

Bulgaria

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Capital: Sofia
Population: 7.12 million
GNI/capita, PPP: \$19,190

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	3.25	3.25	3.50	3.50	3.50	3.75	3.75	3.50	3.75	3.75
Electoral Process	1.75	1.75	1.75	2.00	2.00	2.25	2.25	2.25	2.25	2.25
Civil Society	2.50	2.50	2.50	2.50	2.50	2.25	2.25	2.25	2.50	2.5
Independent Media	3.75	3.75	3.75	3.75	4.00	4.00	4.00	4.00	4.25	4.25
Local Democratic Governance	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.25
Judicial Framework and Independence	3.00	3.00	3.00	3.25	3.25	3.25	3.50	3.50	3.50	3.50
Corruption	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.25
Democracy Score	3.04	3.04	3.07	3.14	3.18	3.25	3.29	3.25	3.36	3.39

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

Following a prolonged period of early elections and caretaker governments, Bulgaria made progress in 2017 in several key areas, most importantly in reestablishing political stability. The year was dominated by the aftermath of presidential elections in late 2016, parliamentary elections in March 2017, and the dynamics of party formation and coalition building.

The center-right party Citizens for European Development of Bulgaria (GERB) reaffirmed its dominant position, with its leader, Boyko Borissov, forming a third cabinet since 2009. The opposition Bulgarian Socialist Party (BSP) regained its support following a disastrous electoral performance in 2014. In the last year, BSP secured a victory in the presidential elections and doubled its share of votes and parliamentary seats. The party representing ethnic Turks, the Movement for Rights and Freedoms (MRF), was disappointed with its performance in the parliamentary elections in March, losing some of its votes to a splinter party led by an expelled former party leader.

Most affected, however, were the “traditional” right parties: Union of Democratic Forces (UDF), Democrats for a Strong Bulgaria (DSB), and the Reformist Bloc. The continued fragmentation of traditional right parties resulted in their complete disappearance from the parliament. Although these parties were key players in the bipolar political model of the 1990s, and were well represented in the parliament throughout the 2000s, they were not present in the short-lived 2013–14 parliament and failed to achieve representation in the post-March parliament.

The year was very favorable, on the other hand, to the nationalists, who formed the United Patriots (UP) coalition consisting of Volen Siderov’s Ataka and Patriotic Front (a coalition between Valeri Simeonov’s National Front for Salvation of Bulgaria and the Internal Macedonian Revolutionary Organization). UP managed not only to secure representation as the third-largest party in the parliament but also became a junior partner in the governing coalition for the first time, with four ministerial portfolios. Although there has been an actual decrease in nationalist votes, the fragmentation of the traditional right has greatly benefited nationalists. Their participation in government has stimulated the spread of racist and xenophobic rhetoric, including by government ministers. Still, their behavior as a coalition government party was more moderate than initially expected.

Political dynamics in the country were defined, on the one hand, by the attempts of GERB and UP to reach and preserve consensus on policy issues and, on the other, by the confrontation between GERB and BSP. President Rumen Radev added another aspect to this confrontation, adopting a more proactive and political approach than his predecessors. President Radev has actively exercised his veto power and ability to influence public opinion, becoming the most popular politician in the country in 2017.¹

Preparations for Bulgaria’s turn at the rotating Presidency of the Council of the European Union (EU), starting 1 January 2018, dominated the policy agenda, overshadowing any other initiatives and priorities. Bulgaria was late in its preparations due to several factors, including the presidency being moved six months earlier due to Brexit, early parliamentary elections and political instability over the last four years, and the resignation of the Bulgarian EU commissioner and six-month gap in appointing a replacement. The ruling party held high hopes for the EU presidency, especially in terms of regional politics. The Western Balkans were a priority for the government, along with border control, economic growth and youth policy, and a single digital market. GERB advocated unity and consensus among domestic political actors, whereas BSP considered preparing for a no-confidence vote in the first weeks of the EU presidency.

A major breakthrough occurred in foreign policy with the signing of the cooperation agreement with Macedonia, an initiative that had been under negotiation for the past 18 years. The agreement also showed UP to be more collegial and less radical as a governing coalition partner than it was during the electoral campaign or while in opposition. On the domestic front, the biggest push was for the adoption of a new anticorruption law and new anticorruption agency in response to EU recommendations. BSP and President Radev strongly contested these initiatives, arguing that the law was insufficient in scope and

would not be effective in combatting corruption. After being passed in the parliament, the law was vetoed by the president.

Bulgaria's media environment has deteriorated significantly in recent years, with an increase in hate speech and violence against journalists. Transparency of media ownership continued to be a serious problem, as was the fusion of media and politics, media monopolies, and lack of transparency of funding sources. Local government has been struggling with debt and dependence on central funding, which limited local independence and initiatives throughout the year.

Judicial reform and independence made some progress during the year, which the EU confirmed in its latest Cooperation and Verification Mechanism (CVM) report. Most notably, acknowledgement was given to the election of Supreme Judicial Council members following a new transparent and representative procedure. The fight against corruption also showed some progress, such as strengthening the inspectorates in public administration, changes to the criminal code with more effective tools to tackle high-level corruption, a number of measures taken to combat petty corruption, and a roadmap with steps for 2018. However, both judicial independence and corruption remained serious problems under the continued monitoring of the EU. There has been an abundance of corruption cases, some of which resulted in resignations following pressure from political parties; some cases remained under investigation at year's end, and a few others were dropped. Overall, there has been more media coverage of corruption cases, and political parties have become less willing to cover up such matters, preferring to oust implicated individuals instead.

