting Signals and Reporting Publicly Information about Wrongdoing Act ([Законопроект за защита на лицата, подаващи сигнали или публично оповестяващи информация за нарушения](#)), 24 October 2022.

³⁸ Bulgaria, Transparency International – Bulgaria (*Прозрачност без граници*), [Open letter to the Prime Minister of the Republic of Bulgaria on the rejected draft-law on the Protection of Persons who Report Breaches](#), 16 December 2022.

2. Promising practice in 2022

2.1. SLAPPs in the spotlight in Bulgaria

In Bulgaria, in 2022, the topic of Strategic Lawsuits Against Public Participation (also known as SLAPP) persisted in the public domain with several major events taking place in Sofia. The topic got under the spotlight after several Bulgarian journalists were involved in criminal proceedings for their investigations and media publications. One such case is the case of journalist Boris Mitov and the chief editor of the news outlet Mediapool, which ended with a conviction.³⁹ The court judgement has been condemned by a number of media organisations in Bulgaria, including the Association of European Journalists – Bulgaria (AEJ – Bulgaria) (*Асоциация на европейските журналисти – България, АЕЖ – България*), which expressed their serious concerns about the increasing number of lawsuits against media professionals which could be considered SLAPP.⁴⁰ As another example, in September 2022, the Association of European Journalists – Bulgaria (AEJ – Bulgaria) (*Асоциация на европейските журналисти – България, АЕЖ – България*) reported that the popular journalist Maria Tsantsarova has been summoned for questioning by the police in order to reveal her sources of information for an investigation related to members of the political party Vazrazhdane (*Възраждане*).⁴¹

Against this background, the Anti-Corruption Fund (*Антикорупционен фонд*) and the Association of European Journalists – Bulgaria (AEJ – Bulgaria) (*Асоциация на*

³⁹ Bulgaria, Sofia City Court (*Софийски градски съд*) (2021), Decision No 267058 of 21.12.2021 on civil case No 15441/2019 ([Решение № 267058 от 21.12.2021 г. на СГС по гр. д. № 15441/2019 г.](#)), 21 December 2021.

⁴⁰ Bulgaria, Association of European Journalists – Bulgaria (*Асоциация на европейските журналисти – България*) (2022), 'The judgment against journalists and Mediapool reveals a deep flaw in the Bulgarian judicial system' (['Осъдителното решение срещу журналисти и Медиапул показва дълбок порок в българската съдебна система'](#)), press release, 11 January 2022.

⁴¹ Bulgaria, Association of European Journalists – Bulgaria (*Асоциация на европейските журналисти – България*) (2022), 'The government's unacceptable pressure on journalists to reveal the sources of journalistic investigation continues' (['Продължава недопустимият натиск на властта за разкриване на източниците на журналистическо разследване'](#)), press release, 16 September 2022.

европейските журналисти – България, АЕЖ – България) launched a joint initiative to assess the current level of freedom of speech from the perspective of Bulgarian journalists through a national survey among media experts and journalists (conducted in June 2022) and legal analysis of SLAPP cases in Bulgaria. The analysis is expected to be centered on the prosecutions against Bulgarian journalists allegedly conducted with the aim of exerting pressure and harassment.⁴² As of the end of 2022, the study has not yet been finalised.

In June 2022, the Sofia Bar Association (SBA) (*Софийски адвокатска колегия, САК*) and the Supreme Bar Council (SBC) (*Висш адвокатски съвет, ВАС*) hosted a high-level international forum in Sofia on how to counter the abuse of strategic lawsuits against public participation (SLAPPs). According to the organisers, the topic of SLAPPs was key to safeguarding civil society and media freedom in Bulgaria. In this context, the forum provided a platform for expert discussion on the balance between access to justice and the right to privacy – on the one hand, and protection of freedom of expression and freedom of information – on the other.⁴³

The use of judicial methods to exert journalists through intimidation and tactics such as strategic lawsuits against public participation (SLAPPs) was a key topic at the international conference “New Horizons in Journalism 2022” that took place in Sofia on 1 December 2022. The conference, organised by the World Press Institute with the support of the Association of European Journalists – Bulgaria (AEJ – Bulgaria) (*Асоциация на европейските журналисти – България, АЕЖ – България*) and the America for Bulgaria Foundation (*Фондация „Америка за България*), brought together legal and media professionals from across Europe to examine, among other issues, the issue of SLAPP lawsuits as a threat to press freedom.⁴⁴

The initiatives against SLAPPs engaged a wide range of non-governmental actors and other stakeholders in Bulgaria and the topic appears to be gaining momentum to continue in the upcoming year. To illustrate this, the Bulgarian non-profit organisation Media Development Centre (MDC) (*Център за развитие на медиите, ЦРМ*) has

⁴² Bulgaria, Association of European Journalists – Bulgaria (*Асоциация на европейските журналисти – България*) (2022), ‘The Anti-Corruption Fund launches a legal analysis of court cases against journalists. AEJ – Bulgaria is a partner’ ([‘Антикорупционният фонд започва правен анализ на съдебните дела срещу журналисти. АЕЖ – България е партньор’](#)), press release, 2 June 2022.

