

From: The Bulgarian Center for Not-for-Profit Law,  
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To: The UN Special Rapporteur on the promotion  
and protection of the right to freedom of opinion  
and expression

Subject: Input for report on disinformation – response  
of the Bulgarian authorities and impact on the NGO  
sector

Dear Irene Khan,

[The Bulgarian Center for Not-for-Profit Law](#) (BCNL) was founded in 2001 as public-benefit foundation.

BCNL is part of the network of the International Center for Not-for-Profit Law (ICNL) and of the European Center for Not-for-Profit Law (ECNL) which operate in over 100 countries worldwide with the aim to protect the right to association and develop the legal framework for civil organizations.

With this letter we would like to provide You with information on the response of the Bulgarian authorities to disinformation and impact of disinformation on the NGO sector. We hope this information will contribute to the upcoming report to the Human Rights Council and be of use to the development of the response measures to the issues posed by dissemination of disinformation.

The response of the Bulgarian authorities to the threats posed by dissemination of disinformation can be described as sporadic, unstructured and lacking results and concrete measures. In the past couple of years there were few attempts for initiating policies and legislative amendments meant to address the issues posed by disinformation but all of them were not carried through. Summarized those attempts are:

- November 2018 – Roundtable discussion in the National Assembly during which one of the political parties in power presented its ideas on dealing with the fake news problem. The main idea presented during the discussion was the creation of register of all online media outlets and the creation of fast procedure to close websites disseminating false information. The roundtable was not followed by further discussions. See more here: <https://bntnews.bg/bg/a/na-krsla-masa-v-ns-obsdikha-problema-s-falshivite-novini>

- Beginning of 2019 – in connection to the [EC's Action Plan against Disinformation adopted on the 5<sup>th</sup> of December 2018](#) it was announced that a Bulgarian Rapid Alert System (RAS) against disinformation will be created (see here <https://www.svobodnaevropa.bg/a/29770680.html>). There is little to none information on how this System operates and if it still functions. Our research showed that no information from official governmental source can be found about the RAS and according to media publications it operates, if it does at all, on informal and unclear bases (see here: <https://www.svobodnaevropa.bg/a/30012650.html>)
- December 2019 – the [National Assembly Instructed](#) the Council of Ministers to propose a Plan for the development of the media environment in Bulgaria. One can assume that such a plan should include a policy decision regarding disinformation, however, the Council of Minister never drafted nor filed the assigned plan preposition in the National Assembly.
- March 2020 – a preposition for [amendments to the Radio and Television Act](#) was made. The preposition aimed to define for the first time in the Bulgarian legislation the term “disinformation.” It also contained rules based on which websites could be ordered to take down content with little to none safeguards for the freedom of expression. It was also proposed the dissemination of false information to be punishable by imprisonment. The proposed amendments were heavily critiqued by institutions and NGOs alike and was not adopted. See more: <https://aej-bulgaria.org/20-03/>
- May 2020 - a preposition for [amendments to the Personal Data Protection Act](#) was made by the same political party which had made the abovementioned preposition for [amendments to the Radio and Television Act](#). Both prepositions shared similar measures which were deemed as incompatible with the freedom of expression by NGOs and governmental bodies. Both prepositions were not adopted.

While the Bulgarian authorities struggle to launch any political or legislative response to the disinformation problem, many aspects of the public life fall victim to the “false news.”

In recent years we observed numerous disinformation campaigns against NGOs contributing to shrinking civil society space. Those campaigns not only aim to damage the trust in certain NGOs, but effectively result in calls for punitive measures against the civil society organizations as a whole (see here: <http://bcnl.org/news/grazhdanskiyat-sektor-pod-ataka-udarite-stavat-vse-po-chesti.html>). Recent examples are:

- July 2020 [Proposed amendments to the Non-profit Legal Entities Act](#) – based on false claims that NGOs in Bulgaria are not reporting their activities before the authorities and the public and are used primarily for channeling “foreign influence,” a preposition was made for the creation of a register of all NGOs which have received funds exceeding 1000 BGN (around 500 Euro) from a foreign source. In addition according to the preposition members of the managing bodies of those NGOs should account themselves before the anti-corruption authorities the same way high public office holders do. The proposed amendments were made just days after the European Court of Justice (ECJ) announced that the very similar Hungarian Transparency Law is breaching the EU law. The [proposed amendments to the Non-profit Legal Entities Act](#) are still [pending](#) after a widespread [domestic](#) and [international](#) negative reaction.

- Failing to establish the Council for the Development of the Civil Society - the Council is body which is envisaged the Non-profit Legal Entities Act since 2018 (amendments regarding the Council were made in 2016 and are in force since 2018). The Council should be composed by experienced NGOs and is to be tasked to create policies supporting the development of the civil society sector. After years of drafting election rules and procedures of the Council an election which took several months was held in the first half of 2020. After the elected NGOs were announced, however, a defamation campaign started against the elected NGOs and the procedure itself and consequently the Council was never formally established.

In our view measures against disinformation are much needed and overdue. However, since the Bulgarian efforts in drafting such measures are in such an early stage, it is of most importance a structured dialogue with the participation of multiple stakeholders – governmental representatives, NGOs, citizens, media representatives and others, to be started. All proposed measures should undergo a human rights impact assessment and should be a subject of a elaborated public consultation process.

Best regards,

Zahari Iankov, legal consultant, BCNL