Score Changes:

- **Local Democratic Governance rating declined from 3.00 to 3.25** due to the growing indebtedness of municipalities (especially in rural areas), increased dependency on the central budget, party patronage at the local level, and decreased opportunities for economic activities and new initiatives.

As a result, Bulgaria's Democracy Score declined from 3.36 to 3.39.

Outlook for 2018: The biggest question will be Bulgaria's performance during the EU presidency in the first half of the year, and the country's ability to maintain political stability thereafter. Many analysts predict that the governing coalition will quickly collapse following the EU presidency, resulting in yet another early election. The presidency is also likely to be exploited by political opponents to undermine the government's legitimacy through protests, no-confidence votes, and media attacks. An important factor will be the success of the new anticorruption law and unified anticorruption agency, as well as progress in judicial reform. Progress in these areas would strengthen institutional capacity, improve the business environment, and increase public trust in institutions. A key aspect of these initiatives will be the implementation of e-government and e-justice measures. The independent media and civil sectors are unlikely to see significant progress, given the trend in some European countries of increasing hate speech, racism, and xenophobia, and limiting of nongovernmental organization (NGO) activities and financing. Maintaining financial stability and securing economic growth will be key to preserving political stability and preventing the increase of radical-right populism.

MAIN REPORT

National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.25	3.25	3.50	3.50	3.50	3.75	3.75	3.50	3.75	3.75

- Democratic governance in Bulgaria in 2017 was dominated by the goal to reestablish political stability following another round of early parliamentary elections and a caretaker government. The aim was to find a new power balance between political players and government institutions, with a prime minister and president from opposing parties clashing regularly on a wide array of issues.
- Political dynamics during the year were largely determined by the November 2016 presidential elections. The Bulgarian Socialist Party (BSP) had nominated the winning candidate, the nominally independent Rumen Radev—a pro-Russian army pilot who attracted votes from across the political spectrum, including from nationalists.² Prime Minister Boyko Borissov then fulfilled his promise to resign after his center-right party Citizens for European Development of Bulgaria (GERB) lost the presidential elections. Following Borissov’s resignation on 27 January 2017, a caretaker government was formed, headed by Ognyan Gerdzhikov—former member of parliament (MP) and parliament chair from the party of the Bulgarian king, National Movement Simeon II (NDSV)—and early elections were called for 27 March.
- Borissov and his party scored another victory in the elections but were far from gaining a majority. Again as prime minister, Borissov faced the difficult task of securing a coalition partner among the four other parties in parliament. With BSP in opposition and the ethnic Turkish party, Movement for Rights and Freedoms (MRF), supporting the 2013 BSP-led government, the only other option was United Patriots (UP), a coalition of nationalist parties: Ataka and Patriotic Front (itself a coalition of National Front for Salvation of Bulgaria and the Internal Macedonian Revolutionary Organization). The smallest party in parliament—a personalist-populist party, Volia—did not have enough MPs to form a majority with GERB.
- Despite substantial ideological differences, GERB and the nationalists formed a government supported by a fragile parliamentary majority, with GERB’s 95 seats and UP’s 27 seats resulting in 122 seats in the 240-member parliament.³ The nationalists received four ministerial portfolios (defense, environment, economy, and agriculture) and two deputy prime minister positions, making this the first post-communist government involving the formal participation of nationalist parties. The nationalists named GERB-affiliated ministers in the environment and agriculture ministries.⁴ Furthermore, some of the nationalists’ appointments were influenced by MRF MP and media mogul Delyan Peevski.⁵ In addition to these positions, the nationalists have deputy ministers in all other ministries, while GERB has deputy ministers in the portfolios controlled by the nationalists. The year also saw the formation of a Political Council composed of three GERB officials and leaders of the three parties in the UP coalition. This multilevel power sharing sought to secure a certain degree of checks and balances and prevent any party from assuming total control over any portfolio.⁶
- The year also saw a significant change in the role of the president. Rumen Radev took on a much more active and confrontational political role than his predecessors Rosen Plevneliev (GERB-nominated, 2012–17) and Georgi Parvanov (BSP-nominated, 2007–12), actively monitoring the legislative process and exercising checks and balances. President Radev vetoed the budget of the National Health Insurance Agency, although the parliament overturned the veto, and he threatened to block the new anticorruption law.⁷ He also sought active involvement in security and defense issues and frequently criticized the government on issues ranging from foreign policy to healthcare and the environment. Such dynamics indicated that the underlying constitutional balance of power is more flexible and open to mutual control than the last 10 years had shown. Although presidential vetoes may be viewed as

attempts to block or slow down legislative initiatives, they can also provide an opportunity for wider debate and greater transparency of the legislative process.