⁴³ Daskalov, G. (2022), ‘Strategic lawsuit against public participation (SLAPPs) and social responsibility of law firms to be discussed at international forum in Sofia’ ([‘Неправомерните съдебни спорове \(SLAPPs\) и социалната отговорност на адвокатските дружества ще обсъждат на международен форум в София’](#)), *Bulgarian National Radio*, 21 June 2022.

⁴⁴ For more information, see the [New Horizons in Journalism 2022 website](#).

announced a series of training to legal professionals on Strategic Lawsuits Against Public Participation in Bulgaria starting in January 2023.⁴⁵ The training is part of an EU-funded project “Pioneering Anti-SLAPP Training for Freedom of Expression (PATFox)” implemented in eleven Member States in the period 2022-2023. The project pursues the objective to train lawyers defending journalists and media organisations, NGOs and activists against companies and governmental figures using lawfare to shut down legitimate criticism, in techniques and strategies for defending against SLAPP suits.⁴⁶

2.2. National survey on the public attitudes towards civil society organisations

In December 2022, the Bulgarian Center for Not-for-Profit Law (BCNL) (*Български център за нестопанско право, БЦНП*) published a report with key conclusions drawn from a national representative survey on the public attitudes towards civil society organisations in Bulgaria.⁴⁷ It is the most recent outcome of a sustainable effort to evaluate the public opinion and perceptions of civil society and non-governmental organisations in Bulgaria. The 2022 report compares the data from a similar survey conducted in 2020⁴⁸ by BCNL which took over the initiative to examine the public

⁴⁵ Bulgaria, Media Development Centre (*Център за развитие на медиите*) (2023), ‘Strategic Lawsuits Against Public Participation – Workshop on SLAPP or lawsuits aimed at limiting public participation in Bulgaria’ (*‘Стратегически съдебни дела срещу участието на обществеността – работен семинар за SLAPP или съдебни дела, насочени към ограничаване на общественото участие в България’*), press release, 12 January 2023.

⁴⁶ For more information, see the [Pioneering Anti-SLAPP Training for Freedom of Expression \(PATFox\) website](#).

⁴⁷ Bulgaria, Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2022), Public attitudes towards civil society organisations 2022 (*Обществени нагласи към дейността на гражданските организации 2022 г.*), 9 December 2022.

⁴⁸ Bulgaria, Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2020), [Public attitudes towards civil society organisations 2020](#), 2 October 2020.

attitudes towards CSOs and NGOs originally implemented by the Open Society Institute – Sofia (*Институт Отворено Общество – София*) in 2018.⁴⁹

The national survey was conducted in the period 24 – 29 June 2022 among a total of 1,039 adult respondents. The analysis of the results detected both positive and negative trends. For instance, the data demonstrated an increase both in the favourable and opposing attitudes towards civil society and non-governmental organisations in 2022. This simultaneous growth in both sides is explained by the growing number of respondents who express an explicit position about the work and role of CSOs/NGOs (in 2022, 33.3 % selected ‘no opinion’ signalling a decline from 51 % in 2020 and 50.7 % in 2018). It is noteworthy the rise of negative attitudes and mistrust that almost doubled in the past couple of years (from 17.7 % in 2020 to 31.2 % in 2022). On the other hand, positive attitude increased of slightly over 3 % (from 31.2 % in 2020 to 34.6 % in 2022). An example of positive trends is represented by the increased number of people who felt represented by a CSO or NGO (approximately 32 % in 2022 compared to 30.7 % in 2020, and 16.3 % in 2018) and the intensified connections between citizens and civic organisations (5,6 % in 2022 from 3.1 % in 2018).⁵⁰

The authors pointed out some of the reasons that affected the public attitudes towards the civil society sector either in positive or negative direction. For instance, the initiatives and volunteer actions led by CSOs and NGOs at time of crisis such as the COVID-19 pandemic and the refugee crisis caused by the war in Ukraine, have increased the public trust in the civic sector. In turn, three anti-campaigns spread online, namely the anti-vaccines and anti-Western propaganda, and the campaign against government efforts to decrease the foreign influence of Russia. These have been highlighted as significant factors that erode public trust in the civil society sector.

Lastly, the report suggests a number of recommendations to CSOs and NGOs on how to improve the awareness of the general public about their activities, values and missions. A further recommendation concerned how to communicate effectively with the broader society and to resist negative threats by establishing sustainable presence in the public space.

⁴⁹ Bulgaria, Open Society Institute – Sofia (*Институт Отворено Общество – София*) (2018), Public attitudes towards NGOs in 2018 ([Обществени нагласи към НПО през 2018 г.](#)), 15 June 2018.

