

# Franet National contribution to the Fundamental Rights Report 2024

**Bulgaria**

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# 1. Impact of the cost-of-living crisis and rising poverty in the EU

## 1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

In 2023, the parliament adopted several laws concerning the rights of persons affected by the rising costs of living and energy. The most important of these laws is the 2023 State Budget of the Republic of Bulgaria Act (*Закон за държавния бюджет на Република България за 2023 г.*), which lays down the financial framework of all relevant policies targeting persons vulnerable to rising living costs.<sup>1</sup> The law provides for an increase of the minimum wage from BGN 710 (approximately €355) to BGN 780 (approximately €390) as well as increased remuneration for several categories of public employees: teachers in schools funded by the state, public employees whose remuneration was not increased during the previous budget year, local administration, emergency medical care, the police and the penitentiary and security directorates of the Ministry of Justice (MoJ) (*Министерство на правосъдието*, МП).

In November 2023, the parliament amended the Energy Act (*Закон за енергетиката*),<sup>2</sup> which was one of the reforms set out in the National Recovery and Resilience Plan of the Republic of Bulgaria (*Национален план за възстановяване и устойчивост на Република България*). The amendments introduce a legal definition of energy poverty, which will be used for priority treatment of households at risk of energy poverty and vulnerable electricity consumers when implementing protection measures and financial support under assistance programmes. Another amendment envisages that the Minister of Labour and Social Policy together with the Minister of Energy and the Minister of Regional Development and Public Works should prepare a long-term programme for the reduction of energy poverty based on the Strategy for Sustainable Energy Development of the Republic of Bulgaria (*Стратегия за устойчиво*

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<sup>1</sup> Bulgaria, 2023 State Budget of the Republic of Bulgaria Act ([Закон за държавния бюджет на Република България за 2023 г.](#)), 31 July 2023.

<sup>2</sup> Bulgaria, Energy Act ([Закон за енергетиката](#)), 9 December 2003 (last amended 17 November 2023).

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енергийно развитие на Република България до 2030 г.), the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2030 (*Национална стратегия за намаляване на бедността и насърчаване на социалното включване 2030*), the National Housing Strategy 2018-2030 (*Национална жилищна стратегия 2018-2030*),<sup>3</sup>CI and the Long-term Strategy for Renovation of the National Building Stock of Residential and Non-Residential Buildings until 2050 (*Дългосрочна стратегия за обновяване на националния сграден фонд от жилищни и нежилищни сгради до 2050 г.*). The programme should contain a comprehensive package of measures to achieve its targets for 2050 as well as interim targets for 2030 and 2040, with progress and impact assessment every 5 years.<sup>4</sup>

In December 2023, the government adopted the criteria for defining energy poverty.<sup>5</sup> Households at risk of energy poverty are defined based on (1) the disposable average monthly income of household members, (2) the typical energy consumption expenditure, and (3) the energy performance of the dwelling. Vulnerable customers for the supply of electricity are (1) persons over 65 years of age, living alone or with other people over 65 years of age, with disposable income after a reduction for energy costs less than or equal to the poverty line, (2) persons with an established 50 percent or more permanently reduced working capacity or type and degree of disability, with a disposable income after reduction by energy costs less than or equal to the poverty line, (3) persons who need assistive devices for independent living and/or life-sustaining medical devices that depend on a source of electrical power to function, or (4) persons who have received monthly social benefits and/or targeted heating assistance under the Social Assistance Act for the previous heating season. According to some estimates, up

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<sup>3</sup> Although mentioned in the law, this strategy has not been adopted yet.

<sup>4</sup> Bulgaria, Energy Act ([Закон за енергетиката](#)), 9 December 2003 (last amended 17 November 2023), Art. 8 (7).

<sup>5</sup> Bulgaria, Council of Ministers (*Министерски съвет*), Regulation on the criteria, conditions and procedures for determining the status of households in a situation of energy poverty and the status of vulnerable customers for the supply of electricity ([Наредба за критериите, условията и реда за определяне на статут на домакинства в положение на енергийна бедност и на статут на уязвими клиенти за снабдяване с електрическа енергия](#)), 7 December 2023.

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to 50 % of Bulgaria's households could meet these criteria.<sup>6</sup> Other experts estimate that this definition would include 1 million households or 2,5 million people.<sup>7</sup>

In April 2023, the parliament voted amendments to the Labour Code (*Кодекс на труда*) changing the procedure for defining the minimum wage.<sup>8</sup> According to the new rules, by 1 September each year, the government should set the minimum wage for the next year at 50 % of the average gross wage for a period of 12 months including the last two quarters of the previous year and the first two quarters of the current year. Before the amendments, the minimum wage was determined by agreement between the government and the trade unions. In line with these amendments, in September 2023, the government proposed a record-high minimum wage for 2024 of BGN 933 (approximately €466).<sup>9</sup>

The 2023 State Budget of the Republic of Bulgaria Act (*Закон за държавния бюджет на Република България за 2023 г.*) also determines the amount of social transfers provided for in the Family Allowances for Children Act (*Закон за семейни помощи за деца*).<sup>10</sup> Earlier amendments to the Family Allowances for Children Act (*Закон за семейни помощи за деца*) extended the one-off financial assistance of BGN 300 (approximately €150) previously available for all children enrolled in first grade, to all children enrolled in second, third and fourth grade.<sup>11</sup>

An important change to the rules for calculating social assistance allowances came into force on 1 June 2023. The new rules are set out in the Social Assistance Act (*Закон за*

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<sup>6</sup> Kostova, M. (2023), 'The definition of energy poverty is included in the Energy Act. What are the criteria?' (*'Дефиницията за енергийна бедност влиза в Закона за енергетиката. Какви са критериите?'*), *Bulgarian National Radio*, 25 August 2023.

<sup>7</sup> Habitat for Humanity Bulgaria (2023), Teodora Peneva answers the question "Why is it important to correctly identify people who are in energy poverty?" (*Теодора Пенева отговаря на въпроса "Защо е важно коректно да определим хората, които са в енергийна бедност?"*), 9 June 2023.

<sup>8</sup> Bulgaria, Labour Code (*Кодекс на труда*), 1 April 1986 (last amended 1 August 2023), Art. 244.

<sup>9</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), Draft Decree of the Council of Ministers on Determining the Minimum Wage for 2024 (*Проект на Постановление на Министерския съвет за определяне на размера на минималната работна заплата за страната за 2024 г.*), 1 September 2023.

<sup>10</sup> Bulgaria, 2023 State Budget of the Republic of Bulgaria Act (*Закон за държавния бюджет на Република България за 2023 г.*), 31 July 2023, Art. 63.

<sup>11</sup> Bulgaria, Family Allowances for Children Act (*Закон за семейни помощи за деца*), 29 March 2002, last amended 1 August 2023, Art. 10a.