- In 2017, Bulgaria’s main goals were preparation for the European Union (EU) presidency, which the country was set to begin on 1 January 2018, and also jump-starting policy initiatives and reforms following a prolonged stalemate due to political instability. The country struggled with last-minute preparations for the EU presidency due to several factors. The UK was supposed to take the presidency in the second half of 2017, but Brexit necessitated moving Bulgaria’s presidency six months earlier, making it harder and costlier for Bulgaria to prepare.⁸ The early elections in 2017 and overall political instability of the last four years, with three early elections and six governments, made advance planning impossible and political consensus on priorities hard to reach. The resignation for unrelated reasons of Bulgarian EU commissioner Kristalina Georgieva in October 2016, and nomination of a new commissioner—which took over six months to replace—impeded communication and coordination with Brussels.⁹ In the end, Bulgaria identified four priority areas for its presidency: strengthening cooperation and stimulating development with the Western Balkans; stability and security with a focus on migration and border controls; the future of Europe and young people with an emphasis on economic growth and social cohesion; and the digital economy manifested as a single digital market.¹⁰ The EU presidency was anticipated with both excitement and fear, with GERB advocating for unity and consensual domestic policy, while BSP voted to initiate a no-confidence vote for January 2018.¹¹
- The looming EU presidency provided Bulgaria with a number of opportunities in terms of foreign policy and diplomatic relations. A major milestone came in the signing of the Treaty of Friendship, Good-neighborliness and Cooperation with Macedonia, which constituted a breakthrough and successful end to almost two decades of negotiations.¹² The historic pact aims to stimulate economic and Euro-Atlantic integration, improve communications and transport, and ease historical disputes over a common history.
- Reform initiatives in important sectors like healthcare, education, energy, and public administration have stalled or slowed down.¹³ The new government has not set in motion any significant structural reforms in these areas. At the same, the country has shown economic growth and an improved financial sector. Throughout the year, the Ministry of Finance continued its efforts to improve tax collection and enforce regulations through increased monitoring and administrative controls, in order to combat the gray economy.
- There were examples of poor governance and abuse of authority during the year at the highest level. The deputy prime minister from UP, Valeri Simeonov, personally headed administrative raids of nightclubs at Black Sea resorts.¹⁴ Other much more concerning examples included unregulated state involvement in the economy and interference with the operation of private companies, including involvement in arms production and a buy-back of a private company, Dunarit, through purchasing its debt.¹⁵ Another example of poor governance was the revoked license of a private company, Emko,¹⁶ and subsequent reallocation of its ongoing commercial activities to a state company, VMZ Sopot. Following Borissov’s intervention, Emko’s commercial license was restored and the company paid 6 million lev (\$3.68 million) to VMZ Sopot in order to get back its state contracts.¹⁷ Such examples demonstrated the weak institutional environment and vulnerability to arbitrary political action.

Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.75	1.75	1.75	2.00	2.00	2.25	2.25	2.25	2.25	2.25

- The March 2017 parliamentary elections were free and fair, with some improvements over previous years, but with some long-standing problems remaining. As with every parliamentary election, they were carried out in the context of last-minute changes to electoral regulations. These were the second parliamentary elections utilizing a preferential voting system. Compared to the 2014 elections, voters

were better informed about the system. At the same time, the preferential vote produced some unintended consequences due to the arrangement of electoral districts, which coincide with administrative regions. This led to a regionalization of the elections that may ultimately increase the incidence of “controlled” voting (influence on voters through payment, promise of a job, or threatening job dismissal) as well as “corporate” voting (pressure on corporate employees by their superiors to vote for a particular party).

- The elections were shaped by changes to the electoral laws and personnel changes in the aftermath of the November 2016 presidential elections, which were held alongside a national referendum on changes to the electoral system, including introducing a majoritarian system, compulsory voting, and changes in state subsidies to parties. Voters responded positively to all three questions, but the turnout of 50.86 percent due to irregular ballots came short of making the referendum binding.¹⁸ However, compulsory voting had already been approved earlier in 2016 and was thus in effect for the 2016 presidential elections. In February 2017, the Constitutional Court proclaimed the sanctions associated with compulsory voting unconstitutional,¹⁹ turning the legal requirement for compulsory voting still in effect into a juridical paradox. The state also failed to enforce prior amendments to the Electoral Code requiring that every polling station be equipped with machine voting. Due to the failure to secure a company willing to fulfill the public procurement within the short deadline, machine voting was canceled altogether.²⁰
- Voter turnout in the March 2017 elections was 54.07 percent, a higher result than in the 2013 and 2014 elections. The OSCE’s election-monitoring report noted, “Electoral contestants reached out to the voters freely, in a low-key campaign characterized by the public’s disillusionment with politics and a weariness of holding elections.”²¹ Problems identified in the report included limitations to suffrage rights, voting materials prepared exclusively in the Bulgarian language, campaign finance reporting, complaints and appeals system, voting abroad, procedural shortcomings, and inconsistencies in decision-making by the electoral commission. In particular, the limitation of the number of polling stations in non-EU countries had a discriminatory effect, particularly against the Turkish minority, as did voting materials published exclusively in Bulgarian, contrary to international standards. Nationalist parties used inflammatory and xenophobic language, targeting Roma and Turkish communities.²²
- Vote buying and “corporate” voting persists and is practiced by parties across the political spectrum. According to Transparency International, there were 535 violations of which 68.66 percent were administrative, 18.21 percent relating to the corporate vote, and only 2.09 percent linked to verified vote buying.²³ The last category is most likely underestimated due to the difficulty in evidencing instances of vote buying. There was also a smear campaign against two newly founded political formations, “Yes! Bulgaria” and New Republic, carried out in media owned by MRF MP Delyan Peevski.²⁴ During the elections, Deputy Prime Minister Simeonov and United Patriots organized a blockade of the border with Turkey with the aim of stopping “voting tourism” from Turkey and limiting votes for the MRF.²⁵ However, the election administration worked professionally and transparently, candidates campaigned freely, fundamental rights and freedoms were respected, voting lists were accurate, and the voting process was transparent and orderly. There were 20 citizen observer organizations with 5,386 observers, and 5 international organizations.²⁶
- The March 2017 parliamentary elections were the third early elections in Bulgaria in four years.²⁷ Boyko Borissov and his GERB party received 33.54²⁸ percent of the vote and 95 seats in the 240-member parliament. This was the fourth consecutive victory for Borissov and his party since the 2009 parliamentary elections, and an increase of 75,000 votes compared to the previous election. The Bulgarian Socialist Party (BSP) came in second with 27.93²⁹ percent and 80 seats, almost doubling its votes and seats compared to the 2014 early elections. BSP’s success was coupled with the poor performance of its splinter party, Alternative for Bulgarian Revival (ABV), led by former socialist president Georgi Parvanov. Although ABV had 11 seats in the previous parliament and participated in the second Borissov cabinet with one deputy prime minister, the failed negotiations between ABV and BSP led to the former running in a coalition with another small splinter party, Movement 21, and

