

# **Comments by the Bulgarian government on the Analytical report of the Conference of INGOS of the Council of Europe on its Fact-finding visit in Sofia, 23-25 November 2015**

## General Comments

The Bulgarian Government and the other state institutions pursue a consistent policy of promoting the role of civil society and NGOs and their involvement in the decision-making process at all levels. The considerable expertise, dedication and diversity of the NGOs made them important partners in that process. The achievements in the development of a vibrant civil society are impressive. Although not everything is perfect, it is not perfect in any state, the progress for the last 25 years should be assessed very positively.

The Analytical Report of the Conference of INGOS is considered in general reflecting the current situation of the NGOs in Bulgaria.

The specifics of the document presuppose its objective reflection and coverage of all aspects of interaction between NGOs and state institutions. But the in-depth analyse of the report highlights some inaccuracies, which, unfortunately, have influenced its conclusions and recommendations.

## On the legal framework

The freedom of assembly and association is guaranteed by the Constitution of Republic of Bulgaria. The adopted legislation in this respect develops further the possibility of using this right. The Bulgarian authorities were always guided by the aim to facilitate the existence and functioning of the NGOs. The amendments to the Non-Profit Legal Entities Act recently put forward by the Government are focused on introducing more liberal registration regime for the NGOs and on the establishment of better co-ordination and partnership between the state and the civil society. The amendments have already been submitted to the Parliament and will be considered in the near future. These amendments will meet an important part of the recommendations in the Analytical report.

In addition, it should be pointed out that the above Act does not exhaust the relevant legal framework in the country. The interaction between the state and civil society is subject to a number of special laws on labor, social and insurance policies and horizontal policies such as social inclusion, children's rights, gender equality and people with disabilities.

## On public consultations and formal interaction between public authorities and civil society organisations

The participation of the civil society organisations in decision-making process is guaranteed through the procedure of public consultations on draft legislation, strategies, and action plans which are for these purposes published on the Council of Ministers Internet website portal for public consultation. The NGOs are free to post their comments and proposals. The time limit for this is 14 days. The fact signalled by many NGOs that this period is too short for the delivery of such comments has been taken into consideration in the draft proposals for amendment to the Non-profit organisation Act. It is expected to be extended to 30 days.

The NGOs are also involved in the preparatory process of draft legislation, strategies, action plans via their participation in thematic working groups on their elaboration.

As stated in the report, there are different advisory bodies with the Council of Ministers for coordination, cooperation and consultation concerning the development, implementation, monitoring and evaluation of state policy in the social sphere. These bodies bring together representatives of all stakeholders, NGOs and civil society organisations included. The aim of this consultative process is reaching a mutually acceptable solution for safeguarding the public interest and rights. In this respect it is considered as incorrect the conclusion that "consultations affect micro-decisions instead of important issues" and that "some NGOs were invited to the consultation process only to legitimize government decisions" we consider as irrelevant.

We do not consider that the established way of seeking the public opinion is "serious obstacle to the NGOs" who want to participate. The information concerning national issues is published on a single website and NGOs which have an expertise in the respective field are invited to participate in the thematic working groups. Of course, the municipalities also have their own Internet portals on which relevant for the regional development information is published. But this information is being followed mostly by the local NGOs whose field of activities is geographically limited.

#### On the capacity of the NGOs

Some statistics should be highlighted. The number of NGOs in Bulgaria is 38 000 and as a democratic state Bulgaria can be only proud of this fact. Having compared this number, however, with the number of citizens in Bulgaria it comes out that there is one NGO per 190 citizens in Bulgaria, which means that Bulgaria has more NGOs per capita than USA and most of the European countries. These are favourable statistics for Bulgaria which demonstrate that the registration and functioning regime for the NGOs is liberal. On the other hand, this large number of NGOs is connected to their *de facto* effectiveness, the funding received from the State and their representativeness.

#### On the funding

Resources from the European social fund are widely used in this respect. The rules, elaborated by the European Commission are expected to be strictly applied and the accountability should be detailed.

It is necessary that some clarifications with regard to the Social Assistance Act be made. This Act does not seek to regulate the activities of NGOs in general. It regulates their activities only as providers of social services. As such, NGOs can receive funds from the state budget only for providing social services to citizens.

As to the report's conclusion that the conditions for social services' funding applied to the NGOs suppliers and to others are different, it should be clearly point out that the analysis of the acting legislation does challenge this conclusion and makes it incorrect.

#### On the free submission of information to the monitoring mechanisms

There are no problems or restrictions to the free and regular exchanges between the monitoring mechanisms and the NGOs in Bulgaria. The monitoring mechanisms have their own direct contacts with the national NGOs and they organise, without any control from the authorities, meetings and debates with NGOs representatives. It could be pointed out that the reports of the Monitoring mechanisms on Bulgaria are widely based on the information submitted by NGOs – no matter small or big, with or without recognised expertise in the field. They have been never prevented to report.