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социалното подпомагане), amended in December 2022,<sup>12</sup> and the Rules for Implementation of the Social Assistance Act (*Правилник за прилагане на Закона за социалното подпомагане*), amended in May 2023.<sup>13</sup> According to the new rules, the income criterion for receiving certain social allowances will be calculated on the basis of the national poverty line instead of the so-called “guaranteed minimum income”. Both the national poverty line and the guaranteed minimum income are defined by the government, but the guaranteed minimum income is BGN 75 (approximately €37.50) and has not been changed since 2018,<sup>14</sup> while the national poverty line is updated every year and for 2023 was set to BGN 504 (approximately €252).<sup>15</sup> The change is expected to increase the number of eligible beneficiaries of social allowances from 35,000 to over 45,800.<sup>16</sup> The same set of amendments envisaged two new categories of beneficiaries of monthly allowances: children living in social services who reach adulthood (18 years) and leave the service for the first time,<sup>17</sup> and unemployed persons or unemployed members of families receiving monthly allowances who start work.<sup>18</sup> For both groups, the amount of the social allowance is set to BGN 504 (approximately €252), which is the national poverty line value for 2023. The children living in social services who reach adulthood (18 years) and leave the service for the first time can receive the allowance for three months after registering as unemployed with the respective labour office. Unemployed persons or unemployed members of families receiving monthly allowances

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<sup>12</sup> Bulgaria, Social Assistance Act ([Закон за социалното подпомагане](#)), 19 May 1998, last amended 23 December 2022.

<sup>13</sup> Bulgaria, Rules for Implementation of the Social Assistance Act ([Правилник за прилагане на Закона за социалното подпомагане](#)), 11 November 1998, last amended 19 May 2023.

<sup>14</sup> Bulgaria, Council of Ministers (*Министерски съвет*), Decree No 305 of 19 December 2017 on fixing the new monthly amount of the guaranteed minimum income ([Постановление № 305 от 19 декември 2017 г. за определяне на нов месечен размер на гарантирания минимален доход](#)), 19 December 2017.

<sup>15</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2022), Decree No 286 of the Council of Ministers of 21.09.2022 on determining the poverty line for 2023 ([Постановление № 286 на Министерския съвет от 21.09.2022 за определяне размера на линията на бедност за 2023 г.](#)), 21 September 2022.

<sup>16</sup> <https://www.mlsp.government.bg/vitsepremiert-lazarov-sluzhebnoto-pravitelstvo-garantira-po-dobra-sotsialna-podkrepa-za-khorata-ot-uyazvimate-grupi>

<sup>17</sup> Bulgaria, Rules for Implementation of the Social Assistance Act ([Правилник за прилагане на Закона за социалното подпомагане](#)), 11 November 1998, last amended 19 May 2023, Art. 16c.

<sup>18</sup> Bulgaria, Rules for Implementation of the Social Assistance Act ([Правилник за прилагане на Закона за социалното подпомагане](#)), 11 November 1998, last amended 19 May 2023, Art. 11a.

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who start work can receive the allowance for a period of three consecutive months following the month of starting work.

The 2023 State Budget of the Republic of Bulgaria Act (*Закон за държавния бюджет на Република България за 2023 г.*) increased the amount of the subsidy for social services funded by the state adding monthly support for children living in residential social services who go to school. Social services accommodating such children receive monthly support of BGN 38 (approximately €19) for covering schooling expenses. In 2023, this support applied to 3,717 children.<sup>19</sup>

In September 2023, the parliament adopted amendments to the Employment Promotion Act (*Закон за насърчаване на заетостта*), which will enter into force on 1 January 2024.<sup>20</sup> The new rules redesign the measures to stimulate labour market participation, faster and sustainable employment for unemployed people in a disadvantaged position at the labour market, and support for their adaptation in the workplace. The amendments define the target group of these measures as unemployed persons with lower competitiveness in the labour market that include: young unemployed persons up to 29 years of age, people in long-term unemployment, unemployed persons with permanent disabilities, unemployed parents with children up to four years of age, unemployed persons who have served a prison sentence, unemployed persons over 55 years of age, unemployed persons with primary or lower education, and unemployed persons without professional qualifications.<sup>21</sup>

Another legislative amendment adopted in 2023 that will enter into force during the 2024/2025 school year allows for high school children to obtain free textbooks, learning kits, and electronically-readable textbooks for the subjects of general education, for the subjects of 'mother tongue', 'religion' and 'choreography' as well as for special subjects for students with sensory disabilities.<sup>22</sup> Before the changes, textbooks were so free only for schoolchildren in first up to seventh grade. Highschool students in 11<sup>th</sup> and 12<sup>th</sup> grade will have to provide themselves the textbooks for the compulsory modules of specialised training and for the subjects or modules of general professional training.

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<sup>19</sup> Bulgaria, 2023 State Budget of the Republic of Bulgaria Act ([Закон за държавния бюджет на Република България за 2023 г.](#)), 31 July 2023.

<sup>20</sup> Bulgaria, Employment Promotion Act ([Закон за насърчаване на заетостта](#)), 29 December 2001, last amended 29 September 2023.

<sup>21</sup> Bulgaria, Employment Promotion Act ([Закон за насърчаване на заетостта](#)), 29 December 2001, last amended 29 September 2023, Additional provisions.

<sup>22</sup> Bulgaria, Preschool and School Education Act ([Закон за предучилищното и училищното образование](#)), 13 October 2015, last amended 2 February 2023, Art. 164.

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## 1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

The main policy document envisaging measures targeting vulnerabilities related to the rising costs of living and energy is the National Poverty Reduction and Social Inclusion Strategy 2030 (*Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030*). In May 2023, the government adopted an action Plan for the implementation of the strategy for the period 2023-2024.<sup>23</sup> The measures laid down in the plan focus on addressing the negative socio-economic effects of the high inflation, the low incomes and the continuously rising costs of living alongside other factors influencing the profile and levels of poverty in the country.<sup>24</sup> The plan lists a number of specific measures structured around eight priorities: (1) sustainable labour market integration of inactive and unemployed persons; (2) equal access to quality pre-school and school education; (3) equal and effective access to quality health care; (4) affordable and quality social and integrated services and integrated support; (5) effective and targeted financial and material support to persons in need; (6) ensuring physical, architectural, institutional, information and transport accessibility and transport services; (7) improved housing conditions for vulnerable groups and support for the homeless; and (8) partnership working and innovative approaches to integrated social inclusion policies and social innovation. These priorities stem from the strategy and repeat those from the plan for the previous period (2021-2022) although a review of the plan's implementation highlights the *“continuing need to rethink approaches and instruments as well as the implementation of targeted interventions in sectoral policies directly relevant to reducing poverty - employment and income policy, education, health, provision of quality and accessible social services, ensuring sustainability and adequacy*

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<sup>23</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), Action Plan for the period 2023-2024 for the implementation of the National Poverty Reduction and Social Inclusion Strategy 2030 ([План за действие за периода 2023-2024 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 3 May 2023.

<sup>24</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), Action Plan for the period 2023-2024 for the implementation of the National Poverty Reduction and Social Inclusion Strategy 2030 ([План за действие за периода 2023-2024 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 3 May 2023, p.8.

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*social payments, housing policy, etc.*”<sup>25</sup> At the end of 2023, neither the strategy, nor the action plan reflected the legislative reforms described above, such as the energy poverty support reform.