receiving only 1.55 percent of the vote. The elections also proved a disappointment to the Movement for Rights and Freedoms (MRF), which is de facto an ethnic Turkish party. Holding 38 seats in the previous parliament, MRF’s support dropped to 9.24³⁰ percent and 26 seats. Most of the blame goes to former MRF leader Lyutvi Mestan, who was ousted from the MRF and proceeded to form his own party, DOST (Democrats for Responsibility, Freedom and Tolerance)—a creative abbreviation that means “friend” in Turkish. Although DOST scored under 3 percent overall, in some areas populated by ethnic Turks its support reached as high as 20 percent, posing a serious threat to MRF’s monopoly over the ethnic Turkish vote in Bulgaria.

- The elections proved a great success for Bulgarian nationalists, as they came in third in the election. Following a split nationalist vote in the last two elections, Volen Siderov’s Ataka and the Patriotic Front agreed to join forces. In this formation, the “United Patriots” (UP) received 9.31³¹ percent of the vote with 27 seats. Despite coming in third, the nationalists were somewhat disappointed given their much higher expectations and predictions.³² On the contrary, the nationalist vote decreased by 70,000 votes, as did their seats in the parliament. In the previous parliament, Patriotic Front and Ataka held 19 and 11 seats, respectively.
- The most striking outcome of the election was the failure of the “traditional” right in all of its incarnations. The Reformist Bloc had benefited greatly as a coalition member in Borissov’s second government (2014–17), receiving seven ministerial seats in return for the support of its 23 MPs.³³ Disagreements within the bloc once it got into power made a split inevitable. Consequently, two new formations emerged from the Reformist Bloc: “Yes! Bulgaria,” a project by former justice minister Hristo Ivanov, and “New Republic” headed by Radan Kanev, the leader of Democrats for Strong Bulgaria (DSB). The Reformist Bloc, in turn, formed a coalition with a formation led by a popular punk rocker with political ambitions. Despite support in the capital Sofia and other big cities, the Reformist Bloc fell short of the 4-percent threshold with 3.06 percent, whereas “Yes! Bulgaria” and “New Republic” received 2.88 percent and 2.48 percent, respectively. Thus the 8.89 percent that the Reformist Bloc had gained in the 2014 election was split among three entities, none of which entered the parliament or received enough votes to be eligible for state subsidies. Consistent with the pattern of a new party in the parliament with every election, a fifth party, Volia (Will) entered the parliament with 4.26 percent and 12 seats. Its leader, Veselin Mareshki, a controversial Varna businessman, had much higher expectations, especially from his home city. Instead, he received but a fraction of the support he got in the 2016 presidential elections, when he won over 11 percent of the vote in the first round.

Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.50	2.50	2.50	2.50	2.50	2.25	2.25	2.25	2.50	2.50

- At the beginning of the year, approximately 14,600 civil society organizations (CSOs) were registered with the Central Registry of nonprofit legal entities acting in the public interest.³⁴ Estimates show that more than 800 newly created CSOs are registered in Bulgaria every year. The majority are small and have limited financial resources, and most work in the area of education, culture, and sport. A recent study by the EU Agency for Fundamental Rights (FRA) concluded that the Bulgarian state does not adequately fund CSOs working on human rights issues. According to the study, most funding goes through the Ministry of Sport and predominantly to sports organizations.³⁵
- Following the September 2016 Amendment Act of the Law on Non-profit Legal Entities, major changes will take effect beginning in 2018 in the legal and regulatory framework under which CSOs function. Under the changes, all organizations must register with the Registry Agency of the Ministry of Justice alongside commercial entities. The legislation will significantly simplify registration and reporting activities.³⁶