⁵⁰ Bulgaria, Bulgarian Center for Not-for-Profit Law (*Български център за нестопанско право*) (2022), Public attitudes towards civil society organisations 2022 ([Обществени нагласи към дейността на гражданските организации 2022 г.](#)), 9 December 2022.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

| | |
|--|----|
| Dedicated visa scheme for HRDs at risk available in your country | No |
| Other type of visa or alternative legal entitlement or derogation clause applied to HRDs | No |

In Bulgarian legislation, there is no legal definition of human rights defenders (HRDs) and there is neither a specific visa scheme nor alternative legal entitlement or derogation clause applicable to HRDs. In the absence of such rules, the general visa requirements and procedures apply.⁵¹

The national legal framework on the issuance of visas in Bulgaria is laid down in three main pieces of legislation, namely the Foreigners in the Republic of Bulgaria Act (*Закон за чужденците в Република България*),⁵² the Rules on the Implementation of the Foreigners in the Republic of Bulgaria Act (*Правилник за прилагане на Закона за чужденците в Република България*),⁵³ and the Regulation on the conditions and procedure for issuing visas and determining the visa regime (*Наредба за условията и реда за издаване на визи и определяне на визовия режим*).⁵⁴

⁵¹ Information obtained through consultation with a public official from the Ministry of Foreign Affairs (MFA) (*Министерство на външните работи, МВНР*) verified and confirmed by the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*).

⁵² Bulgaria, Foreigners in the Republic of Bulgaria Act ([Закон за чужденците в Република България](#)), 23 December 1998, last amended 18 March 2022.

⁵³ Bulgaria, Rules on the implementation of the Foreigners in Republic of Bulgaria Act ([Правилник за прилагане на Закона за чужденците в Република България](#)), 5 July 2011, last amended 10 June 2022.

⁵⁴ Bulgaria, Regulation on the conditions and procedure for issuing visas and determining the visa regime ([Наредба за условията и реда за издаване на визи и определяне на визовия режим](#)), 19 July 2011, last amended 13 May 2022.

Since its accession to the European Union on 1 January 2007, Bulgaria applies the European Union's Common Visa Policy, as prescribed in the terms of the Accession Treaty.⁵⁵ The national law envisions three types of visas for foreign nationals: airport transit visas (type A); short stay visas (type C) for up to three transit passages through Bulgaria for up to two consecutive days each or for planned stay not exceeding 90 days within every six months (valid for up to one year or up to five years); and long-stay visa (type D) for up to six months and the right to stay for 180 days (issued to foreign nationals who plan to settle for a long term or permanently in Bulgaria). The type C visa for a planned stay and the type D visa allow multiple entries into the country within the period of validity of the visa.⁵⁶

As there is no legal definition of HDR in Bulgarian legislation, no special treatment or support measures specifically applied to HDRs are envisaged. In this sense, there are no support or protection measures specifically designed for HRDs during their stay in Bulgaria. There is no mechanism, methodology or tool for assessing the risk for HRDs during their stay in the country.

Depending on their situation, HRDs can apply for international protection under the general provisions of the Asylum and Refugees Act (*Закон за убежището и бежанците*), which offers three main types of protection – asylum, international protection and temporary protection.⁵⁷

In the case of HRDs at risk, the most likely visa regime to apply is the short-stay visa (type C) for the purpose of a planned stay. Such visa is valid for up to one year and entitles the holder to enter the country once or multiple times for a total period of 90 days within each six months as of the date of the first entry. As an exception, the short-stay visa for a planned stay can be made valid for up to five years provided that the applicant has obtained and used a one-year visa for multiple entries in the preceding two years.⁵⁸

⁵⁵ European Union (2005), [Treaty between Member States of the European Union and the Republic of Bulgaria and Romania concerning the Accession of the Republic of Bulgaria and Romania to the European Union](#), OJ L 157 21.6.2005, pp. 11 – 395, last amended 17 December 2009, OJ L 339 22.12.2009, p. 41.

⁵⁶ Bulgaria, Regulation on the conditions and procedure for issuing visas and determining the visa regime ([Наредба за условията и реда за издаване на визи и определяне на визовия режим](#)), 19 July 2011, last amended 13 May 2022.

⁵⁷ Bulgaria, Asylum and Refugees Act ([Закон за убежището и бежанците](#)), 31 May 2002, last amended 26 April 2022.

⁵⁸ Bulgaria, Foreigners in the Republic of Bulgaria Act ([Закон за чужденците в Република България](#)), 23 December 1998, last amended 18 March 2022, Article 14.

The conditions for obtaining a short-stay visa allowing multiple entries are laid down in the law⁵⁹ and include, among other grounds, maintaining lasting business contacts with Bulgarian legal entities (commercial companies or non-profit organisations), or being a member of the family of a Bulgarian citizen, EU member state citizen or foreign national residing permanently in Bulgaria. The visa applications are submitted to the diplomatic or consular representation of Bulgaria in the country where the foreign national is legally residing or, as an exception, in another country in case of humanitarian needs or a *force majeure* situation.⁶⁰

⁵⁹ Bulgaria, Foreigners in the Republic of Bulgaria Act ([Закон за чужденците в Република България](#)), 23 December 1998, last amended 18 March 2022, Article 14.

⁶⁰ Bulgaria, Regulation on the conditions and procedure for issuing visas and determining the visa regime ([Наредба за условията и реда за издаване на визи и определяне на визовия режим](#)), 19 July 2011, last amended 13 May 2022, Article 11.