In May 2023, the government updated the National Reform Programme of the Republic of Bulgaria (*Национална програма за реформи на Република България*)<sup>26</sup> in line with the annual cycle of the European Semester. Among the new operations foreseen in the programme is the operation “Support for vulnerable households – SAFE” suggested in response to a recommendation of the Council of the European Union to ensure that, should renewed energy price increases necessitate support measures, these measures are targeted at protecting vulnerable households and firms, fiscally affordable, and preserve incentives for energy savings.<sup>27</sup> The operation aims to address the increased energy consumption costs of vulnerable families/households by compensating them for the high level of inflation due to the increase in oil, gas, and electricity prices during the last heating season. The operation is expected to support about 320,000 families.<sup>28</sup> It was officially launched in September 2023 by the Social Assistance Agency (SAA) (*Агенция за социално подпомагане, АСП*) as a project under Operational Programme ‘Human Resources Development’ 2014-2020, co-financed by the European Social Fund. All families in receipt of monthly childcare allowances in the period from 1 April 2022 to 31 March 2023, i.e., families with an average monthly income per family member for the previous 12 months equal to or lower than BGN 510 (approximately €255), who were not eligible for heating assistance during the previous heating season are automatically entitled to a one-off allowance of BGN 148.35 (approximately €74).

The measures under the Action Plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030 (*План за действие в*

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<sup>25</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), Report on the implementation of the Action Plan 2021-2022 for the implementation of the National Poverty Reduction and Social Inclusion Strategy 2030 ([Отчет за изпълнението на плана за действие за периода 2021-2022 г. за изпълнение на Националната стратегия за намаляване на бедността и насърчаване на социалното включване 2030](#)), 3 May 2023, p. 7.

<sup>26</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), National Reform Programme of the Republic of Bulgaria - Update 2023 ([Национална програма за реформи на Република България – актуализация 2023 г.](#)), 4 May 2023.

<sup>27</sup> Council of the European Union (2023), [Council Recommendation on the 2023 National Reform Programme of Bulgaria and delivering a Council opinion on the 2023 Convergence Programme of Bulgaria](#), COM(2023) 602 final, Brussels, 24 May 2023.

<sup>28</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), National Reform Programme of the Republic of Bulgaria - Update 2023 ([Национална програма за реформи на Република България – актуализация 2023 г.](#)), 4 May 2023.

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изпълнение на Препоръка (ЕС) 2021/1004 на Съвета за създаване на Европейска гаранция за детето 2030) are funded by the national budget and EU funds.<sup>29</sup> The state budget finances all activities related to free healthcare, pre-school and school education, early childhood care, provision of social services to children and their families, various types of social and family assistance, tax relief, pensions and social benefits, etc. The developments that took place in 2023 are described in the section on legislative changes above. The EU-funded programmes “Education” (Програма „Образование“), “Human Resource Development” (Програма „Развитие на човешките ресурси“), “Regional Development” (Програма „Развитие на регионите“) and “Food and basic material assistance” (Програма за храни и основно материално подпомагане) have been running in 2023, but the measures defined in them do not refer to the action plan.

On 14 September 2023, the government adopted the National Employment Action Plan 2023 (Национален план за действие по заетостта през 2023 г.).<sup>30</sup> In its background analysis, the plan notes that the high inflation in 2022 and the slowing growth of the Bulgarian economy in 2023 will lead to a slowdown in employment growth, which is expected to stand at 0.4 %. A new flow of Ukrainian refugees is not expected to significantly affect employment dynamics in the country. According to the plan, in 2024, the number of employed persons in the country is expected to reach the level recorded in the pre-crisis year 2019. The unemployment rate is expected to decline to 4.1 %. On the basis of that forecast, the plan focuses on (1) promoting economic activity, (2) promoting employment and (3) improving the quality of the labour force among specific groups of unemployed persons (unemployed young persons up to 29 years without work experience in the acquired specialty, unemployed persons over 50 years of age, unemployed persons with lower secondary, primary or lower education; unemployed persons without professional qualifications, unemployed persons with permanent disabilities, and persons with granted temporary protection).

On 16 June 2023, the Ministry of Labour and Social Policy (MLSP) (Министерство на труда и социалната политика, МТСП) adopted an Action Plan under the Country Programme 2023 – 2027 between the Government of the Republic of Bulgaria and the United Nations Children's Fund (UNICEF) (План за действие по Програмата за

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<sup>29</sup> Bulgaria, Council of Ministers (Министерски съвет) (2023), Action Plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030 ([План за действие в изпълнение на Препоръка \(ЕС\) 2021/1004 на Съвета за създаване на Европейска гаранция за детето 2030](#)), 9 November 2022.

<sup>30</sup> Bulgaria, Council of Ministers (Министерски съвет) (2023), National Employment Action Plan 2023 ([Национален план за действие по заетостта през 2023 г.](#)), 14 September 2023.

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страната 2023 – 2027 между правителството на Република България и Фонда за децата на ООН (УНИЦЕФ)).<sup>31</sup> Some of the government’s commitments in the action plan, which will be implemented with the support of UNICEF, include increasing the share of children enrolled in school from 79.1 % to 90 % by 2027, reducing the number of children in residential care from 3,427 in 2020 to 3,000 in 2027, strengthening the national early childhood intervention system for children with disabilities and developmental delays, increasing the capacity of professionals and the accessibility to child abuse reporting services and higher awareness, reducing drop-out rates from 43,662 to 20,000 children in primary education and from 40,580 to 20,000 children in lower secondary education by 2027, increasing the number of children participating or leading civil initiatives from 59 to 1,500, reducing the share of children living under the national multidimensional poverty line from 33 % to 29.2 %, increasing the share of children supported by the child protection system from 48.6 % to 65 %, etc. The total budget for the activities listed in the plan amounts to USD 19,250,000 (approximately €18,280,281).

In April 2023, the government adopted rules on the organisation and coordination of the monitoring and reporting on the implementation of the United Nations Sustainable Development Goals.<sup>32</sup> The rules include a national list of indicators for monitoring progress towards achieving the UN Sustainable Development Goals and designate lead and partner institutions for monitoring and reporting.

**Table 1 – Promising practice**

Promising practice	
Title (original language)	
Title (EN)	

<sup>31</sup> Bulgaria, Ministry of Labour and Social Policy (*Министерство на труда и социалната политика*) (2023), Action Plan under the Country Programme 2023 – 2027 between the Government of the Republic of Bulgaria and the United Nations Children's Fund (UNICEF) ([План за действие по Програмата за страната 2023 – 2027 между правителството на Република България и Фонда за децата на ООН \(УНИЦЕФ\)](#)), 12 May 2023.

<sup>32</sup> Bulgaria, Council of Ministers (*Министерски съвет*) (2023), Decree No 52 of 10 April 2023 on the organisation and coordination of the monitoring and reporting on the implementation of the United Nations Sustainable Development Goals ([Постановление № 52 от 10 април 2023 г. за организация и координация на наблюдението и отчитането на изпълнението на целите на Организацията на обединените нации за устойчиво развитие](#)), 10 April 2023.