- At the same time, additional proposed changes in 2017 to the Law on Judicial Power attempted to limit external financing and mandate the public declaration of membership in CSOs (see “Judicial Framework and Independence”).³⁷ Given the limited financial resources in this sector, such a law would effectively eliminate a large number of organizations. Financial dependency remained an insurmountable obstacle for many. A 2017 survey revealed that a large number of CSOs were extremely dependent upon grant financing and unable to function in a sustainable manner outside the timetable of the grants received.³⁸
- Civil society growth was closely related to developments in the Bulgarian media sector, which is experiencing continuous deterioration in recent years with the increasing dissemination of disinformation and so-called fake news, particularly through online media and social networks. Nongovernmental organizations (NGOs) are frequently the target of such media outlets, as are individuals or institutions funding their activities.³⁹ CSOs, and especially NGOs in the humanitarian and civil rights sector, have encountered an increasingly hostile and poisonous media environment.⁴⁰ Bulgarian NGOs consider the public and media environment as not favorable to their operations, and pointed to low public awareness of NGO activities and impact.⁴¹ There are two large labor unions that take part in regular meetings with the government and employer organizations, where debates have predominantly focused on the minimum wage and social benefits. Almost 60 percent of active CSOs rely on volunteer staff, with women constituting more than half.⁴² A survey identifies three main challenges to the development of CSOs in the country: lack of funding, party and political influence on CSO activity, and an unfavorable media environment.⁴³
- Apart from sustained media attacks, civil society groups were also confronted with overall negative attitudes from both members of the ruling majority (especially nationalists) and the pro-Russian opposition, especially BSP, which expressed skepticism about the civil sector. Both Deputy Prime Minister Valeri Simeonov and Chief Prosecutor Sotir Tzatzarov attacked environmental NGOs, accusing them of being profit oriented.⁴⁴ In a 2017 national survey among CSOs in the country, 31.7 percent declared having suffered negative attitudes from public officials and 18.6 percent from politicians.⁴⁵
- Bulgaria’s deteriorating media environment weakens the societal capacity to withstand and oppose fake news and proliferation of hate speech—and the number and visibility of acts of hatred, illiberal organizations, and discriminatory acts against vulnerable groups, including refugees and ethnic minorities, has increased in recent years.⁴⁶ By early 2017, a substantial share of active NGOs in Bulgaria (29 percent) defined the influence of racist, discriminatory, and intolerant groups as significant, and 28 percent as moderate.⁴⁷ Social media has further aggravated the problem by enabling unorganized groups to spread their message. There have also been several scandals by politicians, especially from United Patriots, who have used hate speech. Most notable is the October conviction of Deputy Prime Minister Valeri Simeonov for hate speech against Roma.⁴⁸ The Institute for Social Integration reported that hate speech has been the biggest problem for refugees in Bulgaria, and the topic of refugees was heavily exploited by most political parties during the 2017 electoral campaign, with approximately 117 news articles on the topic on average per day.⁴⁹
- Religious organizations enjoy rights outlined in the Law on Religions. The law allows for state subsidies by the central or local government, which benefit Orthodox Christian churches and, in some regions, mosques. Other religions are modestly represented, and religious organizations of other denominations rely primarily on charity or international funding. However, proposed legislation envisions a ban on external funding to religious organizations in an attempt to address the long-standing issue of the funding of religious schools by Turkey and Saudi Arabia.⁵⁰
- LGBT activism is relatively recent and concentrated in the largest cities, and there was no significant improvement in LGBT rights in 2017.⁵¹ Same-sex marriage is not allowed in the country, depriving same-sex couples of all rights available to heterosexual couples, including adoption and in-vitro procedures. There is no specific LGBT legislation but only general antidiscrimination and human rights protection. The country has held annual gay pride parades in large cities.

Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	3.75	3.75	3.75	4.00	4.00	4.00	4.00	4.25	4.25

- The state of independent media in Bulgaria continued to deteriorate during the year. Disinformation and fake news increasingly become problems, particularly during the March election campaign, as documented on the website EU vs Disinfo (euvsdisinfo.eu), where a list of Bulgarian media outlets known to circulate fake news has been compiled.⁵² The list includes almost exclusively web-based media, and the data available on their traffic suggests that most are among the top 20 online media outlets.⁵³ Furthermore, a comparative study by the Open Society Institute on media literacy and capacity of citizens to deal with the post-truth media landscape places Bulgarians last among EU member states, preceded only by Montenegrins, Albanians, and Turks.⁵⁴
- The year 2017 also saw the return of pressure on journalists and media outlets by politicians and institutional actors seeking to intervene in editorial policies.⁵⁵ According to the Association of European Journalists, one of the main problems in the Bulgarian media landscape is state influence over media outlets, exerted through the advertising budgets of EU operational programs. This includes the pernicious practice of assigning large advertising budgets to public and private media directly and without competition, and without applying the law for public procurements, in exchange for favorable media coverage.⁵⁶ One example of this was a TV interview with Deputy Prime Minister Valeri Simeonov, who threatened to cut all European financing to the BTV media group and the Nova broadcasting group (the largest privately owned TV stations), accusing them of manipulating public opinion and misrepresenting his actions.⁵⁷
- The intimidation of journalists on live TV marked a new and unprecedented phenomenon. In October, Anton Todorov, a lawmaker from the ruling coalition, and Deputy Prime Minister Valeri Simeonov intimidated the same journalist in separate interviews by implying that the journalist would share the fate of his former partner, the co-anchor of the program, who was dismissed earlier that month after a series of political attacks. A scandal erupted that triggered a declaration from the Union of Bulgarian Journalists⁵⁸ and protests in defense of journalists, as well as Todorov's resignation. A complaint was submitted to the Platform to Promote the Protection of Journalism and the Safety of Journalists at the Council of Europe, which demanded clarification from the Bulgarian authorities and classified the case as a Level 2 Alert in the category "Harassment and Intimidation of Journalists."⁵⁹ Subsequently, Simeonov issued a statement on 8 October, through the government's press office and website, giving a 24-hour ultimatum to the principal TV stations to apologize to him for the way they had reported the incident.⁶⁰
- The 2016 Media Pluralism Monitor (MPM) report for Bulgaria gives a detailed account on the lack of ownership and financial transparency in the sector and absence of regulatory transparency in the country.⁶¹ The report's conclusions highlighted significant risks to media pluralism, and the lack of legislative activities addressing those issues points to the need for substantial changes to the structural indicators of Bulgaria's media landscape.
- The MPM also found that cross-media concentration of ownership and enforcement of competition, as a rule, was another high-risk indicator (89 percent). Bulgarian media legislation does not provide for specific thresholds in order to prevent a high degree of ownership concentration. Insufficient data on media ownership and market shares does not allow for an accurate evaluation of the actual state of cross-media concentration in the national market. In addition, the Commission for the Protection of Competition, the relevant regulatory authority, does not take into account, implicitly or explicitly, considerations about media pluralism when applying competition rules to the sector. There are also no regulatory safeguards ensuring that state funds granted to the Public Service Media (PSM) do not cause disproportionate effects on competition.

- A white paper issued by the Union of Publishers in Bulgaria highlighted visible pressure from law enforcement, the government, and progovernment media outlets on independent publishers and journalists.⁶² Lack of transparency was also present in the appointment of Konstantin Kamenarov as General Director of the Bulgarian National Television (BNT) in September, which was followed by other obscure appointments in lower managerial positions within the public media outlet, including persons directly related to political parties.⁶³

Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.25

- Bulgaria has a complex local governance structure, with 265 municipalities that act as self-governing units, 28 regions headed by governors appointed by the prime minister, and 6 NUTS-2 planning regions (Nomenclature of Territorial Units for Statistics).⁶⁴ This structure will undergo a reform before 2020 due to the central place of the regions in the next programming period of the EU structural and cohesion funds.⁶⁵ Local governance in Bulgaria experienced a steady deterioration in 2017, especially in financial terms, as the level of indebtedness and, consequently, the dependency of local authorities on the central government and subsidies from the state budget increased. At the 2015 regular local elections, the dominant party in the previous and current governments, GERB, claimed a sweeping victory, solidifying its position at the local level.⁶⁶
- Bulgaria's constitution and laws formally provide local authorities with significant powers and autonomy.⁶⁷ Municipalities are the primary authorizing officer of their own budgets. However, with minor exceptions, the main part of their budget comes through transfers from the central government budget.⁶⁸ Despite their formal independence and broad set of powers and competences, the vast majority of Bulgarian municipalities remained financially dependent on these transfers, as their own revenue base did not generate enough funds.⁶⁹ This phenomenon was further worsened by demographic decline and economic migration, concerns that most municipalities shared.
- The year 2017 inaugurated the new mechanism of financial recovery for municipalities in financial distress, which was included in the June 2016 amendments to the Law on Public Finances.⁷⁰ From one perspective, this constituted a positive step, as systemic information about the health of municipal finances and mechanisms for the enforcement of fiscal discipline were lacking. The mechanism provides for transparent and automated state monitoring of local authority finances. At the same time, this may result in increased financial and political dependence on the central government, and especially on the finance minister, through the zero-interest credit lines⁷¹ that mature on 1 December 2019,⁷² only weeks after the forthcoming regular local elections at the end of October 2019. The finance minister has the authority to single-handedly write off these credits. This gives the central government additional leverage vis-à-vis municipalities, further limiting their autonomy and hampering the decentralization process. This ill-fated attempt at fiscal decentralization left some local authorities with no choice but to increase local taxes.⁷³
- There have also been some positive developments. Several organizations, including the Association of Bulgarian Cities and Regions and the National Association of Municipalities, have maintained an active network of events and initiatives over the last few years. EU Regional Funds have also played a positive role in bolstering local governance and developing local administrative capacity.
- The year witnessed an increase in the number and intensity of conflicts between local and central authorities, and between regional MPs and local authorities. A series of allegations of corruption and nepotism at the municipal level were triggered after the parliamentary opposition accused former GERB minister Delyan Dobrev of de facto running the Haskovo municipality through a circle of relatives and business partners appointed at his regional electoral district.⁷⁴ The scandal triggered a cascade of similar accusations between GERB and BSP concerning other high-profile municipalities, such as Silistra,

Gabrovo, Kavarna, and others, and raised questions about the forms and level of collusion between high party officials, local MPs, and mayors across the political spectrum, especially when most accusations concern control over public procurement at the local level.⁷⁵

Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.00	3.00	3.00	3.25	3.25	3.25	3.50	3.50	3.50	3.50