Promising practice	
Organisation (original language)	
Organisation (EN)	
Government / Civil society	
Funding body	
Reference (incl. URL, where available)	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	
Type of initiative	
Main target group	
Indicate level of implementation: Local/Regional/National	
Brief description (max. 1000 chars)	
Highlight any element of the actions that is transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	

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Promising practice	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	
Explain, if applicable, how the practice provides for review and assessment	

**Table 2 – Promising practice**

Promising practice	
Title (original language)	Подкрепа за уязвими домакинства – SAFE
Title (EN)	Support for vulnerable households – SAFE
Organisation (original language)	Агенция за социално подпомагане
Organisation (EN)	Social Assistance Agency
Government / Civil society	Government
Funding body	REACT – EU
Reference (incl. URL, where available)	<p>Bulgaria, Social Assistance Agency (<i>Агенция за социално подпомагане</i>) (2023), BG05M9OP001-7.001-0001 "Support for Vulnerable Households - SAFE", financed by the European Social Fund through the Operational Programme "Human Resources Development" 2014-2020 (<a href="#">BG05M9OP001-7.001-0001 „Подкрепа за уязвими домакинства – SAFE”, финансиран от Европейския социален фонд чрез Оперативна програма „Развитие на човешките ресурси” 2014 – 2020 г.</a>), press release, 1 September 2023</p> <p>Bulgaria, Social Assistance Agency (<i>Агенция за социално подпомагане</i>) (2023), In December a new target group will receive the one-off energy supplement under the project "Support for vulnerable households - SAFE" (<a href="#">През декември нова целева група ще получи</a></p>

Promising practice	
	<u><a href="#">еднократната енергийна добавка по проект „Подкрепа за уязвими домакинства – SAFE”</a></u> ), press release, 24 November 2023
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 September 2023 – 31 December 2023
Type of initiative	Financial support
Main target group	Families with children at risk of poverty People with 100 % reduced working capacity and people aged over 75 years with 90 % or more degree of disability
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aims to support about 365,700 vulnerable families by providing financial compensation for the high level of inflation due to the increase in electricity and heat prices as a result of Russia's military aggression in Ukraine. The support is expected to enable vulnerable households to cope with the increased costs of energy consumption, prevent the risk of poverty and social exclusion, and reduce the negative effects of the crisis. The families eligible to receive support under the first phase of the project are families in receipt of monthly childcare allowances in the period from 1 April 2022 to 31 March 2023, i.e., families with an average monthly income per family member for the previous 12 months equal to or lower than BGN 510 (approximately €255), who were not eligible for heating assistance during the previous heating season. During the second phase, households in which there is a person with 100 % reduced working capacity or a person over the age of 75 with 90 % or higher reduced working capacity without need of assistance were supported. All eligible families were automatically entitled to a one-off allowance of BGN 148.35 (approximately €74). The overall budget of the project is BGN 56,776,512 (approximately €29,000,000).</p>

Promising practice	
Highlight any element of the actions that is transferable (max. 500 chars)	The project is a financial support scheme aimed at compensating the costs of families who meet certain pre-defined conditions. The eligibility criteria and mechanisms for providing financial assistance align with the Bulgarian legal and regulatory framework, but, if adapted to the legal and regulatory framework of another target country, the scheme can be easily transferred to that country. Therefore, the practice can be considered transferable to any other country facing similar economic challenges.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	In its current format, the project is a one-off activity aimed at supporting a predetermined number of families for specific costs incurred by them. However, the project can be implemented in the future if the need for support for these families persists and the government decides to allocate funds to compensate them.
Give reasons why you consider the practice as having concrete measurable impact	The practice of providing financial assistance for energy expenses to vulnerable families has a specific measurable impact. According to the project's terms of reference the impact should be measured by the number of supported households. The number of supported families is 365,700. <sup>33</sup>
Give reasons why you consider the practice as transferable to other settings and/or Member States?	As a financial support scheme aimed at compensating the costs of certain category of eligible beneficiaries, the practice is transferrable to other Member States facing similar economic challenges, if the eligibility criteria and mechanisms for providing the assistance are aligned with the legal and regulatory framework of the target country.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	N/A

<sup>33</sup> Council of Ministers, Directorate-General for European Funds, International Programmes and Projects (*Министерски съвет, Главна дирекция "Европейски фондове, международни програми и проекти"*) (2023), 'Social Assistance Agency paid a supplement of BGN 148.35 to other 45,700 households under the measure "Support for Vulnerable Households - SAFE" of OP "Human Resource Development" (["АСП изплати добавка от 148,35 лв. на още 45 700 домакинства по мярката „Подкрепа за уязвими домакинства – SAFE“ на ОПРЧР"](#)), press release, 15 December 2023.

<b>Promising practice</b>	
implementation of the practice	
Explain, if applicable, how the practice provides for review and assessment	The project is subject to review and evaluation by the managing authority of Operational Programme 'Human Resources Development' 2014-2020, which is authorised to carry out ongoing or ex-post evaluation.

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## 2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

### 2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

#### Table 3 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	In 2023, there were new cases of attacks and threats against initiatives of organisations and activists defending the rights of the LGBTI community in Bulgaria. The most serious of them happened in relation to the Sofia Pride Film Fest, which is part of the cultural programme of Sofia Pride, the largest event of the LGBTI community in Sofia and in Bulgaria. On 10 June 2023, demonstrators, several wearing t-shirts with the logo of the pro-Kremlin party Vazrazhdane, prevented the screening of a film that was part of the festival's programme. The group gathered outside the Odeon cinema in Sofia shouting slogans and holding up placards against, among other things,

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>“paedophilia” and the “LGBT virus”. According to eyewitnesses, they barged into the cinema, behaving aggressively, taking close-up shots of the faces of those present and shouting “paedophiles” at them. Allegedly, the police did not prevent them entering the auditorium.<sup>34</sup> The attack came after days of vandalising billboards and posters for the upcoming Sofia Pride.<sup>35</sup> After the incident the civil society organisation Youth LGBT Organisation Deystvie (<i>Младежка ЛГБТ организация Действие</i>) sent an open letter calling on state institutions and political parties to “condemn the defamation of the LGBTI community and treacherous actions that thwart the exercise of their constitutional and human rights” and to “urgently adopt amendments to the Criminal Code, incriminating crimes motivated by the sexual orientation of the victims”.<sup>36</sup> In its official statement on the incident, the civil society organisation Bulgarian Centre for Not-for-Profit Law (BCNL) (<i>Български център за нестопанско право, БЦНП</i>) noted that the right to peaceful assembly is a fundamental human right guaranteed by the Constitution, the European Convention on Human Rights and the UN Covenant on Civil and Political Rights and the state is obliged to protect this right by taking the necessary measures for their undisturbed conduct.<sup>37</sup> A spokesperson for the European Commission also commented on the events, noting that although the Commission was not aware of the case, if there were such attacks, they cannot be justified and should be condemned, while the state is expected to take appropriate</p>

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<sup>34</sup> The Sofia Globe (2023), [‘Bulgaria: Far-right demonstrators block screening at Sofia Pride Film Fest’](#), 11 June 2023.

<sup>35</sup> The Sofia Globe (2023), [‘Sofia Pride billboards vandalised’](#), 31 May 2023.

<sup>36</sup> The Sofia Globe (2023), [‘LGBTI activists send open letter to mayor after extremists disrupt Sofia Pride Film Fest’](#), 11 June 2023.

<sup>37</sup> Bulgarian Centre for Not-for-Profit Law (*Български център за нестопанско право*) (2023), ‘Intimidation, violation of the right to privacy and restriction of the right to peaceful assembly are not forms of protest protected by law’ ([‘Сплашването, погазването на правото на личен живот и ограничаването на правото на мирни събрания не са форми на защитен от закона протест’](#)), press release, 16 June 2023.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>legal action.<sup>38</sup> Despite the reaction on the part of civil society, incidents continued to accompany the screening of the film as the screening in Varna was aggressively obstructed,<sup>39</sup> while during the night before another screening in Sofia the façade of the Goethe-Institut, which hosted the event, was vandalised with insulting and homophobic messages.<sup>40</sup></p> <p>In response to continued calls from civil society to introduce heavier penalties for crimes against LGBTI persons, in July 2023, the parliament adopted amendments to the Criminal Code (<i>Наказателен кодекс</i>) providing for more severe penalties for crimes motivated by the sexual orientation of the victim. The crimes, for which the more severe penalties apply include, among others, murder, bodily injury, kidnapping, unlawful deprivation of liberty, incitement to discrimination, violence or hatred through the mass media, use of violence, etc.<sup>41</sup> The changes were celebrated by the organisations supporting the rights of LGBTI persons as a “victory for LGBTI people in Bulgaria”.<sup>42</sup></p>
Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations,	<p>In 2023, for the first time in Bulgaria, the issue of strategic lawsuits against public participation (SLAPPs) was put in the focus of public attention. In April 2023, the civil society organisation Anti-Corruption Fund (ACF) (<i>Антикорупционен фонд, АКФ</i>) presented a report referred to as the first attempt to systematically review and examine the legal practice</p>

<sup>38</sup> Rusev, M. and Zheliazkov, N. (2023), [‘European Commission Expects Bulgaria to Take Legal Actions Over Obstruction of Sofia Pride Film Fest Screenings’](#), *Bulgarian News Agency*, 15 June 2023.

<sup>39</sup> Sofia Pride (2023), [‘Sofia Pride condemns the violent sabotage of the screening of the film “Close”](#)’, 24 June 2023.

<sup>40</sup> Marginalia (2023), ‘Homophobic graffiti on the facade of the Goethe-Institut’ ([‘Хомофобски надписи по фасадата на Гьоте-институт’](#)), 13 July 2023.

<sup>41</sup> Bulgaria, Law on Amending and Supplementing the Criminal Code ([Закон за изменение и допълнение на Наказателния кодекс](#)), 4 August 2023.

<sup>42</sup> LGBT Youth Organisation Deystvie (*Младешка ЛГБТ организация Действие*) (2023), [‘Victory for LGBTI+ people in Bulgaria’](#), press release, 28 July 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
human rights defenders (including SLAPPs - strategic lawsuits against public participation)	<p>regarding SLAPPs in Bulgaria.<sup>43</sup> The report highlights the growing trend both in the number of cases filed and the compensation amounts sought from claimants. It also notes that, besides initiating civil and criminal proceedings, other equally intimidating tactics are also used by those who seek to limit freedom of expression in Bulgaria, such as unfounded administrative proceedings against media outlets and civil society organisations, disciplinary proceedings, physical violence against journalists, interrogation of journalists in pre-trial proceedings as a tactic to uncover journalistic sources, charging journalists with crimes as a tool of applying institutional pressure, hate speech, and threats and intimidation.<sup>44</sup></p> <p>Besides the report, 2023 saw the filing of a record SLAPP lawsuit against the Bulgarian news website Mediapool (<i>Медиапул</i>). The claim for the record sum of BGN 1 million (approximately €500,000) was filed by the Bulgarian insurance company Lev Ins (<i>Лев Инс</i>) for the publication of an article based on the official transcript of a government session. The article in question, which was published in September 2022 and addressed the risks related to Bulgaria losing its rights under the international Green Card insurance system, quoted the then Minister of Finance acknowledging the problems of Lev Ins to cover the expenses related to car accidents abroad.<sup>45</sup> The lawsuit provoked a strong reaction from civil society organisations and media associations inside and outside Bulgaria, including the Association of European Journalists – Bulgaria (<i>Асоциация на</i></p>

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<sup>43</sup> Georgieva-Mateeva, L. and Zheleva, S. (2023), *The Price of Free Speech. Analysis of lawsuits against public participation in Bulgaria exhibiting the characteristics of SLAPP litigation* ([Цената на свободното слово. Анализ на съдебни производства с характеристиките на SLAPP в България](#)), Sofia, Anti-Corruption Fund (Антикорупционен фонд), 25 April 2023.

<sup>44</sup> Anti-Corruption Fund (Антикорупционен фонд) (2023), '[ACF Report: SLAPP Lawsuits Are a Dangerous Global Phenomenon with a Bulgarian Dimension](#)', press release, 25 April 2023.

<sup>45</sup> Euractiv (2023), '[Bulgarian news site slammed with record SLAPP lawsuit](#)', 8 March 2023.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p><i>европейските журналисти – България</i>),<sup>46</sup> the Coalition for Women in Journalism (CFWIJ),<sup>47</sup> and others.<sup>48</sup> The case was also mentioned in the chapter on Bulgaria of the European Commission’s 2023 Rule of Law Report.<sup>49</sup></p> <p>Against this background, the Ministry of Justice (MoJ) (<i>Министерство на правосъдието</i>, МП) presented a policy concept note on media freedom, pluralism and protection from strategic lawsuits against public participation (SLAPP cases),<sup>50</sup> and set up a working group tasked to suggest legislative amendments for protecting journalists, activists and civil society organisations against SLAPPs.<sup>51</sup> Meanwhile, several civil society organisations started to organise training activities on how to recognise and counter SLAPPs.<sup>52</sup></p>

<sup>46</sup> Association of European Journalists – Bulgaria (*Асоциация на европейските журналисти – България*) (2023), [‘AEJ Calls on Lev Ins to Withdraw Shameful SLAPP Case Against Mediapool’](#), press release, 9 March 2023.

<sup>47</sup> Coalition for Women in Journalism (2023), [‘Bulgaria: News Outlet Mediapool Sued For Record Half A Million Euros – CFWIJ Calls For Authorities To Enact Anti-SLAPP Policies’](#), press release, 8 March 2023.

<sup>48</sup> For a summary of the reactions of other international media associations, see Mediapool (2023), ‘International Press Institute: case against Mediapool is "shocking"’ ([‘Международният прес институт: Делото срещу Mediapool е "шокиращо"’](#)), 10 March 2023.

<sup>49</sup> European Commission (2023), [2023 Rule of Law Report: Country Chapter on the rule of law situation in Bulgaria](#), SWD(2023) 802 final, Brussels, 5 July 2023, p. 27.