- Judicial independence and reform have been persistent problems in Bulgaria and remained actively monitored by the EU commissions under the Cooperation and Verification Mechanism (CVM). The January 2017 CVM report outlined 17 recommendations, 7 of which addressed judicial independence and reform.⁷⁶ The November 2017 CVM report acknowledged significant progress in steps addressing judicial independence and further progress in reforms.⁷⁷ The Bulgarian justice system continued to face several key challenges, including a high level of politicization, a statist approach with a very strong prosecution, inefficiency, and lack of administrative capacity. The system remained poorly resourced, and workloads were unevenly distributed among magistrates, with some courts having excessive workloads.
- The Council of Europe has criticized the slow progress of judicial reform in Bulgaria, while the public harbors a great degree of distrust toward the judiciary. In its resolution 2188 (11 October 2017), the Parliamentary Assembly of the Council of Europe (PACE) expressed concerns about recent developments that it said risk the respect for rule of law, independence of the judiciary, and the principle of separation of powers in Bulgaria, and, specifically, observed attempts to politicize the Supreme Judicial Council and courts.⁷⁸ A January 2017 opinion poll by Exacta-Research group showed that 56 percent of Bulgarians are in favor of European institutions exercising direct control over the Bulgarian judiciary.⁷⁹
- The biggest achievement in judicial independence in 2017 was the election of the new Supreme Judiciary Council (SJC), the first judicial office to adopt the 2016 legislative reform mandating the implementation of a “one magistrate, one vote” principle.⁸⁰ While the election of new Council members by magistrates has been open and transparent, the process of appointing members from the parliamentary quota lacked transparency and did not meet the explicit recommendation of the CVM to hold in-depth hearings and public discussions of candidates’ credentials. Instead of making appointments based on merit and following a transparent procedure, the process turned into bargaining between political parties over a quota number and specific appointees.⁸¹
- The appointment of high-level officials in the judiciary was another item in the CVM list of recommendations. In particular, it placed special importance on the appointment of Chair of the Supreme Administrative Court. The election was surrounded by controversy, as President Radev refused to appoint the judge selected by the outgoing SJC, arguing that the new SJC should have the right to elect a member. The new council ultimately reconfirmed the choice of its predecessor, following an open debate that cleared accusations of predetermined favorites, giving hope for the success of the judicial reform.⁸² However, the appointment of the Director of National Investigative Service by the College of Prosecutors of the SJC was marred by controversy due to the election of the only candidate, Borislav Sarafov, without debate. Shortly after his appointment, it was revealed that the Inspectorate at the SJC had recommended that the former SJC initiate disciplinary proceedings against Sarafov, but the case was hidden within the disciplinary committee until after the statute of limitations had expired.⁸³
- Despite progress, the ruling party GERB attempted to limit NGO activity in the judicial sector as well as magistrates’ participation in such organizations. GERB proposed a bill that would require magistrates to declare their membership in professional bodies and associations to the SJC and legally limit the sources of funding of judicial professional organizations. As written, the draft bill intended to limit the funding of these organizations to national sources only. Prosecutor General Sotir Tzatarov

argued that EU funding should also be allowed.⁸⁴ The draft bill stirred domestic and international outcry and was ultimately withdrawn.⁸⁵

- Another issue noted in the CVM reports has been the role of the Prosecutor General’s Office. Due to the structure of Bulgaria’s judicial system, the prosecution has had a monopoly on the investigative process,⁸⁶ potentially leading to abuses in communications with the media on high-profile cases. In 2017, the prosecution’s spokesperson provided selective information to the public throughout the year, effectively accusing people before the start of trials.⁸⁷ While playing a central role in monitoring the public administration, the prosecution lacked overall accountability and is accused of having disproportionately high influence.⁸⁸ The European Commission’s Structural Reform and Support Service (SRSS) noted in December the lack of mechanisms for the Prosecutor General’s personal accountability, systemic problems with ineffective investigations, and a failure to investigate matters established by the European Court of Human Rights (ECtHR) or domestic courts.⁸⁹ The CVM recommended regular reports by the Prosecutor General to the parliament to guarantee checks and balances and parliamentary oversight.⁹⁰ However, in a June ruling, the Constitutional Court confirmed the independence of the Prosecutor General’s Office, stressing that the Bulgarian constitution exempted the office from parliamentary oversight.⁹¹
- The CVM also recommended addressing magistrates’ uneven workload distribution, implementing an e-justice system, establishing a mechanism for tracking progress in the judicial reform strategy, and establishing a roadmap for implementing ECtHR rulings. Some steps have been taken, such as consolidation of local prosecutors’ offices and analysis of ECtHR cases carried out by the Prosecutor General’s Office, which will become the basis for preparing a roadmap. However, most initiatives had yet to be finalized at year’s end.⁹²
- In 2017, Bulgaria paid €800,000 (\$985,000) for indemnities under ECtHR rulings—an increase of over 15 percent compared to 2016, but roughly 12 times more than Germany has paid.⁹³ As of October, 262 cases involving Bulgaria were being heard before the ECtHR, from which 108 were under increased supervision. Bulgaria has one of the largest shares of unimplemented ECtHR judgments, and is one of four countries (along with Turkey, Romania, and Georgia) where increased supervision has been implemented, with 7 percent of the total number of cases placed under increased supervision.⁹⁴ Cases range from the rights of refugees and LGBT people to child and property rights.
- Prison conditions in Bulgaria have been notoriously problematic, with systemic police abuse and poor conditions. In response to criticism by the European Committee for the Prevention of Torture (CPT), the government adopted changes to the Law on Executing Punishments and Arrests in January 2017. The changes addressed living conditions, regiment, early release, and judicial control over the prison administration.⁹⁵ The ECtHR has acknowledged significant progress made in recent years to improve prison conditions and has turned down two recent cases.⁹⁶

Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.25

- Corruption remained a serious problem in Bulgaria on all levels in 2017. In an October resolution, PACE concluded that corruption is widespread and poses a major challenge to the rule of law.⁹⁷ Corruption and rule of law failings have been a deterrent to Bulgaria’s joining the EU Schengen Zone of passport-free travel,⁹⁸ despite the country meeting the technical criteria—and corruption has been identified as the most problematic factor for doing business in the country.⁹⁹ Ten years after EU accession, Bulgaria remains under the Control and Verification Mechanism (CVM), with corruption being one of the three areas under monitoring. The January 2017 CVM report highlights the fight against corruption as the area where the least progress had been made over the program’s ten years,¹⁰⁰ although the follow-up report, published in November, acknowledged the renewed political will and

initiatives undertaken by the current government, emphasizing the need to implement specific actions in 2018.¹⁰¹ The World Bank's Worldwide Governance Indicators places Bulgaria's "Control of Corruption" in the 51.4 percentile and an estimate of -0.2—a slight improvement over the previous year, but much worse than the 2004 and 2005 scores.¹⁰²

- The main legislative initiative in 2017 was a new anticorruption law, which envisions uniting all state structures dealing with combating corruption under one umbrella.¹⁰³ The parliament passed the law in December following a heated debate between the ruling GERB and the BSP opposition.¹⁰⁴ The point of contention was the selection of the head of the new anticorruption body—whether that person would be elected by the GERB-dominated parliament or appointed by the BSP-mandated president. The law was also criticized by NGOs and professional organizations, which argued that it mechanically unites existing institutions that have failed to prove their capacity and creates possibilities for political pressure and human rights abuses.¹⁰⁵ GERB ultimately prevailed, and the head of the new unit will be elected by the parliament, but President Rumen Radev vowed to veto the new law and return it to the parliament.¹⁰⁶ The European Commission and the Council of Europe have emphasized the need for a unified anticorruption agency.¹⁰⁷ Other anticorruption initiatives included amendments to the Law on Public Administration, adopted in October, that established a legal framework and common operating standards for the internal inspectorates in the public administration, as well as the appointment of the current Deputy Prime Minister for Judicial Reform and Minister for Foreign Affairs, Ekaterina Zaharieva, to the head of the National Council of Anticorruption Policy—a body established through the 2015 anticorruption strategy. The last session of the council was in July 2017. However, the November 2017 CVM report identified several problems, including a poor track record of effective investigation, detection, and prosecution of corruption, indicating that while some progress has been made, corruption remained a pervasive problem in Bulgaria.¹⁰⁸
- Petty and high-level corruption continued to be a persistent problem, but tolerance towards corruption has decreased. According to the 2017 Special Eurobarometer on Corruption report, 12 percent of Bulgarians have experienced or witnessed acts of corruption—among the highest percentage in the EU—while 87 percent believe there is corruption in national public institutions, a rise by 5 percentage points compared to the previous year. The report found that 86 percent of Bulgarian's agree on the need for bribery and the use of connections to obtain public services, while 83 percent believe that high-level cases of corruption are not pursued sufficiently.¹⁰⁹ Awareness of where to report corruption is a serious problem, with 28 percent stating they would not know where to report wrongdoing, which is an increase compared to the previous year.¹¹⁰ People strongly condemned corruption and advocate strong anticorruption measures, yet while being forced themselves to participate in petty corruption.¹¹¹
- There has also been greater visibility of corruption scandals, often involving members of the ruling majority. Although the prosecution has initiated investigation into some cases, none made it through the court system in 2017, and cases were met by only ad hoc responses at the party level, with GERB leader Boyko Borissov demanding resignations.¹¹² Among the major corruption cases in 2017 were "Tzumgate," "Sudzhukgate," Military Hospital, and the continued investigation of the bankruptcy of the Central Cooperative Bank (CCB).
- The "Tzumgate" case related to an unofficial meeting between Prosecutor General Sotir Tzatarov, the gas magnate Sasho Donchev, and businessman and BSP official Georgi Gergov.¹¹³ Tzatarov allegedly threatened Donchev over cartoons and publications in the media, as well as his alleged support for a new political formation, whereas Donchev sought favorable treatment in a number of commercial lawsuits. The scandal was broadly covered in the media, resulting in Georgi Gergov's resignation from the BSP board of directors. After the Supreme Judicial Council refused to investigate the affair,¹¹⁴ the case was referred to the European Commission.¹¹⁵
- The "Sudzhukgate" scandal involved a former GERB MP, Zhivko Martinov, who used his influence to bypass food safety regulations, eliminate competitive companies in the meat sector, and persuade the prosecution against investigating a manslaughter case. After resigning from his party positions,

Martinov was formally charged with coercion and threatening murder, along with other local officials.¹¹⁶

- Health minister Nikolay Petrov was accused of irregular procurement procedures that benefitted companies owned by his daughter and his daughter's partner in a scandal that became known as "Military Hospital."¹¹⁷ The scandal did not result in an investigation, as there was no official violation of the law, but in the public's view moral norms were violated.¹¹⁸ Consequently, Nikolay Petrov resigned from his post, the first minister from the third Borissov cabinet to resign.
- Criminal court proceedings into the bankruptcy of the Central Cooperative Bank (CCB) started in December.¹¹⁹ The CCB declared bankruptcy in 2014 after negative coverage allegedly initiated by media mogul Delyan Peevski, who had a falling out with CCB's majoritarian shareholder, Tzvetan Vasilev.¹²⁰ An investigation revealed that most of the bank's capital was held by companies connected to Vasilev, who subsequently fled to Belgrade. A total of 18 people were implicated in the case, including the deputy director of the Bulgarian National Bank, Tzvetan Gunev.

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