<sup>50</sup> Ministry of Justice (*Министерство на правосъдието*) (2023), ‘The Rule of Law Council sets up working group on media environment and access to information’ ([‘Съветът за върховенство на правото сформира работна група за медийна среда и достъп до информация’](#)), press release, 26 June 2023.

<sup>51</sup> Ministry of Justice (*Министерство на правосъдието*) (2023), ‘MoJ working group identifies concrete measures for transparency of state advertising in the media’ ([‘Работна група в МП набелязва конкретни мерки за прозрачността на държавната реклама в медиите’](#)), press release, 13 September 2023.

<sup>52</sup> For an example of such training activities, see Bulgarian Centre for Not-for-Profit Law (*Български център по нестопанско право*) (2023), [‘Strategic cases against citizen participation’](#), press release, 28 April 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Lack of media freedom a/o media pluralism; disinformation (incl. online)	
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	<p>In Bulgaria, in 2023, there was a risk of restricting the right to access to public information. In April 2023, the government submitted to the parliament draft amendments to the Access to Public Information Act (<i>Закон за достъп до обществена информация</i>) aimed at transposing in national law the provisions of Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast).<sup>53</sup> Between the first and second reading, a group of MPs tabled amendments that were not related to the transposition of the Directive and raised concerns about an attempt to unduly restrict by law the right of access to public information.<sup>54</sup> These amendments suggested the introduction of new requirements for persons applying for access to public information (to provide their personal identification number and prove their legitimate interest or local community membership), and the exclusion of primary accounting documents from the scope of the right to access to public information.</p> <p>Several civil society organisations and media outlets raised concerns that the amendments would substantially restrict the right to access to public information in violation of both the Bulgarian Constitution and the main international instruments on access to information. In its official statement sent to parliament, the Access to Information Programme (AIP) (<i>Програма Достъп до Информация, ПДИ</i>) noted that the</p>

<sup>53</sup> National Assembly (*Народно събрание*) (2023), Draft Law on Amending and Supplementing the Access to Public Information Act ([Законопроект за изменение и допълнение на Закона за достъп до обществена информация](#)), 13 April 2023.

<sup>54</sup> National Assembly (*Народно събрание*) (2023), Draft Law on Amending and Supplementing the Access to Public Information Act ([Законопроект за изменение и допълнение на Закона за достъп до обществена информация](#)), 13 April 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>amendments were contrary to the Constitution, the General Data Protection Regulation, the Council of Europe’s Convention on Access to Official Documents, Recommendation No. R (81) 19 and Recommendation Rec (2002) 2, and the European Convention on Human Rights.<sup>55</sup> Similar concerns were raised by the Bulgarian Centre for Not-for-Profit Law (BCNL) (<i>Български център за нестопанско право</i>, БЦНП),<sup>56</sup> Capital Weekly (<i>Капитал</i>),<sup>57</sup> and others.</p> <p>As a result of the negative public reactions, the political party whose MPs submitted the draft publicly stated that they no longer support it.<sup>58</sup> Later on, the leading parliamentary committee on the draft, in its report before the second reading, also rejected them.<sup>59</sup> Finally, at the second reading in plenary</p>

<sup>55</sup> Access to Information Programme (*Програма Достъп до Информация*) (2023), Opinion on the Draft Law amending and supplementing the Access to Public Information Act ([Становище относно Законопроект за изменение и допълнение на Закона за достъп до обществена информация](#)), 14 June 2023.

<sup>56</sup> Bulgarian Centre for Not-for-Profit Law (*Български център по нестопанско право*) (2023), ‘GERB clung to its madness to stop access to information’ ([‘ГЕРБ се вкопчи в безумието си да спре достъпа до информация’](#)), press release, 28 June 2023.

<sup>57</sup> Capital (*Капитал*) (2023), ‘Changes to the Access to Information Act: pulling a fast one’ ([‘Промените в Закона за достъп до информация: Ако мине номерът’](#)), 23 June 2023.

<sup>58</sup> 24 Chasa (*24 часа*) (2023), ‘GERB stepped back for the idea of its MPs: no personal identification number will be required for access to public information’ ([‘ГЕРБ даде заден за идеята на свои депутати: Няма да се иска ЕГН за достъп до обществена информация’](#)), 20 June 2023.

<sup>59</sup> National Assembly (*Народно събрание*) (2023), Report of the Committee on Direct Citizen Participation and Interaction with Civil Society for the second reading of the Draft Law on Amending and Supplementing the Access to Public Information Act ([Доклад на Комисията за прякото участие на гражданите и взаимодействието с гражданското общество за второ четене на Законопроект за изменение и допълнение на Закона за достъп до обществена информация](#)), 26 July 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	session, the parliament also rejected the proposed changes and they did not become part of the adopted set of amendments. <sup>60</sup>
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	

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<sup>60</sup> Bulgaria, Law on Amending and Supplementing the Access to Public Information Act ([Закон за изменение и допълнение на Закона за достъп до обществена информация](#)), 29 September 2023.

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Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	
Other major developments threatening democratic values	Please explain

## 2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

On 26 June 2023, the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) presented a policy concept note on media freedom, pluralism and protection from

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strategic lawsuits against public participation (SLAPP cases).<sup>61</sup> The concept note outlines the directions in which measures are needed to ensure a balance between access to justice and the freedom of expression and information. According to the concept note, some of these directions are: introducing a legal definition and criteria for SLAPP cases, setting an upper limit of SLAPP claims, creating procedural safeguards to allow early termination of manifestly unfounded proceedings and a special rule for shifting the burden of proof, introducing compulsory mediation for disputes concerning media publications, conducting training activities for judges, prosecutors, lawyers and potential SLAPP targets, organising public awareness campaigns, and assigning the Secretariat of the Rule of Law Council (*Съвет за върховенство на правото*) with the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) to serve as a national focal point for gathering and sharing data on SLAPP cases.<sup>62</sup> Together with the presentation of the concept note, the Ministry of Justice (MoJ) (*Министерство на правосъдието, МП*) formed a working group tasked with organising discussions and drafting analyses and proposals related to media freedom and pluralism, protection of journalists and access to information. The working group is attached to the Council for the Implementation of the National Coordination Mechanism for the Rule of Law (*Съвет за прилагане на Националния координационен механизъм за върховенство на правото*) and is composed of representatives of public institutions, media and professional organisations of magistrates (judges, prosecutors, investigators, etc.).<sup>63</sup>

In June 2023, the Civil Society Development Council (CSDC) (*Съвет за развитие на гражданското общество, СРГО*) published its activity report for the period February

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<sup>61</sup> Ministry of Justice (*Министерство на правосъдието*) (2023), 'The Rule of Law Council sets up working group on media environment and access to information' ([‘Съветът за върховенство на правото сформира работна група за медийна среда и достъп до информация’](#)), press release, 26 June 2023.

<sup>62</sup> Ministry of Justice (*Министерство на правосъдието*) (2023), Policy to ensure media freedom, pluralism and protection from strategic legal proceedings against public participation – concept note) ([Политика за гарантиране свободата на медиите, плурализма и защитата от стратегически съдебни производства, насочени срещу участието на обществеността – концептуална бележка](#)), 26 June 2023.

<sup>63</sup> Ministry of Justice (*Министерство на правосъдието*) (2023), Order appointing an Expert Working Group on Media Environment and Access to Information with the Council for the Implementation of the National Coordination Mechanism for the Rule of Law ([Заповед за определяне на експертна работна група за медийна среда и достъп до информация към Съвета за прилагане на Националния координационен механизъм за върховенство на правото](#)), 14 August 2023.

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2022 – May 2023.<sup>64</sup> This is the council's second activity report since its inception in February 2022, the first being a semi-annual report covering the period from February to July 2022.<sup>65</sup> The report highlights the council's work to identify, through public consultation, priority areas to be included in a future grant scheme for funding socially significant projects of civil society organisations. The five priority areas defined by the council include (1) raising awareness of the role of civil society organisations and promoting the impact of their activities, (2) protecting human rights, (3) developing and promoting interaction and cooperation with stakeholders (institutions and private partners), (4) support for improving the legal and financial environment for civil society organisations, and (5) developing the capacity of civil society organisations to fulfil their missions. The report also defines the council's priorities for 2023, which include improving civic access to public resources and introducing a sustainable mechanism for access to public funding, starting a process of developing a new strategy for the development of the civil society sector in Bulgaria, and starting public consultations for the development of a modern and relevant law on volunteering.<sup>66</sup> Despite the defined priorities, the CSDC stopped working effectively in the second half of 2023. As a result, in October 2023, the civil society organisations, members of the council, published an open letter to the government insisting on measures to be taken effectively organise the council's activities. The letter notes that the last council meeting was in May 2023 and since then it has not been convened. According to the organisations that signed the open letter their call for measures was addressing "the risk that, for the third year in a row, the civil society sector in the country will be left without a strategic framework and will miss out on funding for activities to strengthen civic causes due to the dependence

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<sup>64</sup> Civil Society Development Council (*Съвет за развитие на гражданското общество*) (2023), Report of the Civil Society Development Council for the period February 2022 – May 2023 ([Отчет на Съвета за развитие на гражданското общество за периода февруари 2022 – май 2023](#)), 31 May 2023.

<sup>65</sup> For more information about the council's establishment, composition and activities in 2022, see Stoyanova, M. (2023), [Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law. Country research Bulgaria](#), background material for FRA (2023), [Europe's civil society: still under pressure - 2022 update](#), Luxemburg, Publications Office of the European Union, 19 July 2022.

<sup>66</sup> Civil Society Development Council (*Съвет за развитие на гражданското общество*) (2023), Report of the Civil Society Development Council for the period February 2022 – May 2023 ([Отчет на Съвета за развитие на гражданското общество за периода февруари 2022 – май 2023](#)), 31 May 2023.

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of the CSDC on administrative and managerial priorities and perceptions of the need to ensure that its normal activities run systematically without interruption”.<sup>67</sup>

In July 2023, a group of civil society organisations launched the initiative #ActNotWait (*#АзДействамНеЧакам*). The initiative aims to suggest a new strategy to support the development of civil society organisations. The first and only such strategy was implemented in the period 2012-2015. Therefore, according to the initiating organisations, after eight years of inaction, it is high time to put together a new strategy that reflects the perspectives of organisations across the country and that can boost the development of civil society and represent an essential part of the state's support for the promotion of civil rights and freedoms. The initiative started with an online survey, which collected responses from more than 270 civil society organisations. The survey results identified the lack of access to sufficient funding opportunities as the greatest challenge faced by civil society organisations in Bulgaria (mentioned by 56.3 % of the participants in the survey). The other identified challenges include smear campaigns and harassment against civic activists and civil society organisations (14.1 %), ineffective mechanisms for citizen participation (12.6 %), administrative burdens (5.6 %), difficult retention of personnel and professional burnout (4.4 %), lack of legal recognition of informal organisations (3.7 %), and lack of cooperation (3.3 %). After the publication of the survey results, over a two-month period, from September to November 2023, the initiative held group discussions and gathered feedback through regional workshops in eight cities across the country. The results of the survey and the feedback received during the group discussions and workshops will be presented at the next session of the Civil Society Development Council (CSDC) (*Съвет за развитие на гражданското общество*, СРГО).<sup>68</sup>

**Table 4 – Case law**

Case law	
Deciding body (in original language)	Върховен касационен съд (ВКС)
Deciding body (in English)	Supreme Court of Cassation (SCC)

<sup>67</sup> Bulgarian Centre for Not-for-Profit Law (*Български център по нестопанско право*) (2023), ‘Open letter from the non-profit organisations – members of the Civil Society Development Council’ (*‘Отворено писмо от юридическите лица с нестопанска цел – членове на Съвета за развитие на гражданското общество’*), press release, 20 October 2023.

<sup>68</sup> For more information, see the [website](#) of the initiative.

Case law	
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	Decision No 50023 on case No 322/2022 ( <a href="#">Решение № 50023 по търговско дело № 322/2022</a> ), ECLI:BG:SC001:2023:20220900322.001
Parties	Community Centre “Probuda 1907” ( <i>Народно читалище „Пробуда 1907“</i> ) vs Prosecutor’s Office of the Republic of Bulgaria (PORB) ( <i>Прокуратура на Република България, ПРБ</i> )
Decision date	6 July 2023
Web link to the decision (if available)	Supreme Court of Cassation ( <i>Върховен касационен съд</i> ), Decision No 50023 on case No 322/2022 ( <a href="#">Решение № 50023 по търговско дело № 322/2022</a> ), ECLI:BG:SC001:2023:20220900322.001, 6 July 2023
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of association
Key facts of the case (max. 250 words)	On 23 October 2022, the Community Centre “Probuda 1907” ( <i>Народно читалище „Пробуда 1907“</i> ) held a general assembly meeting. The decisions taken at the meeting were challenged by a public prosecutor due to violations of the procedure for convening the meeting (failure to comply with the deadline for sending the invitations, missing information in the invitation, etc.). In Bulgaria, public prosecutors are authorised by law to challenge in court decisions of general assemblies of community centres that contradict the law or their statutes. The first and the second instance courts accepted the arguments of the prosecutor and annulled the decisions taken by the general assembly. However, the Supreme Court of Cassation (SCC) ( <i>Върховен касационен съд, ВКС</i> ), upon appeal by the community centre, reversed these decisions and, in turn, affirmed the decisions taken by the general assembly arguing that the public prosecutor had exceeded their authority, unjustifiably interfered with the work of a non-profit organisation, and violated the freedom of association.

Case law	
The key legal question raised by the Court	<p>The key legal problem raised by the court was the extent to which public prosecutors can exercise their right to challenge decisions of community centres' managerial bodies without thereby unlawfully interfering with their work and violating freedom of association. According to the applicant, the public prosecutor's decision to challenge the decisions of the community centre's general assembly, while lawful in itself, is unjustified because it does not protect any public interest, but on the contrary – hinders the activities of the community centre and contradicts the right to freedom of association, as set out in Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The applicant also argued that the case constituted interference by the State with the right to freedom of association and that such interference could be adequately justified only by reference to the protection of at least some of the legitimate aims and interests listed in Article 11(2) of the ECHR (e.g., national security and public security, prevention of disorder and crime, protection of health and morals, protection of the rights and freedoms of others, etc.). According to the Public Prosecutor's Office, the public interest is affected whenever the law is violated. The Public Prosecutor's Office also argued that Article 11 of the ECHR was not applicable to the case, because the right of association had already been exercised with the registration of the community centre.</p>
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>In its decision, the Supreme Court of Cassation referred to the caselaw of the European Court of Human Rights, in particular the judgement in the case Republican Party of Russia v. Russia (application no. 12976/07), noting that interference by the State constitutes a violation of Article 11 of the ECHR unless it is provided for by law, pursues one or more of the legitimate aims referred to in Article 11(2) and is necessary in a democratic society. According to the Court, the mere provision in the law of such powers is not sufficient, and the authorities should not interfere with the internal organisation of associations solely in order to ensure compliance with the formalities provided for in their statutes. The Court also noted that, in addition to being unjustified, the interference was also disproportionate, because it did not correspond to any comparable public interest. As a result, the Supreme Court of Cassation repealed the decisions of the two lower instance courts and affirmed the legitimacy of the decisions taken at the community centre's general assembly meeting.</p>

Table 5 – Case law

Case law	
Deciding body (in original language)	Административен съд София - град (АССГ)
Deciding body (in English)	Administrative Court Sofia City (ACSC)
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	Decision No 5976 on administrative case No 3833/2023 ( <i>Решение № 5976 по административно дело № 3833/2023</i> )
Parties	LGBT Youth Organisation Deystvie ( <i>Младежка ЛГБТ организация Действие</i> ) vs Political Party VMRO – Bulgarian National Movement (VMRO-BNM) ( <i>ВМРО – Българско Национално Движение, ВМРО-БНД</i> )
Decision date	12 October 2023
Web link to the decision (if available)	Administrative Court Sofia City ( <i>Административен съд София - град</i> ), Decision No 5976 on administrative case No 3833/2023 ( <a href="#">Решение № 5976 по административно дело № 3833/2023</a> ), 12 October 2023
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	In June 2021, the Political Party VMRO – Bulgarian National Movement (VMRO-BNM) ( <i>ВМРО – Българско Национално Движение, ВМРО-БНД</i> ) published on its Facebook page a status opposing the upcoming broadcast of the movie “Snake” as part of the selection of the annual Sofia Pride Film Fest. In the status, the movie and the entire film fest were described as “aggressive attempts in a society built on the basis of traditional Christian values, such as the Bulgarian one, to perpetrate such depravity and to do so with the participation of children” and an attempt to “legitimise unacceptable and perverted concepts related to the forced imposition, through various propaganda techniques, of LGBTI ideology”. The status also claimed that the film fest aimed to “destroy the family as a value in our societies”, impose LGBTI ideology “in an unnatural and dangerous way” and “erase all the foundations of traditional European and Christian values”. The

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	<p>civil society organisation LGBT Youth Organisation Deystvie (<i>Младежка ЛГБТ организация Действие</i>) filed a complaint to the Commission for Protection against Discrimination (CPD) (<i>Комисия за защита от дискриминация, КЗД</i>) arguing that the content of the status constituted harassment on the grounds of sexual orientation. The commission initially ruled in favour of the political party, but its decision was appealed and overruled by the court.</p>
<p>The key legal question raised by the Court</p>	<p>The key legal question raised by the court was the balance between the freedom of expression and the prohibition of discrimination and harassment on the grounds of sexual orientation. According to the court, the right to express and disseminate opinions through speech, as defined in the Constitution, may not be used to undermine the rights and reputation of another person or to call for a violent change of the constitutionally established order, for the commission of crimes, for the incitement of hostility or for violence against other persons. The court also noted that stigmatising people on the basis of their sexual orientation, inciting intolerance and hostility towards them, and belittling their human dignity, could not qualify as free speech. The court concluded that it was unacceptable for the freedom expression to be used as a shield for the dissemination of ideas and perceptions that demean the individual and create intolerance towards the LGBTI community.</p>
<p>Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised</p>	<p>In terms of factual outcome, the court concluded that, through the disputed post on Facebook (the world's largest free online social network), the defendant violated the prohibition of discrimination by committing an act of harassment on the grounds of sexual orientation against persons belonging to the LGBTI community in Bulgaria. As a result, the court repealed the decision of the equality body, qualified the defendant's behaviour as harassment, and sent back the case to the equality body for issuing a new decision in line with the one of the court.</p>

**Table 6 – Case law**

Case law	
<p>Deciding body (in original language)</p>	<p>Върховен административен съд (ВАС)</p>
<p>Deciding body (in English)</p>	<p>Supreme Administrative Court (SAC)</p>



Case law	
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	Decision No 11504 on administrative case No 9990/2023 ( <a href="#">Решение № 11504 по административно дело № 9990/2023</a> )
Parties	Foundation Access to Rights (FAR) ( <i>Фондация за достъп до права, ФАР</i> ) vs Council of Ministers (CoM) ( <i>Министерски съвет, МС</i> )
Decision date	23 November 2023
Web link to the decision (if available)	Supreme Administrative Court ( <i>Върховен административен съд</i> ) (2023), Decision No 11504 on administrative case No 9990/2023 ( <a href="#">Решение № 11504 по административно дело № 9990/2023</a> ), 23 November 2023
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	In November 2022, the civil society organisation Foundation Access to Rights (FAR) ( <i>Фондация за достъп до права, ФАР</i> ) challenged a decision of the government to update the national action plan for temporary protection. The applicant claimed that the adopted changes were putting at risk the right to access to food of persons displaced from Ukraine and were also restricting their freedom of movement. The applicant justified their eligibility to challenge the decision by pointing out that the organisation was registered as a public benefit organisation, which gave it the right to protect the collective interest of a wide range of individuals, including refugees from Ukraine, who were the ones directly affected by the government's decision. The Supreme Administrative Court (SAC) ( <i>Върховен административен съд, ВАС</i> ) dismissed the complaint on the grounds that the applicant had no right to challenge decisions, which did not directly affect their rights. This decision was appealed before an extended panel of the Supreme Administrative Court (SAC) ( <i>Върховен административен съд, ВАС</i> ).

Case law	
The key legal question raised by the Court	<p>The key legal problem raised by the court is the eligibility of civil society organisations to challenge decisions of public authorities that do not directly affect their rights, but the rights of people they protect or support through their activities. The applicant argued that organisations registered as public benefit organisations usually protect the rights of a wider range of people and, as such, have the right to challenge decisions that affect the collective interest of those people.</p>
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>In both its first and second instance decisions, the Supreme Administrative Court (SAC) (<i>Върховен административен съд, ВАС</i>) noted that the right to challenge the decisions of public authorities, including the government, is conditioned by the existence of a personal and direct interest of the applicant. According to the court, the interest is personal and direct when the challenged decision directly affects the legal sphere of the applicant, creates a risk of directly affecting their rights, freedoms and legitimate interests, or directly creates obligations for them. As a result, the court dismissed the application on the grounds of lack of standing to appeal.</p>